

FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN
BOROUGH OF HARRINGTON PARK, NEW JERSEY
(2025-2035)

Prepared for:

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Borough of Harrington Park
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The original copy of this document was signed and sealed
in accordance with N.J.S.A. 45:14 A-1 et seq.



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I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Harrington Park, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). This document addresses the 2025-2035 obligation to provide its fair share of the regional need for affordable housing.

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Harrington Park remains committed to meeting its constitutional obligation to provide, through its land use regulations, a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations.

II. Affordable Housing in New Jersey

Mount Laurel I and Mount Laurel II

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan.

Fair Housing Act (1985) and COAH Rounds One and Two

In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

COAH Round Three

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e. 1987-1999. In 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2013 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

2015 Lawsuit Transferring Jurisdiction to Courts

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015, the New Jersey Supreme Court issued its decision on FSHC's motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of

the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the “2015 Case”) (Mount Laurel IV). In doing so, the Supreme Court established a transitional process for municipalities to file a declaratory judgment action with the trial courts seeking to declare their HEFSPs as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation.

Harrington Park’s Third Round Settlement Agreement with Fair Share Housing Center

Harrington Park filed a declaratory judgment with the Superior Court on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and FHA in accordance with the decision in the 2015 Case. Through the declaratory judgment process, the Borough reached a settlement with FSHC, which was memorialized in an agreement between the two parties dated November 6, 2017 (the “Settlement Agreement”). Per the Settlement Agreement, Harrington Park had a Present Need obligation of 4 units; a Prior Round Obligation (i.e., 1987-1999) of 56 units (adjusted by a vacant land adjustment to 8 units); and a Gap and Prospective Need Obligation (i.e., 1999-2025) of 163 units. The Borough conducted a vacant land adjustment to address its 1999-2025 obligation which resulted in a realistic development potential (“RDP”) of 12 units. The Borough adopted a Third Round Housing Element and Fair Share Plan on June 12, 2018. See **Appendix A** for a copy of the Settlement Agreement.

Amended Fair Housing Act (2024) and Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or “Act”). The Amended FHA required the New Jersey Department of Community Affairs (“DCA”) to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria of the Amended FHA. DCA issued a report on October 18, 2024 (the “DCA Report”) wherein it reported its nonbinding estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Amended FHA. The DCA Report calculated Harrington Park’s Fourth Round (2025-2035) fair share obligation as follows: A Present Need (Rehabilitation) Obligation of 0; and A Prospective Need (New Construction) Obligation of 202 units.

Per the Amended FHA, each municipality is required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in the Amended FHA, and adopt a binding resolution describing the basis for the determination and binding the municipality to adopt a housing element and fair share plan based on that determination. Each municipality was required to make a binding resolution no later than January 31, 2025 setting forth that municipality’s present and prospective fair share obligation. A declaratory judgment action was required to be filed within forty-eight (48) hours of the adoption of the aforementioned binding resolution. The filing of a declaratory judgment action is required in order to protect the municipality from exclusionary zoning litigation and protect the municipality from losing its immunity from said litigation.

Pursuant to the Amended FHA, on January 30, 2025, the Borough of Harrington Park adopted a binding resolution of participation with the Affordable Housing Dispute Resolution Program (the “Program”) in accordance with the requirements of the Amended FHA. The Borough’s resolution proposed to set the Borough’s affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 131 units. The Borough subsequently filed the resolution and a declaratory judgment (Docket No. BER-L-793-25) with the Superior Court.

In accordance with the timeframes set forth in the Amended FHA, New Jersey Builders Association (“NJBA”) filed a timely objection to the Borough’s resolution contending that the Borough had improperly calculated its Prospective Need obligations and requested that the Program find that the Borough’s Prospective Need obligation be set at 202. The parties engaged in the mediation process provided by the Program, and agreed to a settlement that the Borough’s Fourth Round Prospective Need obligation is **188** units.

On April 14, 2025, the Borough Mayor and Council authorized the execution of a Mediation Agreement with the NJBA to resolve the issues. The Borough and NJBA jointly presented the Mediation Agreement to the Program. See **Appendix B**. Per the Mediation Agreement, the Borough shall prepare a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended FHA of June 30, 2025.

This Housing Element and Fair Share Plan addresses Harrington Park’s affordable housing compliance and has been prepared pursuant to the Mediation Agreement, Amended FHA, and all other applicable law and regulations.

III. Housing Element/Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- 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;
- 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;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands 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
- 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, pursuant to N.J.S.A. 52:27D-329.20f.(1); and
- 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.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("the Program") established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and include the following:

- Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.

The HEFSP should also include (in an Appendix) all the following:

- All zoning amendments (or redevelopment plans, if applicable).
- An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls). See **Appendix C**.
- The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code. See **Appendix C**.
- An executed and updated Development Fee Ordinance that reflects the court's jurisdiction. See **Appendix C**.
- An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement. See **Appendix D**.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance. See **Appendix E**.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison. See **Appendix F** and **Appendix I**.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

IV. Housing Stock and Demographic Analysis

Housing Stock Inventory

In 2023, there were 1,858 housing units in Borough of Harrington Park, of which 1,776 were occupied and 82 were vacant. Of the 1,776 occupied units, nearly 96 percent were owner-occupied and 4 percent were renter-occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status.

Table 1. *Housing Units by Occupancy Status, 2023*

	Housing Units	Owner-Occupied	Renter-Occupied
Occupied	1,776	1,706	70
Vacant	82	-	-
Total	1,858	-	-

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Approximately 92 percent of the Borough's total housing stock (both occupied and vacant) consists of single-family detached units. Structures with three or more units make up approximately 6 percent of the total housing stock. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of housing units in the Borough.

Table 2. *Housing Units by Number of Units in Structure, 2023*

Number of Units	Total	Percent
1, Detached	1708	91.9%
1, Attached	20	1.1%
2	25	1.3%
3 or 4	0	0%
5 to 9	0	0%
10 to 19	30	1.6%
20+	75	4.0%
Mobile Home	0	0%
Other	0	0%
Total	1,858	100%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 3, Housing Units by Age, 2023, illustrates the age of the Borough's entire housing stock. Approximately 23 percent of Harrington Park's housing units were built prior to 1940. Construction of housing units was relatively stable between the years of 1950 to 1979, with a peak of 364 units built between 1950 to 1959. Housing construction generally declined following 1979 in a linear fashion. Only 8 percent of the Borough's housing units were constructed in 2000 or later, of which none were constructed in 2020 or later.

Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	0	0%
2010 to 2019	58	3.1%
2000 to 2009	90	4.8%
1990 to 1999	107	5.8%
1980 to 1989	114	6.1%
1970 to 1979	341	18.4%
1960 to 1969	313	16.8%
1950 to 1959	364	19.6%
1940 to 1949	49	2.6%
Before 1940	422	22.7%
Total	1,858	100%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Note: Although Table 3 indicates that there were no housing units built after 2020, Table 19 provides that there has been residential construction activity in that same time period.

Table 4, Housing Units by Number of Rooms for Harrington Park Borough and Bergen County, 2023, shows that in Harrington Park, 9 percent of housing units have between one and three rooms; just over 17 percent have between four and six rooms; and approximately 73 percent have seven or more rooms. In Bergen County, just under 18 percent of housing units have between one and three rooms; approximately 43 percent have between four and six rooms; and 39 percent have seven or more rooms. The median number of rooms per housing unit in Harrington Park is approximately 7, which indicates that housing in Harrington Park is, on average, larger in size than that of Bergen County (i.e., approximately 6 rooms per unit).

Table 4. Housing Units by Number of Rooms for Harrington Park Borough and Bergen County, 2023

Rooms	Number of Units in Harrington Park	Percent of Units in Harrington Park	Number of Units in Bergen County	Percent of Units in Bergen County
1	0	0%	10,090	2.7%
2	0	0%	13,229	3.6%
3	169	9.1%	41,700	11.3%
4	53	2.9%	51,568	14.0%
5	50	2.7%	50,366	13.7%
6	219	11.8%	57,779	15.7%
7	551	29.7%	46,007	12.5%
8	328	17.7%	38,447	10.4%
9+	488	26.3%	59,349	16.1%
Total	1,858	100%	368,535	100%
Median Rooms per Unit	7.3		5.8	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner-Occupied, 2013 and 2023, respectively, show that the median value of owner-occupied housing in Harrington Park increased by just over 13 percent between 2013 and 2023. During this same time period, the median housing value in Bergen County increased by approximately 31 percent. In 2013, Harrington Park's median housing value of \$625,200 was approximately 1.4 times higher than that of Bergen County (i.e., \$451,400). In 2023, Harrington Park's median housing value of \$709,200 was 1.2 times higher than that of Bergen County (i.e., \$593,200).

Table 5. Housing Values, Owner-Occupied, 2013

Housing Value	Number in Harrington Park	Percent in Harrington Park	Number in Bergen County	Percent in Bergen County
Less than \$50,000	21	1.4%	3,463	1.6%
\$50,000 to \$99,999	31	2.0%	2,019	0.9%
\$100,000 to \$149,999	0	0%	3,343	1.5%
\$150,000 to \$199,999	0	0%	4,657	2.1%
\$200,000 to \$299,999	86	5.6%	21,262	9.7%
\$300,000 to \$499,999	268	17.6%	97,870	44.5%
\$500,000 to \$999,999	1015	66.6%	72,577	33.0%
\$1,000,000 or more	104	6.8%	14,827	6.7%
Total	1,525	100%	220,018	100%
2013 Median Value	\$625,200		\$451,400	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

Table 6. Housing Values, Owner-Occupied, 2023

Housing Value	Number in Harrington Park	Percent in Harrington Park	Number in Bergen County	Percent in Bergen County
Less than \$50,000	10	0.6%	4,241	1.8%
\$50,000 to \$99,999	0	0%	2,583	1.1%
\$100,000 to \$149,999	113	6.6%	2,366	1.0%
\$150,000 to \$199,999	0	0%	2,680	1.2%
\$200,000 to \$299,999	22	1.3%	11,285	4.9%
\$300,000 to \$499,999	154	9.0%	62,212	26.9%
\$500,000 to \$999,999	1237	72.5%	115,000	49.8%
\$1,000,000 or more	170	10.0%	30,556	13.2%
Total	1,706	100%	230,923	100%
2016 Median Value	\$709,200		\$593,200	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In Harrington Park, the largest percentage of renters who pay rent, approximately 36 percent, pay between \$1,000 and \$1,499. In Bergen County, the largest percentage of renters who pay rent, approximately 33 percent, pay between \$1,500 to \$1,999. See Table 7, Comparison of Harrington Park and Bergen County, Monthly Rental Cost, 2023, for additional details.

Table 7. Comparison of Harrington Park and Bergen County, Gross Monthly Rental Costs, 2023

Gross Monthly Rent	Number in Harrington Park	Percent in Harrington Park	Number in Bergen County	Percent in Bergen County
No Rent Paid	0	0%	3,907	-
Less than \$500	0	0%	3,870	3.3%
\$500 - \$999	0	0%	5,086	4.3%
\$1,000 - \$1,499	25	35.7%	21,678	18.3%
\$1,500 - \$1,999	22	31.4%	39,395	33.3%
\$2,000 - \$2,499	0	0%	21,731	18.3%
\$2,500 - \$2,999	0	0%	11,103	9.4%
\$3,000 or more	23	32.9%	15,614	13.2%
Total Occupied Units Paying Rent	70	100%	118,477	100%
Median Rent	-		\$1,863	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, approximately 36 percent of Harrington Park owner-occupied households contributed 30 percent or more of their income towards monthly housing costs, whereas approximately 47 percent contributed less than 20 percent. See Table 8, Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner-Occupied Units, 2023, for further information.

Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner-Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more	Total
Less than \$20,000	0%	0%	1.9%	1.9%
\$20,000 - \$34,999	0%	0%	13.2%	13.2%
\$35,000 - \$49,999	0%	1.2%	1.3%	2.5%
\$50,000 - \$74,999	0%	0.7%	5.3%	6%
\$75,000 or more	46.7%	15.8%	13.8%	76.3%
Zero or Negative Income	0%			
Total	46.7%	17.7%	35.50%	100%

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, 64 percent of Harrington Park renter-occupied households contributed 30 percent or more of their income towards monthly housing costs, whereas approximately 36 percent of households contributed less than 20 percent. See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter-Occupied Units, 2023, for additional information.

Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter-Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more	Total
Less than \$20,000	0%	0%	0%	0%
\$20,000 - \$34,999	0%	0%	31.4%	31.4%
\$35,000 - \$49,999	0%	0%	0%	0%
\$50,000 - \$74,999	0%	0%	0%	0%
\$75,000 or more	35.7%	0%	32.9%	68.6%
Zero or Negative Income	0%			-
No Cash Rent	0%			-

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Harrington Park has zero occupied housing units that lack complete plumbing facilities, lack complete kitchen facilities, have no telephone service, or are overcrowded (defined as having 1.01 or more persons per room). See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information.

Table 10. Selected Quality Indicators, Percentage of Occupied Housing Units, 2023

	Occupied Housing Units	Overcrowded	No Telephone Service Available	Lacking Complete Plumbing Facilities	Lacking Complete Kitchen Facilities
No. Units	1,776	0	0	0	0

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

General Population Characteristics

Harrington Park has seen an overall increase in its population since 1990, with an overall increase of just under 3 percent between 1990 to 2020. The Borough's population did decrease between 2000 and 2010 by just under 2 percent, while Bergen County's population increased by approximately 2% during that same period. See Table 11, Population Growth, for additional information.

Table 11. Population Growth

	1990	2000	Percent Change (1990-2000)	2010	Percent Change (2000-2010)	2020	Percent Change (2010-2020)
Harrington Park	4,623	4,740	2.53%	4,664	-1.6%	4,741	1.7%
Bergen County	825,380	884,118	7.12%	905,116	2.38%	955,732	5.6%

Source: 1990, 2000, 2010, & 2020 U.S. Census

From 2010 through 2020, there were shifts observed in Harrington Park’s age distribution. The age group 15 through 24 increased from 537 persons to 658 persons (i.e., 14 percent). The age group 25 through 34 increased from 250 persons to 286 persons (i.e., 6 percent). The biggest increase was 166 persons (i.e., 47 percent) for the population age group 65-74. The biggest decrease was 145 persons (i.e., 16 percent) for the population age group 45-54. See Table 12, [Age Distribution, 2010-2020](#), for additional details.

Table 12. Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	193	4.1	194	4.1%	0.5%
5-14	568	12.2%	708	14.9%	24.6%
15-24	537	11.5%	658	13.9%	22.5%
25-34	250	5.4%	286	6.0%	14.4%
35-44	602	12.9%	538	11.3%	-10.6%
45-54	894	19.2%	749	15.8%	-16.2%
55-64	666	14.3%	683	14.4%	2.6%
65-74	354	7.6%	520	11.0%	46.9%
75+	343	7.6%	405	8.5%	18.1%
Total	4,407	100%	4,741	100%	-

Source: 2010 and 2020 U.S. Census (& Table DP1 Profile Of General Population And Housing Characteristics)

Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 1,776 households in Harrington Park, approximately 83 percent of which were family households and 77 percent were married-couple families with or without children. The average household size was 2.75 and the average family size was 3.07. (Source: ACS 2019-2023, Table S1101 & S2501).

Income Characteristics

Harrington Park households have, on average, significantly higher incomes than that of Bergen County. Annual median income for Harrington Park households in 2023 was \$180,515 , whereas annual median income for households in the County was \$123,715. Table 13, [Household and Family Income by Income Brackets for Harrington Park and Bergen County, 2023](#), further illustrates these findings by noting the number of households in each of the income categories.

Table 13. Household Income by Income Brackets for Harrington Park and Bergen County, 2023

	Harrington Park		Bergen County	
	Households	Percent	Households	Percent
Less than \$5,000	0	0%	7,259	2.1%
\$5,000 to \$9,999	0	0%	3,942	1.1%
\$10,000 to \$14,999	11	0.6%	7,234	2.0%
\$15,000 to \$19,999	22	1.2%	6,577	1.9%
\$20,000 to \$24,999	161	9.1%	6,705	1.9%
\$25,000 to \$34,999	87	4.9%	15,240	4.3%
\$35,000 to \$49,999	42	2.4%	23,079	6.5%
\$50,000 to \$74,999	103	5.8%	39,916	11.3%
\$75,000 to \$99,999	133	7.5%	35,056	9.9%
\$100,000 to \$149,999	159	9.0%	62,751	17.8%
\$150,000 or more	1,058	59.6%	145,548	41.2%
Total	1,776	100%	353,307	100%
Median Income	\$180,515		\$123,715	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Although the Census data does not provide a breakdown of household income by household size, the 2024 Regional Income Limits prepared by the Affordable Housing Professionals of New Jersey for Bergen, Hudson, Passaic and Sussex Counties (Region 1) indicate the median household income for a household of one person was \$84,288. As such, the moderate-income threshold for a household of one person was \$67,431 (i.e., 80 percent of \$84,288). In attempting to approximate the number of low- and moderate-income households in the Borough, using a household size of one is a conservative approach that represents just a minimum threshold. Table 13 above shows that the percentage of households in the Borough for which income was below the closest breakpoint to this minimum threshold (i.e. \$75,000) was approximately 24 percent.

The percentage of persons and household below the poverty level, as defined by the 2023 American Community Survey, equates to almost 6 percent of all Harrington Park Residents. This is slightly lower than the County as a whole, wherein nearly 7 percent of County residents were living below the poverty level in 2023. (Source: ACS 2019-2023, Table S1701)

Employment Characteristics

Table 14, Employment Status, indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 63 percent of Harrington Park residents 16 and over are in the labor force and, among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 96 percent are employed and approximately 4 percent are unemployed.

Table 14. *Employment Status, 2023*

	Number in Harrington Park	Percent in Harrington Park
Population 16 years and over	3,834	-
In Labor Force	2,397	62.5%
Civilian Labor Force	2,397	62.5%
<i>Employed</i>	2,298	59.9%
<i>Unemployed</i>	99	2.6%
Armed Forces	0	0%
Not in Labor Force	1,437	37.5%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, *Employment by Occupation, Harrington Park, 2023*, identifies the occupations of employed persons. While Harrington Park residents work in a variety of industries, approximately 68 percent of employed residents work in Management, Business, Science, and Arts-related occupations; almost 23 percent are employed in Sales and Office-related occupations; and approximately 6 percent work in Service-related occupations.

Table 15. *Employment by Occupation, Harrington Park, 2023*

Sector Jobs	Number	Percent
Management, Business, Science, and Arts Occupations	1,556	67.7%
Service	140	6.1%
Sales and Office	518	22.5%
Natural Resources, Construction, and Maintenance	59	2.6%
Production, Transportation, and Material Moving	25	1.1%
Total	2,298	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 16, *Distribution of Employment by Industry, Harrington Park Residents, 2023*, shows the distribution of employment by industry for employed Harrington Park residents. The four industries to capture the largest segments of the population were the Educational, Health, and Social Services sector at 26 percent; the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 17 percent; Financing, Insurance, Real Estate, Renting, and Leasing sector at approximately 17 percent; and the Retail trade sector at almost 10 percent.

Table 16. Distribution of Employment by Industry, Harrington Park Residents, 2023

Sector Jobs	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0%
Construction	60	2.6%
Manufacturing	164	7.1%
Wholesale Trade	82	3.6%
Retail Trade	219	9.5%
Transportation and Warehousing, and Utilities	33	1.4%
Information	56	2.4%
Financing, Insurance, Real Estate, Renting, and Leasing	381	16.6%
Professional, Scientific, Management, Administrative, and Waste Management Services	390	17.0%
Educational, Health and Social Services	604	26.3%
Arts, Entertainment, Recreation, Accommodation and Food Services	122	5.3%
Other	107	4.7%
Public Administration	80	3.5%
Total	2,298	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of employed Harrington Park residents, approximately 82 percent are private wage and salary workers; almost 15 percent are government workers; and 3 percent are self-employed. See Table 17, [Distribution by Class of Worker, 2023](#), for additional details.

Table 17. Distribution by Class of Worker, 2023

	Number in Harrington Park	Percent in Harrington Park
Private Wage and Salary Workers	1,891	82.3%
Government Workers	336	14.6%
Self-employed in own not incorporated business workers	71	3.1%
Unpaid family workers	0	0%
Total	2,298	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

According to the US Census's Longitudinal Employer-Household Dynamics data, there were 514 jobs in Harrington Park in 2022. The three largest sectors of in-town employment in 2022 were Educational Services; Health Care and Social Assistance; and Public Administration, contributing approximately 25 percent, 23 percent, and 11 percent respectively. Harrington Park has sharply decreased in the total number of jobs between 2012 and 2022, losing more than half its employment with a decrease of 53 percent. The total employment has slightly increased between 2017 and 2022. The industry which gained the most total

jobs between 2012 and 2022 was the Health Care and Social Assistance sector by 46 jobs (i.e. a nearly 66 percent increase). The industry which lost the most total jobs between 2012 and 2022 was the Utilities sector by 276 jobs (i.e., a 100 percent decrease). See Table 18, Employment in Harrington Park by Industry Sector, 2012, 2017, 2022 for details.

Table 18. *Employment in Harrington Park by Industry Sector, 2012, 2017, 2022*

<i>INDUSTRY SECTOR</i>	<i>2012</i>		<i>2017</i>		<i>2022</i>	
	<i>COUNT</i>	<i>SHARE</i>	<i>COUNT</i>	<i>SHARE</i>	<i>COUNT</i>	<i>SHARE</i>
<i>Agriculture, Forestry, Fishing and Hunting, and Mining</i>	0	0%	0	0%	0	0%
<i>Mining, Quarrying, and Oil and Gas Extraction</i>	0	0%	0	0%	0	0%
<i>Utilities</i>	276	25.3%	2	0.5%	0	0%
<i>Construction</i>	57	5.2%	31	7.0%	26	5.1%
<i>Manufacturing</i>	1	0.1%	2	0.5%	3	0.6%
<i>Wholesale Trade</i>	60	5.5%	37	8.3%	17	3.3%
<i>Retail Trade</i>	12	1.1%	12	2.7%	14	2.7%
<i>Transportation and Warehousing</i>	6	0.6%	0	0%	0	0%
<i>Information</i>	10	0.9%	3	0.7%	13	2.5%
<i>Finance and Insurance</i>	1	0.1%	0	0%	3	0.6%
<i>Real Estate and Rental and Leasing</i>	0	0%	0	0%	0	0%
<i>Professional, Scientific and Technical Services</i>	19	1.7%	19	4.3%	23	4.5%
<i>Management of Companies and Enterprises</i>	79	7.2%	0	0%	0	0%
<i>Administration & Support, Waste Management and Remediation</i>	28	2.6%	28	6.3%	24	4.7%
<i>Educational Services</i>	337	30.9%	171	38.5%	126	24.5%
<i>Health Care and Social Assistance</i>	70	6.4%	40	9.0%	116	22.6%
<i>Arts, Entertainment, and Recreation</i>	7	0.6%	7	1.6%	4	0.8%
<i>Accommodation and Food Services</i>	52	4.8%	18	4.1%	48	9.3%
<i>Other Services (Excluding Public Administration)</i>	22	2.0%	12	2.7%	39	7.6%
<i>Public Administration</i>	53	4.9%	62	14.0%	58	11.3%
<i>TOTAL JOBS</i>	1,090	100%	444	100%	514	100%

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; <http://onthemap.ces.census.gov/>

Growth Trends and Projections

Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Harrington Park issued 111 certificates of occupancy: 24 for one- and two-family dwellings and 87 for multifamily dwellings. Almost all the certificates of occupancy for multi-family dwellings were issued in 2021, whereas certificates of occupancy for one- and two-family dwellings were generally consistently issued throughout the ten-year period. See Table 19, Residential Certificates of Occupancy, 2013-2023, for additional details.

Table 19. Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	2	3	0	2	0	2	2	2	0	9	2	24
Multifamily	0	0	0	0	0	0	0	2	85	0	0	87
Total	2	3	0	2	0	2	2	4	85	9	2	111

Source: New Jersey Construction Reporter

Note: Although Table 3 indicates that there were no housing units built after 2020, Table 19 provides that there has been residential construction activity in that same time period.

The Borough has seen a mix of residential construction over the last decade, with a greater number of multifamily housing units being built as of late. It is projected that there will be some new multifamily development in the coming years, as is detailed further in Chapter V. However, as much of the vacant land in the Borough is characterized by environmental constraints or is reserved for conservation purposes, the opportunities for additional multifamily housing will be relatively modest in nature.

Nonresidential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Harrington Park issued certificates of occupancy for a total of ±69,756 square feet of non-residential building space. The majority of the non-residential square footage issued occurred in 2021. See Table 20, Non-Residential Certificates of Occupancy, 2013-2023, for additional details. The majority of this non-residential growth can be attributed to:

- 43,632 square feet of certificate(s) of occupancy issued for multifamily/ dormitories in 2020 and 2021.
- 10,300 square feet of certificate(s) of occupancy issued for A-3 in 2015.

Table 20. Non-Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	0	0	0	0	0	2,180	0	0	0	0	2,180
Retail	0	0	0	0	0	0	0	0	0	0	0	0
A-1	0	0	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	0	0	0	0
A-3	0	0	10,300	0	0	0	0	0	0	0	0	10,300
A-4	0	0	0	0	0	0	0	0	0	0	0	0
A-5	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily/ Dormitories	0	0	0	0	0	0	0	8,512	35,120	0	0	43,632
Hotel/Motel	0	0	0	0	0	0	0	0	0	0	0	0
Education	0	0	0	7,034	0	0	600	0	0	0	0	7,634
Industrial	0	0	0	0	0	0	0	0	0	0	0	0
Hazardous	0	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	0	0	0	0	0	0
Signs, Fences, Utility and Misc.	0	0	0	0	2,173	0	2,551	790	496	0	0	6,010
TOTAL	0	0	10,300	7,034	2,173	0	5,331	9,302	35,616	0	0	69,756

Source: New Jersey Construction Reporter

Capacity for Growth

Most of Harrington Park is served by public water utilities and public wastewater utility systems. However, Harrington Park is essentially fully developed. Per COAH's Second Round Rules, municipalities may seek an adjustment to their prospective need by undertaking a vacant land analysis and determining their capacity to provide new housing in which affordable housing has the potential to be accommodated, known as the realistic development potential (RDP). Such an analysis of all vacant lands was conducted and discussed further in Chapter V. The analysis is set forth in Appendix G, containing maps and tables. The maps in Appendix G also indicate the location of vacant parcels and environmental constraints. While there are a number of parcels identified as potentially developable based on the most recent parcel and tax assessment data for the Borough, most of these are also encumbered by flood hazard areas, water bodies, steep slopes, and/or wetlands, or are reserved for conservation purposes. In addition, many identified parcels are isolated lots in residential neighborhoods that are too small for affordable housing development, while others are irregularly shaped or otherwise constrained. The Vacant Land Adjustment map, in Appendix G, illustrates those sites that can realistically accommodate affordable housing in the Borough.

V. Harrington Park Affordable Housing and Fair Share Plan

Prior Round Obligation (1987-1999)

COAH determined that Harrington Park had a Prior Round Prospective Need of 56 units. The Borough conducted a vacant land adjustment¹ resulting in a realistic development potential of 8 units, as per a judgment of repose issued by Hon. Jonathan Harris, J.S.C., on November 3, 2000, effectively placing the Borough under the jurisdiction of the court and not under the jurisdiction of COAH. The Borough accordingly met the **8 unit** RDP through a regional contribution agreement (“RCA”) for 4 credits and adopting an ordinance permitting the construction of accessory apartments for 4 credits. The Borough had a Prior Round unmet need of 48 units. See **Appendix C** for provisions related to accessory apartments within the Borough’s affordable housing ordinance.

Table 21. Entitlement to Prior Round Affordable Housing Credits for Constructed Projects

Plan Component	Type	Units	Bonus Credits	Total Credits
RCA with Fairview	RCA	4	0	4
Accessory Apartment Program	Accessory Apartment	4	0	4
Total	-	8	0	8

Third Round Obligation (1999-2025)

Harrington Park filed a declaratory judgment with the Superior Court on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and FHA in accordance with the decision in the 2015 Case. Through the declaratory judgment process, the Borough reached a settlement with FSHC, which was memorialized in an agreement between the two parties dated November 6, 2017 (the “Settlement Agreement”). Per the Settlement Agreement, Harrington Park had a Gap and Prospective Need Obligation (i.e., 1999-2025) of 163 units. The Borough conducted a vacant land adjustment to address its 1999-2025 obligation which resulted in a realistic development potential (“RDP”) of 12 units.

The Borough met the 12-unit RDP through the following:

- Rezoning of the Allegro Site for assisted living. The property has been rezoned to the OALSR Office/ Assisted Living/Senior Residential Community District and the Allegro Senior Living has since been constructed and, pursuant to State law, 10 percent of assisted living beds are Medicaid beds for 3 credits;
- The rezoning of 100 (a former boarding house) and 106 (a former gas station) Schraalenburgh Road (i.e., Block 1206, Lots 13 and 14) to permit the following: 9 market-rate townhouse units, 3 affordable family rental units, a 4 bedroom group home, and 1 supportive living unit for a

¹ The vacant land adjustment was based on the determination that there were no remaining opportunities for new development within the Borough. Other than dedicated parkland and Board of Education lands, all remaining vacant land in the Borough were either environmentally sensitive and protected from development by state of New Jersey regulations (e.g., freshwater wetlands, floodplains, watershed) or are deed restricted against development as a result of an Environmental Defense Fund and Bergen Save the Watershed Action Network lawsuit and settlement.

total of 8 credits and 3 bonus credits. The properties were rezoned to the R-AH Residential Affordable Housing District and the development was completed by Bergen County United Way;

- and permitting two additional affordable accessory apartments for 2 credits

Table 22. Third Round Affordable Housing Compliance Projects

Plan Component	Type	Status	Units	Bonus Credits	Total Credits
Medicaid Units (Allegro Assisted Living)	Age-Restricted Rental	Completed	3	0	3
Supportive Living Units (Bergen County United Way Redevelopment)	Group Home (4 bedrooms); Family Rental (1 bedrooms)	Completed	5	0	5
Bergen County United Way	Family Rental	Completed	3	3	6
Accessory Apartment	Family Rental	Existing Program	2	0	2
Total			13	3	16

The Borough of Harrington Park is eligible for **16 credits** towards the Third Round Obligation.

Unmet Need

The 16 credits subtracted from the Prospective Need of 163 units resulted in a Third Round unmet need of 147 units. These 147 units added to the 48 unit unmet need from the Prior Round resulted in a cumulative unmet need of **195 units**. In accordance with its Third Round Settlement Agreement with Fair Share Housing Center, the Borough adopted the following overlay zones and addressed its unmet need.

Table 23. Overlay Zones to Address Prior Round and Third Round Unmet Need

Overlay Site	Address	Acreage	Zone	Status	Total Units	Affordable Units
Block 1204, Lots 4 & 5	17 & 21 Park Street	0.367	B-1	Existing	10	2
Block 1204, Lots 6, 9, 10, & 11	Elm Street	0.759	B-1	Existing	15	3
Block 1205, Lot 1	72 Schraalenburgh Road	0.193	I-1	Approved for Inclusionary Housing	8	2
Block 1205, Lot 4	18 Park Street	0.161	I-1	Existing	8	2
Block 1206, Lot 1	68 Schraalenburgh Road	0.064	I-1	Existing	10	2
Block 1207, Lot 2	14-62 Schraalenburgh Road	3.030	I-1	Existing	15	3
Block 1316, Lots 1-7, 9, & 11	La Roche Avenue	1.168	B-2	Existing	30	6
Total		5.742			96	20

In addition, a mandatory set aside mechanism was adopted so that a multifamily or single-family development providing a minimum of five new housing units created through any future development application, municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan must set aside 15 percent of such units for low and moderate-income households in rental projects, and set aside 20 percent in for-sale projects.

Fourth Round Affordable Housing Obligation

Present Need

Present need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. The DCA proposed a non-binding Present Need obligation for Harrington Park of 0. The Borough of Harrington Park has accepted this obligation.

Although the Borough does not have a rehabilitation obligation, Harrington Park will continue to participate in programs such as the Bergen County Housing Improvement Program (BCHIP) and Community Development Block Grant (CDBG) program.

Prospective Need

The Borough's Fourth Round Prospective Need obligation, as agreed upon in its settlement with New Jersey Builders' Association ("NJBA"), is **188** units.

Vacant Land Analysis

There is limited land in the Borough that is vacant or otherwise developable for affordable and/or inclusionary housing. This is largely due to numerous identified public/vacant parcels which are either environmentally constrained (i.e., wetlands, steep slopes, water bodies, and/or flood hazard areas) or are under the ownership of the United Water Company (Suez), which are subject to conservation easements and therefore not developable. Harrington Park has prepared a Vacant Land Adjustment (VLA) to determine the Borough's realistic development potential (RDP), which is set forth in Appendix G of this report. Based on the VLA analysis, approximately ±5.65 acres exist within the Borough which would be suitable for inclusionary multifamily residential development. Assuming all such parcels suitable for inclusionary multifamily residential development were rezoned accordingly at the presumptive minimum density of 10 units per acre and with a mandatory set-aside of 20 percent, the Borough has **an RDP of 12 affordable housing units**. See **Appendix G** for methodology and analysis.

Proposed Fourth Round Compliance Mechanisms

72-76 Schraalenburgh Road/Block 1205, Lots 1 & 2

In September 2022, Woodstack Homes received approval with variances from the Harrington Park Zoning Board of Adjustment for 28 residential rental units as part of the proposed expansion of an existing commercial building at 72-76 Schraalenburgh Road. Of the 28 residential units, 4 of the units are to be affordable. A former vehicle service station occupying the site has been demolished as part of the project, but new construction has not yet begun due to required site environmental remediation and necessary coordination with the Borough. The approvals have been extended by the Board of Adjustment. Overall, as a result of the approved development, the Borough will be eligible for 4 credits

toward its Fourth Round affordable housing obligation, as well as 2 bonus credits, as discussed further below.

Accessory Apartment Program

The Borough intends to expand its existing accessory apartment program to enable the construction of additional accessory apartments for a total of 6 credits. See **Appendix C** for provisions related to accessory apartments within the Borough’s affordable housing ordinance. See **Appendix H** for the Borough’s accessory apartment manual.

The table below breaks down the Borough’s planned compliance mechanisms for the Fourth Round in order to address its affordable housing obligation.

Table 24. Entitlement to Fourth Round Affordable Housing Credits for Planned Projects

Plan Component	Type	Status	Units	Bonus Credits	Total Credits
72-76 Schraalenburgh Road	Family Rental	Approved	4	2 ¹	6
Accessory Apartment Program	Accessory Apartment	Existing Program	6	0	6
Total			10	2	12

¹ Given that the approved development results in the creation of affordable housing on land that is or was previously developed and utilized for retail, office, or commercial space, one-half bonus credit is applied for each unit.

64-92 Lohs Place/Block 107, Lot 2

Recognizing its overall lack of available and developable land, the Borough intends to continue to make efforts to provide realistic opportunities for affordable housing development. Accordingly, the Borough is in discussions with Bergen County United Way regarding the potential development of special needs housing for seniors, on property listed as Block 107, Lot 2 on the tax maps of the Borough. The site measures approximately 0.88 acres in area and is anticipated to accommodate up to 5 beds. The following provides a description of the site and its suitability for development.

The Second Round Substantive Rules of the former New Jersey Council on Affordable Housing (COAH) are the recognized guide for determining the suitability of a property for the production of affordable housing. A “Suitable site” is defined in these rules at N.J.A.C. 5:93-1.3 as “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.” Additional requirements for site suitability at N.J.A.C. 5:93-5.3(b) include that affordable housing sites are “available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1.” Sites where infrastructure is currently or imminently available are given priority.

The site is available, suitable, developable and approvable, as described below:

Available: The parcel is owned by the Borough of Harrington Park and is available for development for affordable housing, as it is not encumbered by any title, deed restriction, or other hindrance.

Suitable: The site is located within the northern portion of the Borough along the western side of Lohs Place and resides within the R-3 Residential District of the Borough. Surrounding land uses

include primarily single-family residential development to the north, east, and south. Lohs Field and Pongside Park lie immediately west of the site. The residential character of the surrounding neighborhood and its adjacency to open space and recreational areas make the site suitable for potential development with special needs senior housing.

Developable: The site is developable given that it is located within an area with existing infrastructure, located within the Bergen County Utilities Authority Wastewater Management Plan and the Northeast Water Quality Management Plan. Furthermore, while the site contains existing areas of environmental constraints, these are limited to solely wetlands, as discerned from the New Jersey 2020 Land Use/Land Cover dataset. The site does not contain any water bodies, FEMA flood hazard areas located within the 100-year floodplain, or steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10 foot digital elevation model LiDAR data. The area of wetlands is located along the western and central portions of the lot, which are relatively narrow. The southern portion of the lot, however, is unencumbered by environmental constraints and features sufficient contiguous area (approximately 13,000 square feet) to accommodate development. As such, the existing area of wetlands will not be encroached upon.

Approvable: The R-3 District permits one-family dwellings; accessory uses and buildings incidental to the principal use; public utility distribution lines and mains necessary for service of the area; reservoir on water supply reservation; and one sale/advertising sign. The potential special needs senior housing development is anticipated to be provided within a single-family detached dwelling, effectively reflecting the character of the existing neighborhood. Moreover, the site can be developed consistent with RSIS and other state regulations such as those from NJDEP, particularly as it pertains to the area of existing wetlands. In addition, with respect to consistency with the 2001 State Development and Redevelopment Plan, the site is located within both Metropolitan Planning Area 1 (PA1) in the southern portion of the lot and Environmentally Sensitive Planning Area 5 (PA5) in the northern portion of the lot. PA 1 generally promotes compact growth and utilization of scarce land resources in a manner that protects the character of existing stable communities. State policy also encourages inclusionary development within PA-1 as per N.J.A.C. 5:93-5.4.(a), which is consistent with Smart Growth planning principles. The primary objective of PA5 is to protect environmental resources, which will be upheld as the potential affordable housing development will not encroach upon the existing wetlands, and will be approximately located within the portion of the lot within PA1. As such, the site is approvable for development with low- and moderate-income housing. See **Figure 1** for an aerial context depiction of the subject property along with environmental constraints and the approximate developable area.

Bonus Credits

As part of providing affordable housing development, municipalities are permitted to utilize bonus credits as appropriate in order to address the Fourth Round prospective need obligation. For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation through the use of bonus credits. Among the bonus credits permitted are a one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space. The Borough intends to utilize bonus

credits for the 72-76 Schraalenburgh Road development as noted above, as it results in the redevelopment of former retail, office, or commercial space. This will allow the Borough to avail itself of 0.5 bonus credits per affordable unit, for a total of 2 bonus credits for the 4 approved affordable units.

Zoning to Address Twenty-Five Percent of RDP Likely to Redevelop

As part of addressing its Fourth Round affordable housing obligation through the utilization of a vacant land adjustment, the Borough is required to identify properties which represent at least 25 percent of its RDP which are likely to redevelop during the Fourth Round. The Borough must then accordingly adopt realistic zoning which permits affordable housing development at such locations. As such, the Borough has identified that the majority of the units required to satisfy this obligation as well as the Borough’s overall unmet need will consist of an inclusionary overlay zone on the sites listed in the table below. These overlay zones will permit the development of additional affordable units, thus meeting the requirement to identify 25% or 3 units of the total RDP of 12.

Table 25. Fourth Round Overlay Zones

Overlay Site	Acreage	Status	Total Units	Affordable Units
Block 1204, Lots 1 & 2	0.390	Proposed	10	2
Block 1204, Lot 8	0.178	Proposed	8	2
Block 1205, Lots 2 & 5	0.892	Proposed	15	3
Block 1406, Lots 24, 25, & 26	1.786	Proposed	15	3
<i>Total</i>	<i>3.246</i>		<i>48</i>	<i>10</i>

The existing and proposed overlay zones are depicted in **Figure 2**.

Other Requirements

The Borough will address the following requirements pursuant to the Amended FHA:

- **Very Low Income Obligation.** The Borough will require that 13% of all units referenced in this plan, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low-income units, with half of the very low-income units being available to families. The Borough will comply with those requirements as follows for the Fourth Round: one unit at 72-76 Schraalenburgh Road and one accessory apartment unit.
- **Low Income Obligation.** At least 50 percent of the units addressing the Fourth Round Prospective Need will be affordable to very low-income and low-income households, with the remainder affordable to moderate-income households. Two of the units at 72-76 Schraalenburgh Road will be affordable to low-income households and three of the accessory apartment units will be affordable to low-income households.
- **Minimum Rental Obligation.** At least 25 percent of the Fourth Round Prospective Need will be met through rental units, including at least half in rental units available to families. The units at 72-76 Schraalenburgh Road and the accessory apartment units will all be rental units.
- **Minimum Family Obligation.** At least half of the units addressing the Fourth Round Prospective Need in total must be available to families. The units at 72-76 Schraalenburgh Road and the accessory apartment units will all be family units.
- **Maximum Permitted Age-Restricted Units.** The Borough does not anticipate any age-restricted development at this time. However, if age-restricted units are developed, the Borough will comply with an age-restricted cap of 30 percent. The Borough will also comply with the requirement to count no more than 10 percent of its Fourth Round Fair Share Obligation.
- **Required Bedroom Distribution.** All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq. or any successor regulation.

Spending Plan

The Spending Plan is available in **Appendix E**.

VI. Relationship to Multigenerational Family Housing Continuity

Multigenerational housing is becoming a desired housing option in the State due to rising housing costs and an aging population. Housing for multigenerational families is necessary to offer a diverse housing stock and to account for population trends. Multigenerational housing can provide an opportunity for residents to age in place, save on costs associated with housing, and provide in-house care for an older adult or persons with disabilities. Additionally, multigenerational housing is a more sustainable approach to meeting housing obligations as there is no need for the construction of new homes in order to provide housing for additional individuals.

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.209, which established the Multigenerational Family Housing Continuity Commission. The commission is allocated within the Department of Community Affairs. The duties of the commission include: preparing and adopting recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.

The bill requires that a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, and shall contain, among other requirements:

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).

This language is included in the Amended FHA at N.J.S.A. 52:27D-310. It should be noted that at the time of the preparation of this Housing Element and Fair Share Plan, the commission has made no recommendations. That said, Harrington Park is committed to promoting multigenerational family continuity through the provision of a variety of housing options offered to a variety of income levels in a manner consistent with the regulations. In recent years, Harrington Park has increased the diversity of its housing stock with the construction of multifamily housing offering one-level living.

One possible approach to providing multigenerational housing is the construction of accessory dwelling units (ADUs). A frequent concern when choosing to live in multigeneration housing layout is lack of privacy. ADUs offer sufficient privacy within a home, providing all the benefits of multigenerational housing without individuals sacrificing their personal space. ADUs make use of existing infrastructure, and therefore are more environmentally friendly, and can easily maintain the character of the neighborhood and/or municipality. ADUs are also a positive economic option. There are five types of ADUs: detached, attached, interior, above garages, and garage conversions.

In addition to ADUs, another form of multigenerational housing that Harrington Park could continue to integrate into its housing stock is multifamily residential development that offers resources and amenities for elderly, young adults, middle-aged parents, and young children alike to support all ages

and all generations potentially living together. Providing amenities such as ADA compliant parking spaces, ramps, public spaces, on-site playgrounds and daycares, public office space, and meeting rooms facilitates cohesive living for all ages.

The Borough's Affordable Housing Ordinance currently permits accessory apartments as an accessory use in the R-1, R-2, and R-3 Residential zones through an accessory apartment program. The program facilitates the provision of affordable rental housing restricted to low- or moderate-income households, to up to 6 units within the Borough. The program requires that properties containing such accessory apartments be deed restricted to ensure that the accessory apartment shall be rented only to a low- or moderate-income household for a period of at least 10 years. Accessory apartments are defined by the Borough's ordinance as "a second dwelling unit on a lot containing single-family dwelling, which existed at the time of the adoption of this article, which second unit may be located within a principal structure, added to a principal structure or located in a separate accessory building. The creation of such a dwelling unit shall be clearly incidental to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place each unit on a separate lot unless such a subdivision and the structures involved could conform to all municipal zoning standards." See **Appendix C** for provisions related to accessory apartments within the Borough's affordable housing ordinance.

VII. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: 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.

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and is now undertaking the Cross-Acceptance process (i.e. review of the plan at the county level).

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of Harrington Park is located within both Metropolitan Planning Area (PA1) and Environmentally Sensitive Planning Area (PA5). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities. The main goals of the Environmentally Sensitive Planning Area are to: (1) protect environmental resources through the protection of large contiguous areas of land; (2) accommodate growth in Centers; (3) protect the character of existing stable communities; (4) confine programmed sewers and public water services to Centers; (5) and revitalize cities and towns.

The land use policy objectives of the Metropolitan Planning Area are to:

1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;

2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and
3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

The land use policy objectives of the Environmentally Sensitive Planning Area are to:

1. Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries.
2. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques.
3. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open space preservation have been made.
4. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.

The Harrington Park Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Borough. The Borough's compact commercial downtown is cited as an area appropriate for modern mixed-use development along with the provision of pedestrian and bicyclist friendly multimodal infrastructure, which reflects the smart growth patterns envisioned by the State Plan. The Borough's Master Plan also acknowledges the importance of existing open space and recreational resources and the need to mitigate the ongoing impacts of climate change through sound and sustainable development techniques. This Housing Plan promotes higher density compact forms of housing through the identification of existing areas of the Borough which may be appropriate for affordable housing development, including through the potential redevelopment of commercial areas. This Housing Plan also recognizes the built-out nature of the Borough and identifies appropriate locations for affordable housing, while continuing to preserve contiguous areas of environmentally sensitive land for conservation purposes, as well as open space and recreational resources. Affordable housing development will be located in areas served by existing infrastructure and adequate surrounding neighborhood services and is therefore consistent with the State Plan.

Appendices

1. Appendix A: Third Round Settlement Agreement with Fair Share Housing Center
2. Appendix B: Mediation Agreement with NJBA
3. Appendix C: Adopted Affordable Housing Ordinance Including Mandatory Set Aside, Development Fee, and Accessory Apartment Provisions
4. Appendix D: Affirmative Marketing Plan
5. Appendix E: Spending Plan
6. Appendix F: Contract with Rehabco
7. Appendix G: Methodology, Mapping, and Analysis of Vacant Land Adjustment
8. Appendix H: Accessory Apartment Manual
9. Appendix I: Resolution Appointing Municipal Housing Officer

Appendix A: Third Round Settlement Agreement with Fair Share Housing Center



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November 6, 2017

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**Re: In the Matter of the Borough of Harrington Park, County of Bergen,
Docket No. BER-L-6299-15**

Dear Mr. Dineen:

This letter memorializes the terms of an agreement reached between the Borough of Harrington Park (the Borough or "Harrington Park"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

As a background, the Borough of Harrington Park was granted first round substantive certification by Hon. Jonathan Harris, through which twelve (12) affordable housing units was determined to be the Borough's Realistic Development Potential. The Hon. Jonathan Harris then granted second round substantive certification to the Borough with an eight (8) unit Realistic Development Potential. Both certifications were subsumed in the November 3, 2000 Order of Repose.

Harrington Park filed the above-captioned matter on July 8, 2015 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*. On August 7, 2015, the Honorable Menelaos W. Toskos, J.S.C. granted the Borough initial immunity from builder remedy lawsuits. The Court appointed Frank Banisch, PP, to serve as Special Master by way of an order entered on September 21, 2015. FSHC, Master Banisch and the Borough undertook numerous telephone and in-person conferences in order to diligently pursue preparation and submission of a preliminary summary of its housing element and fair share plan that demonstrates the satisfaction of the Borough's present need, Prior Round (1987-1999) and Third Round (1999-2025) fair share obligations in accordance with applicable law. The Borough has been asserting that, based upon an analysis of land uses in Harrington Park, the Borough lacks vacant, developable land, and continues to be eligible for a vacant land adjustment. The Borough conducted an analysis of 82 sites deemed by the Borough's tax assessor to be vacant or municipally owned. As required by the Special Master, the Borough revised its RDP calculation to include potential redevelopment sites. Through numerous communications among the Parties, a framework for a settlement of this matter with FSHC has been achieved, as reflect in this agreement.

Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and

the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties 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.
3. FSHC and the Borough agree that Harrington Park does not accept the basis of the methodology or calculations proffered by FSHC's consultant David N. Kinsey, PhD, PP, FAICP. The Parties agree to terms in this agreement solely for the purposes of the settlement of this action. Although the Borough does not accept the basis of the methodology or calculations proffered by Dr. Kinsey, FSHC contends and it is free to take that position before the court that the 163 unit Third Round obligation should be accepted by the court because it is based upon the Prior Round methodology and reflects a 30% reduction of Dr. Kinsey's May 2016 calculation of the Borough's Third Round Prospective Need.

Rehabilitation Share (per Kinsey Report ¹)	4
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	56
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	163

4. For purposes of this Agreement, 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 its January 18, 2017 decision in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need include the following: the Borough will work with the Bergen County Home Improvement Program to rehabilitate a minimum of four units. This is sufficient to satisfy the Borough's present need obligation of 4 units.
6. As noted above, the Borough has a Prior Round prospective need of 56 units. The Borough has a Prior Round realistic development potential (RDP) of 8 units, which is met through the following compliance mechanisms:

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

7.

Development	Units
RCA with Fairview	4
Accessory Apartment Program	4
Total	8

The RDP of 8, subtracted from the Prior Round obligation of 56 units, results in an unmet need of 48 units.

8. The Borough, as calculated in Exh. A, has a realistic development potential (RDP) of 12 units. That RDP will be satisfied as follows, as more fully described in paragraph 9 of this Agreement:

Development	Credits
3 Medicaid Units (Allegro Assisted Living)	3
5 Supportive Living Units (BCUW redevelopment)	5
3 Family Rental Units (+3 Bonus) (BCUW redevelopment)	6
2 Accessory Apartments	2
Total	16

The RDP of 12, subtracted from the Third Round obligation of 163 units, results in an unmet need of 151 units. The cumulative unmet need from the Prior and Third Round is 199 units, which shall be addressed through the following overlay zoning, which sites are shown in Exh. B to this Agreement:

Site	Units
68 South Avenue – 10 total units and 2 affordables	2
18 Park Street – 8 total units and 2 affordables	2
17 & 21 Park Street - 10 total units and 2 affordables	2
Lot 1 of Block 1205 – 8 total units and 2 affordables	2
Lot 6, 9, 10, 11 of Block 1204 - 15 total units and 3 affordables	3
Block 1316 (all lots) -30 total units and 6 affordables	6
Block 1207 Lot 2 (Rockland Electric) –15 total units and 3 affordables.	3
Total	20

In addition, a mandatory set aside mechanism will be adopted so that for any future multi-family development permitted by variance, rezoning or redevelopment with 5 or more units, 15% of such units would have to be set aside for low and moderate-income households in rental projects, and a 20% set-aside in for-sale projects.

9. The Borough will provide a realistic opportunity for the development of affordable housing through: its accessory apartment program, the adoption of inclusionary zoning on the Allegro site, and rezoning of the vacant former gas station (at 106 Schraalenburgh Road) and the adjacent boarding house site (at 100 Schraalenburgh Road) which would allow for the development of affordable units referenced in paragraph 8, as well as overlay zoning which would allow for the number of units including affordable units also referenced in paragraph 8 in the following ways:
 - a. Rezoning of the Allegro site (already undertaken and site plan approval granted) wherein 10% of all assisted living and memory care units will be Medicaid units.
 - b. The Borough will rezone a former gas station site (at 106 Schraalenburgh Road) and the boarding house site (100 Schraalenburgh Road) Block 1206 lots 13 and 14 to permit the following: 12 market rate apartments, a 4 bedroom group home, as well as a 2 bedroom supportive living unit and 3 affordable family rental units. Such development will be fully funded by a payment of \$900,000 by Allegro to the Bergen County United Way and further funding by the developer of the 12 market rate units on-site, such that no funding by the Borough is required. If BCUW fails to build that project, pursuant to a three-way agreement to be executed by BCUW, the Borough, and Allegro within the time period in paragraph 15, Allegro will purchase the gas station site from BCUW and build 9 affordable family rental apartments, which will fully meet the 12 unit RDP (9 credits + 3 family rental bonus credits) without funding by the Borough.
 - c. Two (2) additional low and moderate income accessory apartments will be created through the Borough's existing accessory apartment program.
 - d. Overlay zoning as referenced in paragraph 8.
10. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows: of the 9 affordable units provided by the BCUW (or Allegro as the case may be pursuant to paragraph 9(b) above) on the former gas station site, one (1) of the supportive living units and one (1) of the family rental units will be made affordable to very low income households, and a requirement in the overlay zoning in paragraph 8 that 13 percent of any affordable rental units developed on any site subject to that zoning will be affordable to very low income households.
11. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
 - a. ~~Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5-15(d).~~

- b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
12. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association, and the BCNAACP and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Borough is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. ~~The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region.~~ This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall

- be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
 - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
 15. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
 16. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. ~~The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need~~

for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

17. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
18. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees 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.
19. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this 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. Any interested party may by motion request a hearing before the court regarding these issues.
 - 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 this Agreement, 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.

20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
21. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
22. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$4,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
23. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
24. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
32. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
35. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC: Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE BOROUGH: John R. Dineen, Esq.
Netchert, Dineen, & Hillmann, Esqs.
294 Harrington Ave.

Closter, New Jersey 07640

Telecopier: (201) 784-0236
Email: ndhjack@aol.com

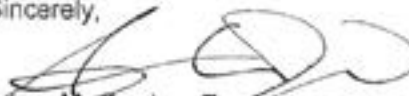
Gail L. Price, Esq.
Price, Meese, Shulman & D'Arminio, P.C.
50 Tice Boulevard
Woodcliff Lake, New Jersey 07677
Telecopier: (201) 391-3737
Email: gprice@pricemeese.com

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Anne H. Bistriz, Borough Clerk
85 Harriot Ave
Harrington Park, NJ 07640

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of Harrington Park, with the authorization
of the governing body:

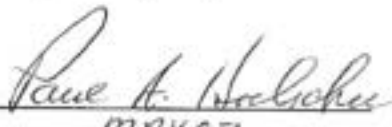

MAYOR
Dated: 11 / 21 / 2017

EXHIBIT A: VACANT LAND ANALYSIS/RDP

Table 1: Suitability Analysis of all Vacant (Class 1) Land in Harrington Park for Potential Inclusionary Affordable Housing Developments (Realistic Development Potential)

Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acreage	Constrained Acreage	Developable Acreage	Constraint Description
102	1	18 FIRST ST	KYOKALU, ASUREN & SHKENDIJE	1 R-1	0.0674	-	0	0	Portion of property developed with single-family home in Norwood
108	1.02	116 NORTH COLONIAL DR	MWANG, OK HEE & KYO DON	1 R-3	195.80	-	0	0	Owned in common with adjacent lot 1.01 and Block 1302, Lot 10 (in Old Tappan); developed with a single-family residence
108	5	118 NORTH COLONIAL DR	KANG, CHILSUNG	1 R-3	0.97	-	0	0	Owned in common with adjacent Block 1302, Lot 9 (Old Tappan); developed with gravel driveway which provides access to single-family dwelling on Block 1302, Lot 9
109	5	91 ADAMS ST, REAR OF	ADANAS, KEVORK & MARDINOGLU, SILA	1 R-2	0.0803	-	0	0	Rear portion of property developed with single-family home in Norwood
110	8.01	21-23 LOHS PL		1 R-2	0.0147	-	0	0	Too small (5 feet by 128 feet)
110	19	63 ADAMS ST, REAR OF	SILBERFELD, NANCY	1 R-2	0.0927	-	0	0	Rear portion of property developed with single-family home in Norwood
301	2	LYNN/PINE PL	UNITED WATER NEW JERSEY	1 R-3	54.78	-	0	0	Deed restricted - protected watershed
401	3	LYNN ST	UNITED WATER NEW JERSEY	1 R-3	9.09	-	0	0	Deed restricted - protected watershed
501	1	469-501 LAFAYETTE RD	UNITED WATER NEW JERSEY	1 R-3	11.5	-	0	0	Deed restricted - protected watershed
501	2	403-459 LAFAYETTE RD	UNITED WATER NEW JERSEY	1 R-3	0.75	-	0	0	Deed restricted - protected watershed
501	3	461 LAFAYETTE RD	UNITED WATER NEW JERSEY	1 R-3	0.0344	-	0	0	Deed restricted - protected watershed
501	6	537-621 LAFAYETTE RD	UNITED WATER NEW JERSEY	1 R-3	23.29	-	0	0	Deed restricted - protected watershed
602	2	LAFAYETTE RD	MUKA, CHRISTOPHER H	1 R-3	0.5165	-	0	0	Deed restricted - protected watershed
604	19	LAFAYETTE AVE	BOROUGH OF HARRINGTON PARK	1 R-3	0.1	-	0	0	Long, narrow property (25 feet by 900 feet)
702	2	BROOK ST	UNITED WATER NEW JERSEY	1 R-3	1.38	-	0	0	Too small; raisable vacant land
704	2	331 LAFAYETTE RD	UNITED WATER NEW JERSEY	1 R-2	1.38	-	0	0	Deed restricted - protected watershed
711	14	147 HACKENSACK AVE	KELLY, JOHN W MCELROY	1 R-3	0.08	-	0	0	Deed restricted - protected watershed
715	1	102 HACKENSACK AVE	MCKINNEY, ROSE	1 R-1	0.0574	-	0	0	Too small (25 feet by 100 feet)
801	1	LYNN ST	UNITED WATER	1 R-1	0.0574	-	0	0	Too small (25 feet by 100 feet)
912	1	UNKNOWN	UNITED WATER NEW JERSEY	1 R-2	18.87	-	0	0	Deed restricted - protected watershed
912	1	UNKNOWN	UNITED WATER NEW JERSEY	1 R-3	18.65	-	0	0	Deed restricted - protected watershed

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Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acreage	Constrained Acreage	Developable Acreage	Constraint Description
1001	3	SOMERSET RD	194 SOMERSET RD LLC	1	R-2	0.3214	-	0	Rear portion of property developed with single-family home in Norwood
1001	5	UNKNOWN	CONNY, DANIEL L & TARA A.	1	R-2	0.2593	-	0	Rear portion of property developed with single-family home in Norwood
1001	6	UNKNOWN	KARDOS, VICTOR & ELIZABETH	1	R-2	83x138	-	0	Rear portion of property developed with single-family home in Norwood
1001	7	166 SOMERSET RD, NORWOOD	LOFMARK, GEORGE E JR & MARIE & ERIK	1	R-2	113x137	-	0	Rear portion of property developed with single-family home in Norwood
1001	9	UNKNOWN	KEATING, CHARLES J & JOHANNA M	1	R-2	0.3254	-	0	Rear portion of property developed with single-family home in Norwood
1001	13	UNKNOWN	CONWAY, JAMES F & CHARLENE F	1	R-2	0.2737	-	0	Rear portion of property developed with single-family home in Norwood
1001	14	102 SOMERSET RD, NORWOOD	KIM, YUNJIN & SEO, JINHEE	1	R-2	0.2529	-	0	Rear portion of property developed with single-family home in Norwood
1001	15	11 EDGEWOOD RD	ROCKLAND ELEC CO., PROP. TAX ADMIN.	1	R	4.15	-	0	Rockland Electric Company utility corridor
1018	1	1-61 NORMANDY AVE	UNITED WATER NEW JERSEY	1	R-2	1.62	-	0	Deed restricted - protected watershed
1019	1	14-62 NORMANDY AVE	UNITED WATER NEW JERSEY	1	OR	10.39	-	0	Deed restricted - protected watershed
1020	1	1-21 HIGHLAND AVE	UNITED WATER NEW JERSEY	1	OR	4.4	-	0	Deed restricted - protected watershed
1020	2	HIGHLAND AVE	UNITED WATER NEW JERSEY	1	OR	0.4247	-	0	Deed restricted - protected watershed
1021	23	12 HIGHLAND AVE	UNITED WATER NEW JERSEY	1	R-2	7.29	-	0	Deed restricted - protected watershed
1021	24	80 KOHRING CIR, REAR OF	UNITED WATER NEW JERSEY	1	OR	4.09	-	0	Deed restricted - protected watershed
1101	1	1-229 LIVINGSTON ST	BERGEN COUNTY COUNSEL	1	OR	33.77	-	0	Deed restricted - protected watershed
1207	1	2-12 SCHRAALENBURGH RD	UNITED WATER NEW JERSEY	1	R-1	1.44	-	0	Deed restricted - protected watershed
1208	1	UNKNOWN	UNITED WATER NEW JERSEY	1	R-1	2.55	-	0	Deed restricted - protected watershed
1209	1	1-131 SCHRAALENBURG RD	UNITED WATER NEW JERSEY	1	R-1	20.24	-	0	Deed restricted - protected watershed
1317	5	146 LA ROCHE AVE	GIBNEY, GEORGE & GERALDINE	1	R-1	0.1435	-	0	Owned in common with Lot 4, used as side yard for adjacent single-family residence
1320	17	65-91 SOUTH AVE	UNITED WATER NEW JERSEY	1	R-1	1	-	0	Deed restricted - protected watershed

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Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acreage	Constrained Acreage	Developable Acreage	Constraint Description
1404	1	126-342 COLUMBUS AVE	UNITED WATER NEW JERSEY	1	R-1	1.42	-	0	Deed restricted - protected watershed
1405	4	12 SOUTH AVE	C & D WISNYL, INC.	1	R-1	0.3444	-	0	Too small; forested triangle of land adjacent to railroad right of way in single-family residential neighborhood
1405	5	15 MARITHA RD	UNITED WATER NEW JERSEY	1	R-1	0.43	-	0	Deed restricted - protected watershed
1406	1	276-334 PARKSIDE RD	UNITED WATER NEW JERSEY	1	R-1	96.5	-	0	Deed restricted - protected watershed
1501	12	54 PASCACK AVE	IULO, ANTHONY & BROLSMA, PATRICIA	1	R-2	0.37	-	0	Rear portion of property developed with single-family home in River Vale
1501	13	UNKNOWN	VANDEBEEK, HOWARD	1	R-2	0.0455	-	0	Rear portion of property developed with single family home in River Vale
1502	1.01	20 PASCACK AVE	POJTER, MARTIN & HEGINA	1	R-2	0.1625	-	0	Too small; appears to be owned in common with Lot 1, which is developed with a single-family residence
1502	5.02	7 TAYLOR PL	HAGOPIAN HOMES, LLC	1	R-2	0.314	-	0	Too small; vacant, cleared property in single-family residential neighborhood
1502	6	2-48 BOGERTS MILL RD	UNITED WATER NEW JERSEY	1	H-2	30.33	-	0	Deed restricted - protected watershed
1503	1	47-57 BOGERTS MILL RD	UNITED WATER NEW JERSEY	1	R-2	8.111	-	0	Deed restricted - protected watershed

Table 2: Suitability Analysis of all Public Property (Class 15C) in Harrington Park for Potential Inclusionary Affordable Housing Developments (Realistic Development Potential)

Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Constrained Acreage	Developable Acreage	Constraint Description	Notes
101	23	99-109 FIRST ST	15C R-1		BOROUGH OF HARRINGTON PARK	0.21	0.21	0.21	Stream bisects property, wetlands over least end	Fursted, Dorotockeys Run
107	1	LOHS PL	15C R		BOROUGH OF HARRINGTON PARK	22.83	-	0	Green Acres RDSI - LoHS Field	
107	2	64-92 LOHS PL	15C R-3		BOROUGH OF HARRINGTON PARK	0.88	0.44	0.28	Too small, long, narrow property, western portion encumbered by wetlands - only southernmost portion is potentially developable (40.28 acres)	Forested parcel adjacent to Block 107, Lot 1 (LoHS Field)
108	4	BLANCH AVE	15C R		BOROUGH OF HARRINGTON PARK	1.71	-	0	Green Acres RDSI - Pondsides Park	
111	7	BLANCH AVE	15C R		BOROUGH OF HARRINGTON PARK	9.55	-	0	Green Acres RDSI - Pondsides Park	
111	8	41 BLANCH AVE	15C R-3		BOROUGH OF HARRINGTON PARK	0.0498	-	0	Too small, long, narrow parcel (4.5 feet by 482 feet) used for drainage purposes	
111	9	LOHS PL	15C R-3		BOROUGH OF HARRINGTON PARK	0.0092	-	0	Too small, long, narrow parcel (4 feet by 100 feet) used for drainage purposes	
202	13	550 LYNN ST	15C R-2		BOROUGH OF HARRINGTON PARK	0.5619	-	0	Long, narrow parcel (25 feet by 979 feet) used for drainage purposes	
206	8	01 547 LYNN ST	15C R-2		BOROUGH OF HARRINGTON PARK	0.043	-	0	Too small; long, narrow parcel (25 feet by 75 feet) used for drainage purposes	
401	1	LYNN ST	15C R		BOROUGH OF HARRINGTON PARK	9.76	-	0	Green Acres RDSI - Beachwood Park	
401	8	LYNN ST	15C R-2		BOROUGH OF HARRINGTON PARK	0.2089	-	0	Used for drainage purposes	Forested, Hackensack River Tributary
401	17	BEECHWOOD PL	15C R-3		BOROUGH OF HARRINGTON PARK	0.32	0.32	0	Wetlands and stream on site	Forested, Hackensack River Tributary

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Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Constrained Acreage	Developable Acreage	Constraint Description	Notes
405	10	ARTHUR PL	15C	R-2	BOROUGH OF HARRINGTON PARK	0.6073	0.59	0.0173	Used for drainage purposes	Forested, Hackensack River Tributary
406	6	LYNN ST	15C	R-2	BOROUGH OF HARRINGTON PARK	2.56	2.56	0	Used for drainage purposes	Forested, irregularly shaped, Hackensack River Tributary
501	9	REAR 529 LAFAYETTE RD,	15C	R-3	BOROUGH OF HARRINGTON PARK	6.24	-	0	Green Acres ROSI	
501	10	LAFAYETTE RD	15C	R-3	BOROUGH OF HARRINGTON PARK	8.27	-	0	Green Acres ROSI - Swim Club	
501	11	KRAMER LN	15C	R-3	BOROUGH OF HARRINGTON PARK	19	-	0	Green Acres ROSI - Trautwein Property	
604	7	UNKNOWN	15C	R-3	BOROUGH OF HARRINGTON PARK	0.2163	-	0	Forested triangle of land, no street access	
604	12.01	ARCADIA CT	15C	R-3	BOROUGH OF HARRINGTON PARK	0.0248	-	0	Too small; long, narrow parcel (15 feet by 72 feet) used for drainage purposes	
604	14.01	TAPPAN RD	15C	R-3	BOROUGH OF HARRINGTON PARK	0.2337	-	0	Long, narrow parcel (20 feet by 509 feet)	
604	16.01	TAPPAN RD	15C	R-3	BOROUGH OF HARRINGTON PARK	0.1373	-	0	Long, narrow parcel (20 feet by 299 feet)	
604	17	ARCADIA CT	15C	R-3	BOROUGH OF HARRINGTON PARK	0.0855	-	0	Long, narrow parcel (25 feet by 149 feet)	
606	4.01	UNKNOWN	15C	R-3	BOROUGH OF HARRINGTON PARK	0.0666	-	0	Long, narrow parcel (20 feet by 145 feet)	
702	2.02	KLINE ST	15C	R-2	BOROUGH OF HARRINGTON PARK	3.35	3.33	0.02	Used for drainage purposes	Forested land
707	1.52	GUY ST	15C	R-1	BOROUGH OF HARRINGTON PARK	0.14	0.14	0	Used for drainage purposes	
707	16.53	DOHA ST	15C	R-1	BOROUGH OF HARRINGTON PARK	0.1607	-	0	Too small	Appears to be drainage area
722	1.75	HARRIOT AVE	15C	M	BOROUGH OF HARRINGTON PARK	1.95	-	0	Developed with public library	

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Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Constrained Acreage	Developable Acreage	Constraint Description	Notes
722	1.X	85 HARRIOT AVE	15C M		BORO OF HARRINGTON PK NJ	1.87	-	0	Developed with municipal building	
728	1	DORA ST N END	15C R-2		BOROUGH OF HARRINGTON PARK	0.21	-	0	Too small	
805	13.11	HACKENSACK AVE	15C R-2		BOROUGH OF HARRINGTON PARK	0.3426	0.33	0.0126	Drainage corridor to Hackensack River	Appears to be drainage area forested, drainageway to Hackensack River
901	1	238 HACKENSACK AVE	15C R		BOROUGH OF HARRINGTON PARK	0	-	0	Green Acres ROSI - Parkland Addition	
901	2	175-234 HACK AVE	15C R		BOROUGH OF HARRINGTON PARK	2.96	-	0	Green Acres ROSI	
903	29	258 HACKENSACK AVE	15C R		BOROUGH OF HARRINGTON PARK	0.51	-	0	Green Acres ROSI - Parkland Addition	
903	30	FLORENCE RD	15C R		BOROUGH OF HARRINGTON PARK	1.18	-	0	Green Acres ROSI - George Street	
904	1	FLORENCE & GEORGE	15C R		BOROUGH OF HARRINGTON PARK	2.39	-	0	Green Acres ROSI - George Street	
904	15	272 HACKENSACK AVE	15C R		BOROUGH OF HARRINGTON PARK	0.27	-	0	Green Acres ROSI - Parkland Addition	
908	19.01	GLEN AVE W	15C R-2		BOROUGH OF HARRINGTON PARK	0.0761	-	0	Too small; long, narrow parcel (15 feet by 0' 221 feet) used for drainage purposes	
911	1	337 BARRIOT AVE	15C R		BOROUGH OF HARRINGTON PARK	0.79	-	0	Green Acres ROSI - Triangle	
912	19	UNKNOWN	15C R-3		BOROUGH OF HARRINGTON PARK	0.647	-	0	Forested parcel with no street access; adjacent to United Water property	
1001	16	TAPPAN RD	15C R		BOROUGH OF HARRINGTON PARK	28.98	-	0	Green Acres ROSI - Highland Field	
1021	7	KOHEING CIRCLE	15C R-2		BOROUGH OF HARRINGTON PARK	0.1291	-	0	Long, narrow parcel (25 feet by 225 feet) used for drainage purposes	
1202	1	49 LARDICHE AVE	15C R-1		BOROUGH OF HARRINGTON PARK	0.6	-	0	Green Acres ROSI - Nutshell Park	

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Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Constrained Acreage	Developable Acreage	Constraint Description	Notes
1206	2	LA ROCHE AVE	15C M		BOROUGH OF HARRINGTON PARK	0.97			Long, narrow property along railroad right of-way; Includes Ward Way right of way	Italside vacant land
1207	3	64 SCHRAALENBURGH RD	15C I-1		BOROUGH OF HARRINGTON PARK	0.38			Developed with DPW building	
1309	9	1 CARMAN RD	15C R-1		BOROUGH OF HARRINGTON PARK	0.0138			Too small (20 feet by 30 feet)	
1502	11	RIGHT OF WAY	15C R-2		BOROUGH OF HARRINGTON PARK	0.0266			Too small (10 feet by 116 feet)	
1504	3	423-441 HARRIOT AVE	15C R-3		BOROUGH OF HARRINGTON PARK	0.5445	0.54	0.0045	Narrow strip within road ROW	Irregularly shaped strip adjacent to Harriot Avenue

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Table 3: Suitability Analysis of Additional Properties in Harrington Park for Potential Inclusionary Affordable Housing Developments: (Realistic Development Potential)

Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Controlled Acreage	Developable Acreage	Constraint Description	Notes
206	4-61	HACKENSACK AVE	4A-B-1		LAWLOR R. & H. & DIBETUNJ & M.	0.4293			Developed with former schoolhouse in good condition; market rate senior apartment units	Non-conforming multifamily use in single-family residential neighborhood
1204	4-17	PARK ST	2-B-1		MAY KEVIN W.	0.1148				
1204	5-21	PARK ST	4A-B-1		21 PARK STREET, LLC	0.2525			Developed with a single-family home, a mixed use building and several outbuildings in good condition with an attractive architectural quality	
1204	6-28	24 ELM ST	4A-B-1		ELM ST ASSOCIATES, LLC	0.1768			Developed with commercial building; all units appear to be occupied	
1204	9-20	11 M ST	4A-B-1		COLEMAN PINNACLE, LLC	0.154			Developed with former residence converted for office use (Murchio Chemical Co., Inc.)	OFFICE BUILDING
1204	10-16	11 M ST	2-B-1		M8 ASSOC, LLC	0.194			Developed with what appears to be a two-family home	
1204	11-14	ELM ST	4A-B-1		PCF ASSOCIATES, LLC	0.194			Developed with former residence converted for office use (real estate and general contractor)	
1204	11-20	SCHWALENBURGH RD	4A-B-1		BOURNAR BELNE E, INC	0.3314			Developed with occupied non-conforming residence (i.e., boarding house)	
1205	1	SCHWALENBURGH RD	4A-B-1		623 FRIELAND, LLC	0.1928			Developed with a non-conforming auto repair shop	Listed in 2016 Fair Share Plan as Block 1204, Lot 1
1205	4	28 PARK ST	2-B-1		QUANTEMER, GLENN J & JAMIE R.	0.1607			Developed with single-family dwelling and garage	
1206	1-68	SOUTH AVE	4A-B-1		LORFG, LLC	0.0839			Developed with four attached commercial units; fully occupied	located at South Avenue and Penn Streets; 66 Schwalemburgh Road per tax records
1207	1	CO_PROD_TAX ADMIN.	4A-B-1		14-67 SCHWALENBURGH RD	3.05			Owned by utility company; northern portion paved with shed, outdoor storage, remainder forested	
1316	1	112 LA ROCHE AVE	4A-B-1		KRAMTEN REALTY, LLC	0.1779			Developed with commercial building; all units appear to be occupied	
1316	2	108 LA ROCHE AVE	2-B-1		BROCKMAN (ETAL), JEFFREY	0.1062			Developed with occupied single-family home in good condition	
1316	3	104 LA ROCHE AVE	2-B-1		SARDANS, MATTHEW P. & JOEL I.	0.2152			Developed with occupied single-family home in good condition	
1316	4	102 LA ROCHE AVE	4A-B-1		BEANP REAL ESTATE, LLC	0.0129			Developed with two-story building with ground floor commercial use	Unclear what second floor level used for
1316	5	98 LA ROCHE AVE	4A-B-1		98 LA ROCHE AVE, LLC	0.0076			Developed with two-story building with ground floor commercial use	Unclear what second floor level used for
1316	6	86 SEMMENS RD	4A-B-1		PLAZA WEST ASSOCIATES, INC.	0.093			Developed with a commercial building; all units appear to be occupied	

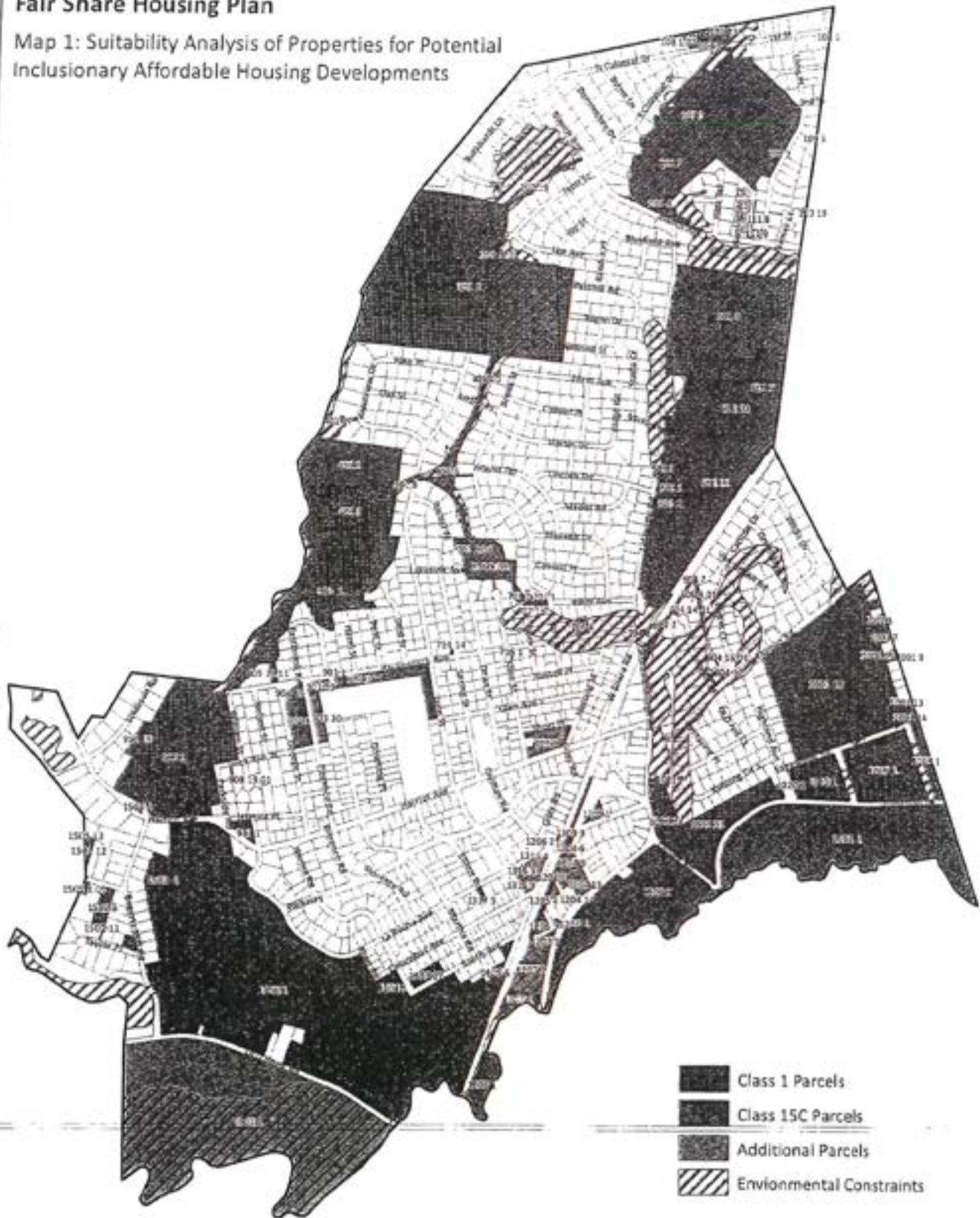
Block	Lot	Property Location	Property Class	Zone	Owner's Name	Listed Acreage	Constrained Acreage	Developable Acreage	Constraint Description	Notes
1316		786-92 LA ROCHE AVE	4A	P-1	QUANTINBYER, GLENN J	0.0785	-	0	Developed with a two-story commercial building; all units appear to be occupied	
1316		911 COLUMBUS AVE	2	P-1	ARMSTRONG, MARCO & KALI	0.2181	-	0	Single-family residence	Unclear what second floor level used for
1316		111-11 LYNN ST	4A	P-1	PAI STORES INC	0.2541	-	0	US Post Office	

Table 4: Harrington Park, NJ Developable Land

Block	Lot	Address	Owner	Listed Acreage	Constrained Acreage	Developable Acreage	Additional Notes	Zone	Property Class	Density	Number of Units
1208	13	106 SCHWABE HILBURGH RD	106 REALTY ASSOCIATES, LLC	0.3168	0	0.3168	Developed with former gas station former United Water headquarters building that has been vacated; constraints comprised of reservoir areas, riparian and SWRPA setbacks	B-1	4A	30 units/acre	3.168
1601	1	200 OLD HOOK RD	UNITED WATER NEW JERSEY INC	64.37	58.72	5.65		DR	4A	10 units/acre	56.5
				Total Developable Acreage		5.9668					
				Total Units Generated		60					
				Affordable Units at 20% Set-Aside		12					

Borough of Harrington Park Fair Share Housing Plan

Map 1: Suitability Analysis of Properties for Potential
Inclusionary Affordable Housing Developments



Source: NJ Geographic Information Network
NJDEP
Philip Reiss Grygiel, LLC, August 2017



0 625 1,250 500 feet

HP 1 1/25/2018

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**Borough of Harrington Park
Fair Share Housing Plan**

Map 2: Potentially Developable Properties

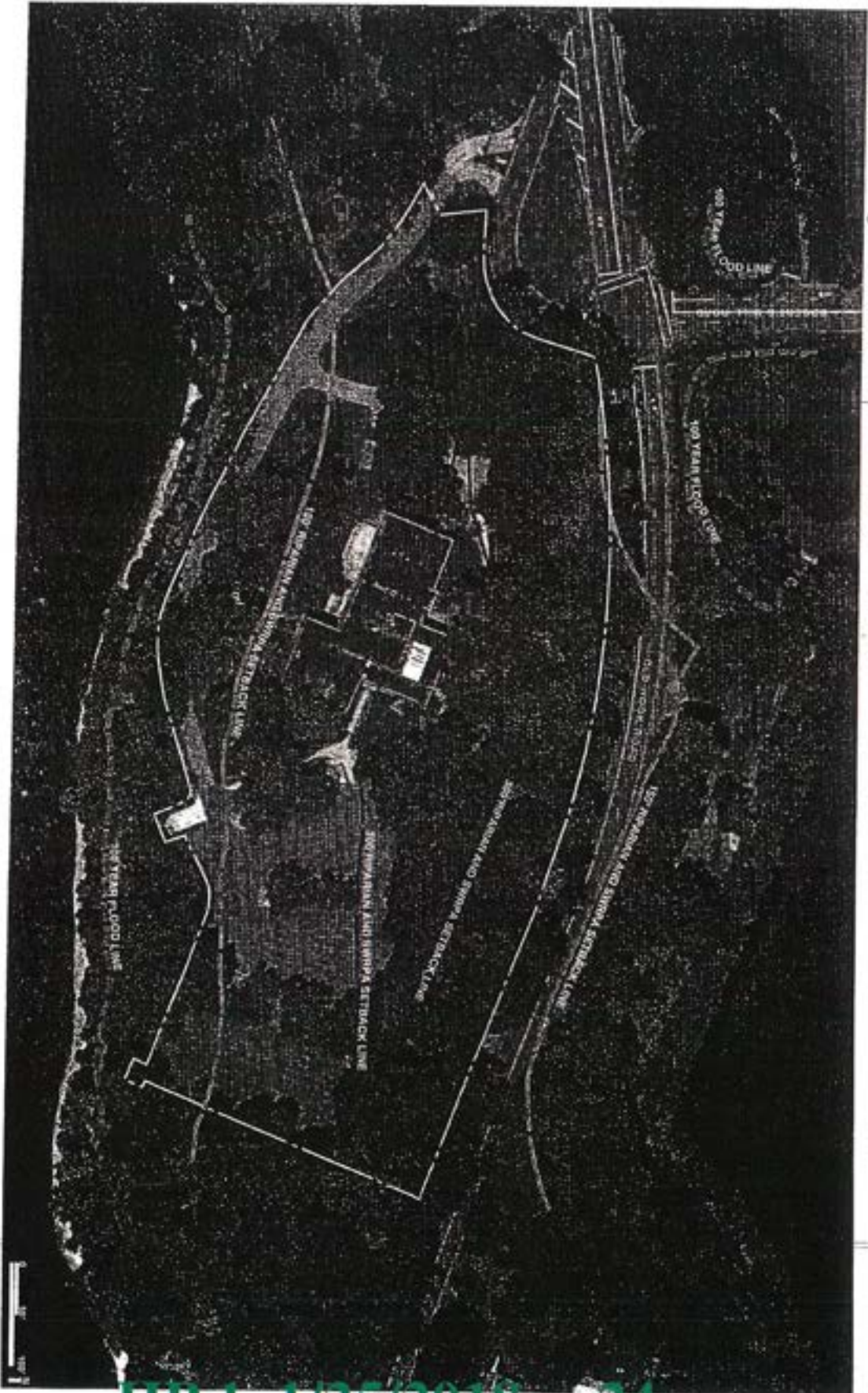


0 625 1,250 500 feet

HP 1 1/25/2018

Source: NJ Geographic Information Network
NJDEP
Philip S. Weiss Grygiel, LLC, August 2017

Borough of Harrington Park
Fair Share Housing Plan



Map 2a: 100 Year Flood Lines and Riparian Setback Lines | 200 Old Hook Road | Harrington Park, NJ
PHILLIPS PREESS GRYGIEL LLC 2017

**Borough of Harrington Park
Fair Share Housing Plan**

Map 2b: Suitable Properties
Block 1204, Lot 13

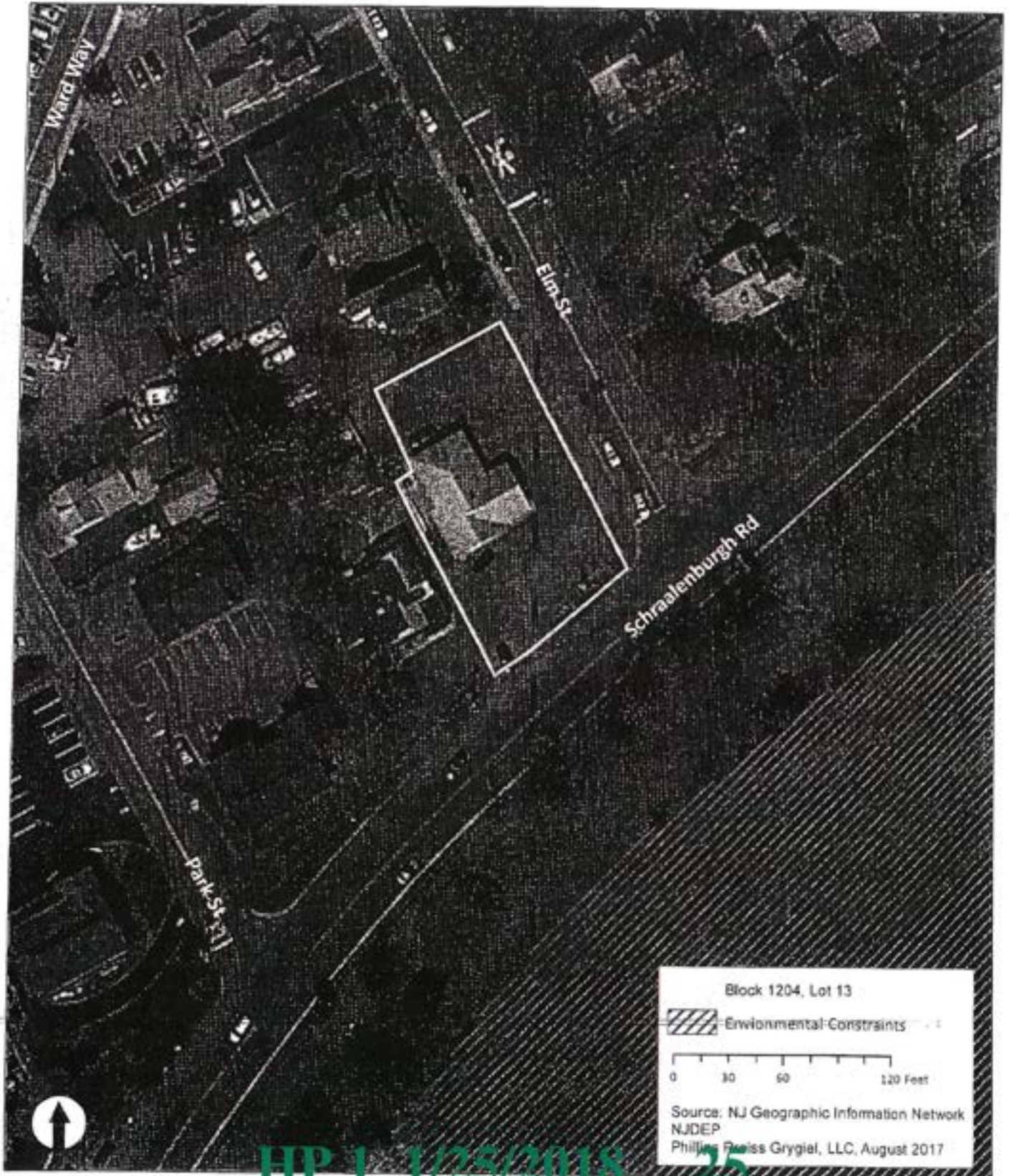


EXHIBIT B: UNMET NEED MAPPING

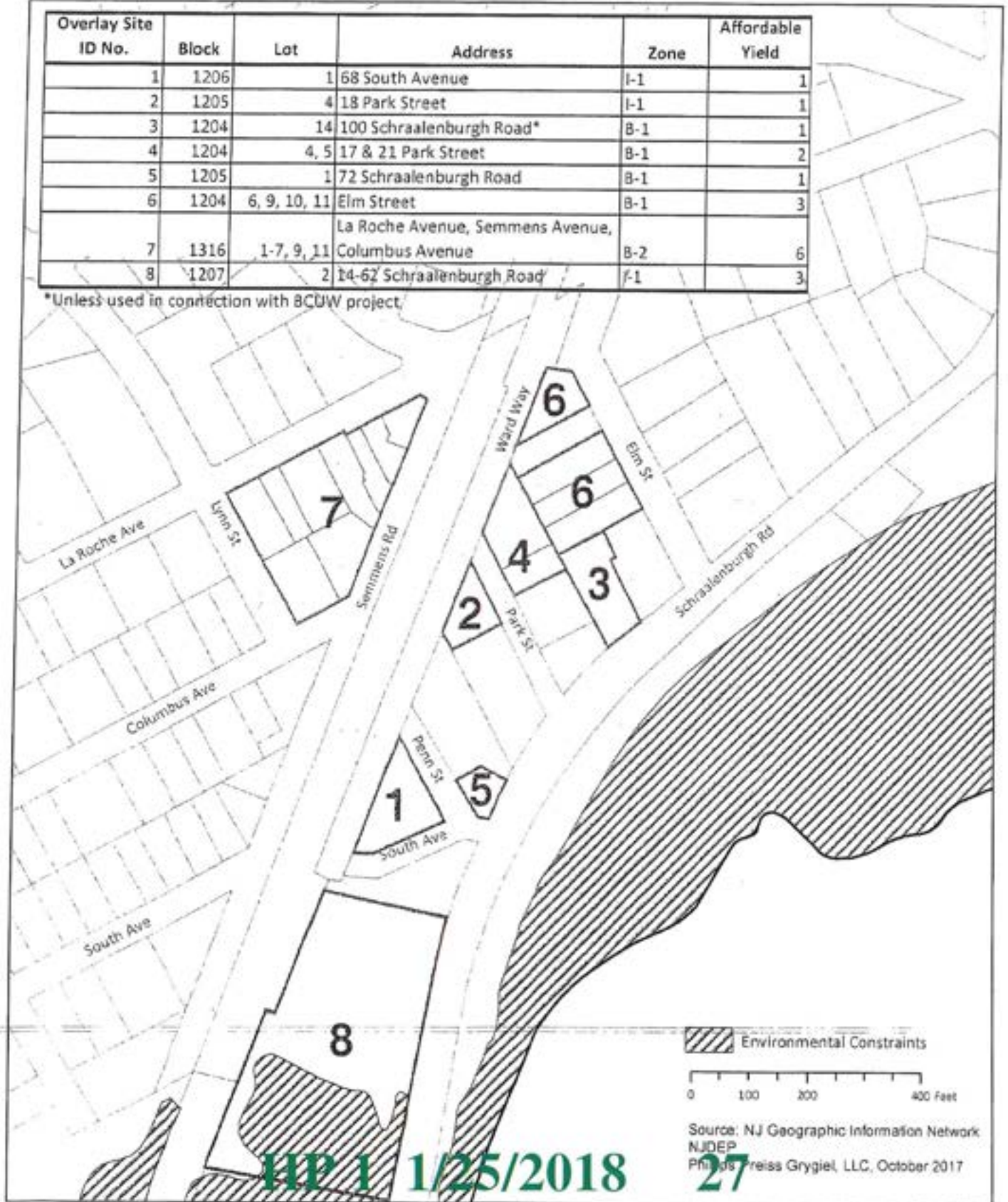
Borough of Harrington Park

Fair Share Housing Plan

Map 3: Adopted and Proposed Overlay Zones

Overlay Site ID No.	Block	Lot	Address	Zone	Affordable Yield
1	1206	1	68 South Avenue	I-1	1
2	1205	4	18 Park Street	I-1	1
3	1204	14	100 Schraalenburgh Road*	B-1	1
4	1204	4, 5	17 & 21 Park Street	B-1	2
5	1205	1	72 Schraalenburgh Road	B-1	1
6	1204	6, 9, 10, 11	Elm Street	B-1	3
7	1316	1-7, 9, 11	La Roche Avenue, Semmens Avenue, Columbus Avenue	B-2	6
8	1207	2	14-62 Schraalenburgh Road	F-1	3

*Unless used in connection with BCOW project



HP 1 1/25/2018

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EXHIBIT C: 2017 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017
2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE
Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limits****
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$60,271	\$64,576	\$68,882	\$77,492	\$85,102	\$90,546	\$92,990	\$99,878	\$106,766	\$113,655		
	Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,617	\$74,352	\$79,903	\$85,454	\$90,924	1.7%	\$166,493
	Low	\$30,136	\$32,288	\$34,441	\$38,746	\$42,051	\$44,773	\$46,495	\$49,939	\$53,383	\$56,827	1.7%	\$166,493
Region 2 Essex, Morris, Union and Warren	Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368		
	Moderate	\$52,762	\$56,531	\$60,299	\$67,817	\$75,334	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494	1.7%	\$180,756
	Low	\$32,976	\$35,332	\$37,687	\$42,308	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184	1.7%	\$180,756
Region 3 Hudson, Middlesex and Somerset	Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$110,616	\$113,812	\$122,264	\$130,696	\$139,128		
	Moderate	\$59,024	\$63,240	\$67,456	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302	1.7%	\$200,698
	Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$54,808	\$56,916	\$61,132	\$65,348	\$69,564	1.7%	\$200,698
Region 4 Mercer, Monmouth and Ocean	Median	\$72,114	\$73,715	\$75,316	\$78,458	\$81,600	\$82,885	\$84,170	\$86,679	\$89,188	\$91,697		
	Moderate	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,090	\$101,862	\$109,408	\$116,953	\$124,498	1.7%	\$177,413
	Low	\$32,013	\$35,069	\$38,125	\$42,443	\$47,158	\$49,065	\$50,971	\$54,704	\$58,436	\$62,169	1.7%	\$177,413
Region 5 Burlington, Camden and Gloucester	Median	\$58,240	\$62,800	\$67,360	\$74,880	\$82,400	\$86,538	\$89,856	\$96,512	\$103,168	\$109,824		
	Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859	1.7%	\$154,194
	Low	\$29,120	\$31,300	\$33,480	\$37,440	\$41,400	\$43,264	\$45,128	\$48,236	\$51,344	\$54,452	1.7%	\$154,194
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$51,085	\$54,734	\$58,383	\$66,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,374	\$71,694	\$76,014	1.7%	\$136,580
	Low	\$25,543	\$27,367	\$29,192	\$32,800	\$36,408	\$37,949	\$39,490	\$42,328	\$45,247	\$48,166	1.7%	\$136,580
	Very Low	\$15,326	\$16,430	\$17,534	\$19,704	\$21,874	\$22,769	\$23,664	\$25,397	\$27,130	\$28,863		

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).
 **This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7%.
 (Consumer price index for All Urban Consumers (CPI-U): Region by expenditure category and commodity and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from that last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.
 *** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3(b), the price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income level for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 Low income tax credit developments may increase based on the low income tax credit regulations.
 **** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.15(b)(3).
 Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).



Borough of Harrington Park
85 HARRIOT AVENUE
HARRINGTON PARK, NEW JERSEY 07640
201-768-1700 fax 201-768-3038
harringtonparknj.gov clerk@harringtonparknj.gov

**RESOLUTION
2017-136
BOROUGH OF HARRINGTON PARK
BERGEN COUNTY**

WHEREAS, the Mayor and Council had previously authorized the filing of a lawsuit in the County of Bergen to seek relief pursuant to the "Mount Laurel" doctrine;

WHEREAS, an action was instituted on July 8, 2015 in the Superior Court of New Jersey bearing Docket number BER-11-6299-15 and entitled *In the Matter of the Application of the Borough of Harrington Park, County of Bergen* seeking to establish the Borough of Harrington Park's fair share housing obligation and granting immunity to the Borough of Harrington Park;

WHEREAS, the within matter was managed by the Hon. Menelaos W. Toskos and further managed by the Special Master, Frank Banish, PP;

WHEREAS, Fair Share Housing Center intervened and took a position with respect to the Borough's fair share obligation;

WHEREAS, the Borough's representation was through its planner, Michael G. Hakim ,PP initially and subsequently by Richard M. Preiss ,PP, Gail L. Price, Esq., Jennifer M. Knarich, Esq. and John R Dineen, Esq.;

WHEREAS, the Borough and Fair Share Housing Center have reviewed its differences and determined to end and resolve this lawsuit by and through the attached November 6, 2017 agreement;

WHEREAS, the Mayor and Council have determined that resolution of the lawsuit on the terms and conditions referenced herein are in the best interest of the Borough and presents a realistic opportunity to provide affordable housing within the Borough; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

1. The Borough of Harrington Park hereby ratifies, confirms and

accepts the November 6, 2017 agreement attached hereto and directs the Mayor, clerk or such other authorized person to sign and deliver the same; and

2. Counsel, shall at the direction of the Court set a date and duly publish notice of same for the conduct and acceptance of the proposed agreement by the Hon. Menelaos W. Toskos at the designated "Fairness Hearing"

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote						
NAPOLITANO(AN)		x	x			
EVANELLA (GE)			x			
WALKER (DW)			x			
FITZGERALD (LF)			x			
PEDERSEN (JP)	x		x			
CHUNG (JC)			x			

Certified Copy of a Resolution approved at the Regular Meeting,
November 20, 2017 of the Mayor and Council of the Borough of Harrington Park,
Bergen County, New Jersey.


Ann H. Bizina
Borough Clerk



Appendix B: Mediation Agreement with NJBA



Borough of Harrington Park
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 harringtonparknj.gov clerk@harringtonparknj.gov

RESOLUTION 2025-102

AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT WITH THE NEW JERSEY BUILDERS ASSOCIATION AND RESOLVING ISSUES RAISED IN A DECLARATORY JUDGMENT ACTION BROUGHT BY THE BOROUGH OF HARRINGTON PARK BEARING DOCKET NO. BER-L-793-25

WHEREAS the Borough of Harrington Park pursuant to statute filed a Declaratory Judgment action challenging the “prospective need” housing assessment allocated to the Borough of Harrington Park in the amount of 202 units in satisfaction of its COAH responsibilities.

WHEREAS the New Jersey Builders Association opposed the Borough’s Determination that it’s fair share prospective need was 131.

WHEREAS pursuant to statute the matter was referred to Judge Ronald E. Bookbinder, Ret. on March 25, 2025 for mandatory mediation.

WHEREAS, Judge Bookbinder reviewed the papers submitted and the arguments of counsel and determined that the Borough’s prospective need is 188 units and the New Jersey Builders Association agreed to resolve the outstanding controversy based upon this number.

WHEREAS Mayor and Council Borough of Harrington Park have determined that the settlement is fair and equitable and allows the Borough to continue its pursuit of a reduction in units based upon “a vacant land inventory”.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that the mayor and such other authorized person shall execute and deliver the attached settlement agreement to the New Jersey Builders Association for their execution.

ROLL CALL VOTE	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
NAPOLITANO (AN)						X
EVANELLA (GE)			X			
BLACKINTON (WB)			X			
WALKER (DW)			X			
PEDERSEN (JP)		X	X			
LANDER (LL)	X		X			

I hereby certify the above resolution was passed by the Mayor & Council of the Borough of Harrington Park at the Agenda Meeting held on April 14, 2025.

Carolyn Lee, Acting Borough Clerk



MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF HARRINGTON PARK,
DOCKET NO. BER-L-793-25

WHEREAS, 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 "Amended Act"); and

WHEREAS, the Amended 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; and

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024; and

WHEREAS, the DCA report concluded that the Borough of Harrington Park (the "Borough") fair share obligations for the Fourth Round included a Present Need of 0 units and a Prospective Need of 202 units; and

WHEREAS, the Borough having filed a Declaratory Judgment Action along with an adopted January 6, 2025, 2025, resolution of participation with the Affordable Housing Dispute Resolution Program (the "Program"), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq., and the timeframes set forth in the Administrative Office of the Court's Directive #14-24 (the "Directive"); and

WHEREAS, the Borough's resolution proposed to set the Borough's affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 131 units; and

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, New Jersey Builders Association (“NJBA”) filed a timely objection to the Borough’s resolution; and

WHEREAS, NJBA’s objection contended that the Borough had improperly calculated its Prospective Need obligations and requested that the Program find that the Borough’s Prospective Need obligation be set at 202; and

WHEREAS, the Borough disputes the contentions raised in NJBA’s objection; and

WHEREAS, within the Program established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program, and conferred and reached an accord setting forth the Borough’s Fourth Round Prospective Need obligations, without either party admitting the validity of the others’ claims; and

WHEREAS, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 188 units is within the range of possibilities of outcomes for the Borough’s Fourth Round Prospective Need; and

WHEREAS, resolving the Fourth Round Prospective Need at this juncture and allowing the Borough to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

WHEREAS, the Borough adopted a resolution on April 14, 2025 authorizing the execution of this agreement; and

WHEREAS, the Borough and NJBA agree to present this Mediation Agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth

the Borough's Fourth Round obligations and binding the Borough to utilize these obligations and foreclosing NJBA from further challenge to said obligations.

THEREFORE, the Borough and NJBA agree:

1. The Borough's Fourth Round fair share obligations shall be set forth as follows:
 - Present Need – 0 units
 - Prospective Need – 188 units
2. A Fourth Round Fair Share Obligation of 188 units is within the range possible outcomes were the court to fully-adjudicate the Borough's Prospective Need.
3. A Fourth Round Fair Share Obligation of 188 units is fair to the interests of lower-income households.
4. The Borough and NJBA will jointly present this Mediation Agreement to the Program and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. The Borough shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025. NJBA reserves all rights as to its review of the HEFSP pursuant to the Amended Act. However, nothing in this agreement precludes the Borough from conducting a windshield survey relating to the calculation of present need.

The undersigned, on behalf of the Borough, is authorized to execute this agreement via the Borough Council resolution adopted on April 14, 2025. The undersigned on behalf of the NJBA consents to this Mediation Agreement and represents that he is authorized to execute

it on the NJBA's behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except in writing signed by the Borough and NJBA.

Witness/Attest:

Borough of Harrington Park



By: 

Mayor Chung

Dated: 4/15/2025

Dated: 4/15/2025

Witness/Attest:

New Jersey Builders Association

By: _____
Richard J. Hoff, Esq.
Counsel for New Jersey Builders Association

Dated: April ____, 2025

Dated: April ____, 2025

**Appendix C: Adopted Affordable Housing Ordinance Including Mandatory Set Aside,
Development Fee, and Accessory Apartment Provisions**

TO BE REVISED AS NECESSARY



Borough of Harrington Park
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Ordinance #734

WHEREAS, on July 8, 2015, the Borough of Harrington Park had filed and served on all interested parties a Complaint for Declaratory Judgment with respect to the Borough of Harrington Park's affordable housing obligation; and

WHEREAS, the Borough of Harrington Park and Fair Share Housing Council, in consultation with the Court-appointed Master and the Borough's Planner, entered into a proposed settlement agreement on November 6, 2017; and

WHEREAS, following a fairness hearing on January 25, 2018, the Court approved the aforesaid proposed settlement agreement; and

WHEREAS, the purpose of the within ordinance is to address the Borough of Harrington Park's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances 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 those units. This Ordinance shall apply, except where inconsistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Harrington Park, Bergen County, New Jersey, as follows:

SECTION 1. Chapter 85 "Affordable Housing" of Part II, General Legislation, of the Code of the Borough of Harrington Park is hereby amended to read in full as follows:

Chapter 85

Affordable Housing

§85-1. General Program Purposes, Procedure.

A. Affordable Housing Obligation.

- (1) This Chapter sets forth regulations regarding the low- and moderate-income housing units in the Borough of Harrington Park consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 *et seq.*, and the Borough's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this

Chapter applies requirements for very low-income housing established in P.L. 2008, c.46 (the “Roberts Bill”).

- (2) This Chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Chapter shall apply except where inconsistent with applicable law.
- (3) The Borough of Harrington Park Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Harrington Park Borough shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- (4) This Chapter implements and incorporates the Fair Share Plan and addresses the requirements of the Act and regulations thereunder, as may be amended and supplemented.
- (5) The Borough shall file monitoring reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Special Master shall be available to the public at the Borough of Harrington Park Municipal Building, 85 Harriot Avenue, Harrington Park, New Jersey.

Monitoring and Reporting Requirements

The Borough of Harrington Park 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:

- (1) Beginning on November 21, 2017, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Committee on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Committee on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- (2) Beginning on November 21, 2017, and on every anniversary of that date through July 27, 2025, the Township agrees 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 COAH or any other forms endorsed by the Special Master and FSHC.
- (3) By July 1, 2022, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its 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 FSHC, 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. Any interested party may by motion request a hearing before the Court regarding these issues.

- (4) By December 21, 2017, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

B. Definitions.

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

“Accessory Apartment” means a second dwelling unit on a lot containing a singlefamily dwelling, which existed at the time of the adoption of this article, which second unit may be located within a principal structure, added to a principal structure or located in a separate accessory building. The creation of such a dwelling unit shall be clearly incidental to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place each unit on a separate lot unless such a subdivision and the structures involved could conform to all municipal zoning standards. Accessory apartments shall conform to the requirements of the New Jersey Council on Affordable Housing.

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

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

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

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

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

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

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

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

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, and/or funded through an affordable housing trust fund.

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

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

“Alternative living arrangement” a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

“Borough” means the Borough of Harrington Park, Bergen County, New Jersey.

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

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

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform

Construction Code promulgated pursuant to the “State Uniform Construction Code Act,” P.L.1975, c.217 (C.52:27D-119 et seq.).

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

“**Council**” means the Council on Affordable Housing, established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

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

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

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

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

“**Equalized Assessed Value**” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

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

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

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

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

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

“Median income household” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

“Mixed use development” means any development which includes both a nonresidential 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 may be 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 total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

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

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

“Non-residential development” means: (1) 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 promulgated to effectuate the “State Uniform Construction Code Act,” P.L.1975, c.217 (C.52:27D-119 et seq.), including any subsequent amendments or revisions thereto; (2) hotels, motels, vacation timeshares, and child-care facilities; and (3) 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,” P.L.1986, c.103 (C.52:27D-330 et seq.).

“Non-residential development fee” means the fee authorized to be imposed pursuant to Sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7).

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

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

or informal activity; and “senior center” means any recreational facility or community center with activities and services oriented towards serving senior citizens.

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by/approved regional income limits.

“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.

“Relating to the provision of housing” shall be liberally construed to include the construction, maintenance, or operation of housing, including but not limited to the provision of services to such housing and the funding of any of the above.

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

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

“Spending plan” means a method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) for the purpose of meeting the housing needs of low and moderate income individuals.

“Special Master” means an expert appointed by a judge to make sure that judicial orders are followed. A master’s function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:8026.1 et seq.

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

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

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

Applicability

- (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created

within the Borough of Harrington Park pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

- (2) Moreover, this Ordinance shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units and including any developments funded with low-income housing tax credits.
- (3) For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects on which the low and moderate units are to be offered for rent, the appropriate set-aside percentage is 15 percent.

Alternative Living Arrangements

- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- (2) 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, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- (3) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

C. Accessory Apartment Program.

- (1) All accessory apartments shall comply with the following:
 - (a) Accessory apartments shall be a permitted accessory use in the R-1, R-2 and R-3 Zones.
 - (b) Accessory apartments shall conform to the bulk requirements of the zone in which they are located, except for minimum lot size. For the purposes of this article, detached accessory apartments shall be considered structures, and accessory apartments attached to a principal dwelling shall be considered a principal structure.
 - (c) The minimum lot size for accessory apartments in all zones shall be 7,500 square feet, except that where a property which is less than 7,500 square feet already contains an existing accessory structure which can be converted into an accessory apartment without increase in its building footprint, such a unit can be counted as a qualifying accessory apartment, subject to all of the provisions and limitations specified herein.

- (d) Accessory apartments shall comply with all applicable codes and standards of the State of New Jersey and the Borough of Harrington Park. Each apartment shall contain at least 500 square feet of gross floor area, a minimum of two rooms and shall also contain a bathroom and kitchen facilities. Accessory apartments shall also have a separate entrance and, where attached to a principal structure, shall not have direct internal access.
 - (e) Accessory apartments shall be rented only to a household which is either a low- or moderate- income household in accordance with N.J.A.C. 5:93-5.9 at the time of initial occupancy. Rents shall be affordable to low- and moderate-income households and include appropriate utility allowances, in accordance with N.J.A.C. 5:93-7.4. One- half of the accessory apartments created shall be for low-income households; the other half shall be for moderate-income households.
 - (f) Properties containing accessory apartments shall be deed restricted to ensure that the accessory apartment shall be rented only to a low- or moderate-income household for a period of at least 10 years. Said deed restriction shall run with the land and shall be assignable to all successors or heirs.
 - (g) Each accessory apartment shall be connected to adequate potable water and sewage disposal systems.
 - (h) Accessory apartments shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11 within the housing region of the Borough of Harrington Park.
 - (i) The maximum height of any detached accessory structure containing an accessory apartment shall not exceed the maximum height permitted for principal structures in the zone.
 - (j) In no case shall a detached accessory structure containing an accessory apartment be located closer to a public street than the principal structure, except in the case of an existing accessory structure where no expansion is required.
 - (k) A minimum of one off-street parking space shall be provided for an accessory apartment, in addition to the off-street parking already provided on site for the principal structure.
 - (l) No accessory apartment created as a result of this Section or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- (2) Administrative requirements for Accessory Apartment Program.
- (a) The Borough of Harrington Park shall designate an administrative entity to administer the accessory apartment program.
 - [1.] The Borough or its assignee shall administer the accessory apartment program, including advertising, income-qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and

monitoring reports and affirmatively marketing the accessory apartment program.

[2.] The Borough shall only deny an application for an accessory apartment if the project is not in conformance with N.J.A.C. 5:93-5.9, the municipal development ordinances or this Section.

[3.] In accordance with N.J.A.C. 5:93-5.9, the Borough shall provide \$10,000 to subsidize the physical creation of an accessory apartment conforming to the requirements of this article and all other COAH requirements. Prior to the grant of such a subsidy and prior to the issuance of a building permit, the owner shall enter into a written agreement with the Borough of Harrington Park ensuring that:

- i. The subsidy will be used to create the accessory apartment; and
- ii. The apartment shall meet the requirements of this Section and N.J.A.C. 5:93-5.9.

(b) Applicants seeking to create an accessory apartment shall submit the following prior to the issuance of a building permit:

[1.] A sketch showing floor plans depicting the size and location of the rooms within the accessory structure and its relationship to the principal structure.

[2.] A site plan on a current survey depicting the location of all existing and proposed structures on site, parking and driveways, and clearly indicating all dimensions.

[3.] Building elevations showing all exterior building modifications proposed, including specifying materials, colors and window locations.

(c) The Borough hereby appoints the Harrington Park Affordable Housing Commission as the agency responsible for the administration, marketing, advertising and implementation of this Section.

(3) Sunset clause for Accessory Apartment Program.

(a) The provisions of this article permitting accessory apartments shall become null and void, having no further force or effect upon the issuance of a certificate of occupancy for the sixth accessory apartment in the Borough of Harrington Park. The administrative provisions shall remain in full force and effect, unless otherwise modified by law, until the last deed restriction expires.

D. Borough-wide Mandatory Set-Aside

(1) A multi-family or single-family development providing a minimum of five (5) new housing units created through any future development application, municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan 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. This requirement does not give any developer the right to any such rezoning,

variance or other relief, or establish any obligation on the part of Harrington Park Borough to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

- (2) The requirement of Section 85-1 D(1) above shall not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Fair Share Housing Center dated November 6, 2017, or in the Borough's Housing Element and Fair Share Plan, adopted by the Borough Planning Board and endorsed by the Borough Council, for which density and set-aside standards shall be governed by the specific standards set forth therein.

E. New Construction.

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

- (1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units in inclusionary developments:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% +1	10%
50%	50%
75%	75%
90%	100%

- (2) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.
- (3) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

(4) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (a) The fair share obligation shall be divided equally between low- and moderate income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low-income units

shall be counted as part of the required number of low-income units within the development.

- (b) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - (c) Within rental developments, of the total number of affordable rental units, at least 13 percent shall be affordable to very low-income households.
 - (d) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1.] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - [2.] At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - [3.] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - [4.] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - (e) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (5) Accessibility Requirements.
- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
 - (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1.] An adaptable toilet and bathing facility on the first floor; and
 - [2.] An adaptable kitchen on the first floor; and
 - [3.] An interior accessible route of travel on the first floor; and
 - ;
 - [4.] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - [5.] If not all of the foregoing requirements in (b)(1) through (b)(4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (b)(1) through (b)(4) above have been satisfied, then an interior

accessible route of travel shall not be required between stories within an individual unit; and

- [6.] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
- [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under subsection [b] above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Harrington Park Borough.
 - [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to Harrington Park's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(6) Maximum Rents and Sales Prices.

- (a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60

percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households earning no more than 30 percent of median income, which very low-income units shall be part of the low-income requirement.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - [1.] A studio shall be affordable to a one-person household;
 - [2.] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [3.] A two-bedroom unit shall be affordable to a three-person household;
 - [4.] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [5.] A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - [1.] A studio shall be affordable to a one-person household;
 - [2.] A one-bedroom unit shall be affordable to a one and one-half person household; and
 - [3.] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not

exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed 9 percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§85-2. Administration.

A. Municipal Housing Liaison.

- (1) The position of Municipal Housing Liaison (MHL) for Harrington Park Borough is established by this Section. The MHL shall be appointed by the governing body. The Municipal Housing Liaison is responsible for overseeing the Borough's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Borough's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Harrington Park shall adopt a Resolution appointing the person to fulfill this position.
- (2) The MHL must be either a full-time or part-time municipal employee of Harrington Park Borough.
- (3) The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing

Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Harrington Park Borough, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (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) Monitoring the status of all restricted units in Harrington Park's Fair Share Plan;
 - (c) Compiling, verifying, submitting, and posting annual reports as required by the Superior Court and by this Ordinance;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- (5) Subject to the approval of the Court, the Borough of Harrington Park shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

B. Administrative Agent.

- (1) The Borough shall designate by resolution of the Borough Committee one or more Administrative Agents to administer affordable units in accordance with State law or regulation and UHAC.
- (2) An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
 - (a) Affirmative Marketing

[1] Conducting an outreach process to affirmatively market affordable housing units in accordance with the affirmative marketing plan of the Borough and the provisions of N.J.A.C. 5:80-26.15; and

[2] 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.

(b) Household Certification.

[1.] Soliciting, scheduling, conducting and following up on interviews with interested households;

[2.] 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;

[3.] Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

[4.] 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. 5:8026.1 et seq.

[5.] 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

[6.] Employing the random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units; and

[7.] Notifying the following entities of the availability of affordable housing units in the Borough of Harrington Park: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, the New Jersey Housing Resource Center, and Supportive Housing Association.

(d) Affordability Controls.

[1.] 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;

[2.] 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;

[3.] 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;

[4.] Communicating with lenders regarding foreclosure; and

[5.] Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10;

(e) Records retention.

(f) Resale and re-rental.

[1.] 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

[2.] Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

(g) Processing requests from unit owners.

[1.] Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

[2.] 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;

[3.] Notifying the municipality of an owner's intent to sell a restricted unit; and

[4.] Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.

[1.] Securing annually from the municipality a list 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;

[2.] Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment 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;

[3.] 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 or other charges can be made;

- [4.] 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;
- [5.] Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund;
- [6.] Establishing a rent-to-equity program;
- [7.] Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls; and
- [8.] Proving annual reports as required.

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

(j). The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

(k). The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

C. 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 a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) 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:

- [1.] A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, 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 as a continuation of the initial offense;
 - [2.] 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 Harrington Park Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [3.] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

D. The Borough may contract with or authorize a consultant, authority, government or any agency charged by the Borough council, which entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the municipal housing liaison shall supervise the contracting administrative agent. The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

E. The cost for administering the affordable housing program for Harrington Park Borough, including affirmative marketing, household certification, affordability controls, resale and rentals, communicating with unit owners and enforcement, shall be the responsibility of developers or owners of affordable housing units in accordance with the following fee schedule, as may be amended from time to time.

- (1) Annual fee for consulting, list maintenance and responding to inquiries:
\$50.00 per affordable unit.

- (2) Re-Sales of existing affordable housing units: \$1,000 per re-sale certification (payable by seller upon transfer of title).
- (3) Re-rentals of existing affordable housing units certification: \$550 pre-occupancy (payable by landlord upon occupancy of new tenant).
- (4) Sale of new affordable housing units: \$200 per unit setup, plus \$1000 per unit certification fee, plus \$3,000 minimum project fee (payable at least 180 days prior to the issuance of a temporary or permanent certificate of occupancy, which first occurs).
- (5) Rental of new affordable housing units: \$400 per unit setup, plus \$500 per unit certification fee, plus \$3,000 minimum project fee (payable at least 180 days prior to the issuance of a temporary or permanent certificate of occupancy, whichever first occurs).
- (6) Refinancing: \$200 to be paid by unit owner.
- (7) Lien satisfaction: No charge.
- (8) Other programs: The cost to provide compliance services for programs, such as accessory apartments, market to affordable, etc., are subject to the number of units and the scope of services required for each.
- (9) Additional Services: In the event additional services are requested or required to comply with the affirmative marketing requirements, the rate for such services shall be determined prior to implementation.
- (10) Reimbursement of expenses: In addition to the foregoing fees, cost of postage, printing of notices, copying costs, and advertising shall be paid by the developer or owner.

§85-3. Affirmative Marketing within Inclusionary Development.

A. Adoption of an Affirmative Marketing Plan.

- (11) Harington Park Borough hereby adopts the within an Affirmative Marketing Plan in compliance with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (12) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and is required to be followed throughout the period of restriction.

B. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Hudson, Passaic, and Sussex Counties.

C. The Administrative Agent designated by Harrington Park Borough shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.

- (1) All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following newspapers/publications: The Star-Ledger, The Record, Northern Valley Suburbanite, Bergen News, and Avance (Spanish).
- (2) The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as needed basis.
- (3) The advertisement will include:
 - (a) The street address and location of units;
 - (b) Directions to the housing units;
 - (c) The size, as measured in the number of bedrooms, of the housing units;
 - (d) A range of prices/rents for the housing units;
 - (e) The maximum income permitted to qualify for the housing units
 - (f) The location of applications for the housing units;
 - (g) The business hours when interested households may obtain an application for a housing unit.
 - (h) The name of the rental manager and/or sales agent for the housing units.
- (4) All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in publications circulated within the housing region that are likely to be read by low and moderate income households, such as neighborhood oriented weekly newspaper, religious publications and organizational newsletters.
- (5) Regional radio and/or cable television station(s) will also be used.
- (6) Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program will be provided to specific employment centers within the region and to the municipal clerks of all municipalities in the region.
- (7) Applications for low and moderate income housing shall be available in several convenient locations within the Borough of Harrington Park, including, at a minimum, Borough Hall, the Harrington Park Public Library, and the developer's sales/rental office. The following is a listing of community contact persons and/or organizations in Harrington Park that will administer the program and will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: the Fair Share

Housing Center, New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, the New Jersey Housing Resource Center, and Supportive Housing Association.

- (8) Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Bergen, Hudson, Passaic and Sussex Counties.
- (9) Applications will be mailed to prospective applicants upon request. Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties the Borough of Harrington Park's region: Welfare or Social Service Board, Rental Assistance Office (local office of DCA), Office on Aging, libraries and housing agency or authority.
- (10) The affirmative marketing program will meet the following requirements:
 - (a) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
 - (b) A random selection method will be used to select occupants of low- and moderate-income housing.
 - (c) Low- and moderate-income households who live or work in the housing region in which the Borough of Harrington Park is located shall be given preference for sales and rental units constructed within the Borough of Harrington Park. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced.
 - (d) Low- and moderate-income households residing or working within the Borough of Harrington Park shall be provided a preference for low- and moderate-income units created within the Borough of Harrington Park that respond to Harrington Park's rehabilitation component.
 - (e) All developers of low- and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.
 - (f) The cost of advertising and administering low- and moderate-income units shall be the responsibility of the developer and/or owner of low and moderate income housing units within the Borough of Harrington Park.
 - (g) The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
 - (h) Households that apply for low- and moderate-income housing shall be screened for preliminary income eligibility by comparing their total

income to the low and moderate income limits pursuant to State law and regulations. Applicants shall be notified as to their eligibility status.

- (i) Having screened applicants for preliminary income eligibility, the Borough may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or rent each available low- or moderate-income unit.
- (j) The Borough shall conduct a process and interview each applicant to verify the applicant's income and household size; determine the applicant's asset availability; and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.
- (k) The process described in (j) through (l) above may begin no sooner than one month after the advertising program begins. Households shall be selected to proceed through the process described in (j) through (l) above through a method of random selection. Households shall be certified for low- and moderate-income units. The process described in (j) through (l) shall be continued until all the low- and moderate income units are occupied.
- (l) Continuing marketing activities shall be undertaken after the completion of initial occupancy of sales and rental units in order to fill vacancies resulting from normal turnover which shall include:
 - [1.] Insuring a sufficient supply of income eligible applicants by continuing to implement the marketing plan throughout the housing region. At a minimum, the Borough shall maintain a current pool of at least five income eligible applicants for each low and moderate income unit.
 - [2.] Contacting each income eligible applicant annually to request updated information regarding income and family size.
 - [3.] As units become available, the municipal entity shall select eligible applicants for the units until the units are occupied by low and moderate income households.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Harrington Park shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing

Plan, the Administrative Agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin as least four months (120 days) prior to the expected date of occupancy.

H. Applications for affordable housing 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 the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Harrington Park, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, the New Jersey Housing Resource Center, and the Supportive Housing Association.

J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§85-4. Affordable Unit Controls and Requirements.

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

A. 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) Provide an occupant for each bedroom;
 - (b) Provide children of different genders with separate bedrooms;
 - (c) Provide separate bedrooms for parents and children; and
 - (d) Prevent more than two persons from occupying a single bedroom.

B. Selection of Occupants of Affordable Housing Units.

- (1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.
- (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

C. 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. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Section until Harrington Park

Borough elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- (4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Section, 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.
- (5) The affordability controls set forth in this Section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (6) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- (7) Deeds of all real property that include restricted ownership units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy. The deed restriction shall be subject to the approval of the Administrative Agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this Chapter.

D. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

- (1) Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

E. Buyer Income Eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Committee, and subject to the Court'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.
- (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, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

F. 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 Ordinance, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

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

F. Capital Improvements to Ownership Units

(1) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

(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. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be a condition of the unit resale provided the price, 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 owner 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.

G. Control Periods for Restricted Rental Units.

(1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Section for a period of at least 30 years, until the Borough of Harrington Park elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

(2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be

provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy. The deed restriction shall be subject to the approval of the Administrative Agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this Chapter.

- (3) A restricted rental unit shall remain subject to the affordability controls of this Section, 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; or
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

H. Rent Restrictions for Rental Units; Leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (3) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Section.
- (4) No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

I. Tenant Income Eligibility.

- (2) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (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 household 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 household 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 household income by household size.

- (3) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (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.
- (4) The applicant shall file documentation sufficient to establish the existence of the circumstances in (3)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

§85-5 Affordable Housing Development Fees

A. Purpose.

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules as amended from time to time and/or in accordance with the enacted legislation and/or in accordance with directives from the Courts. The purpose of this Section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to the above. Fees collected pursuant to this Section shall be used for the sole purpose of providing low- and moderate-income housing.

B. Basic Requirements

- (1) This Ordinance shall not be effective until approved by the Court.

(2) The Borough of Harrington Park shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

C. Definitions

The following terms, as used in this Ordinance, shall have the following meanings:

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

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

“Development fee” means money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

“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.

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

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

B. Development Fees.

(1) Residential Development Fees.

(a) Imposition of Fees

[1.] Within the Borough of Harrington Park, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new 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.

[2.] When an increase in residential density has been permitted pursuant to N.J.S.A. 40:55D-70d (known as a "d" variance) or pursuant to Zoning Amendment or pursuant to the adoption of a Redevelopment Plan pursuant to New Jersey Local Redevelopment and Housing Law (NJSA 40A-12-1 et.

seq.), developers shall be required to pay a “bonus” residential development fee six percent (6%) 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.

(b) Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

[1.] Affordable housing developments and/or residential developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Harrington Park, shall be exempt from the payment of residential development fees.

[2.] Residential 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 residential development fees, unless the developer seeks a substantial change in the original approval or the developer has accepted responsibility to pay a residential development fee. Where 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.

[3.] Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started shall be exempt from the payment of development fees. For purpose of this section, “market value” shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. “Substantial improvement” is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assess value of the new structure as compared to the previous structure.

[4.] Structural alterations that do no increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.

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

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

[7.] Homes replaced as a result of a natural disaster, fire or flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

(2) Nonresidential development fees.

(a) Imposition of Fees

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

[2.] Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted below, shall also pay a nonresidential development fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

[3.] Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two ad a half percent (2.5%) 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

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

[2.] The two and one-half percent [2.5%] fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

[3.] 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.

[4.] A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to it at such time as the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.

[5.] If a property which was exempted from the collection of a nonresidential 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 nonresidential development fees under these circumstances may be enforceable by the Borough of Harrington Park as a lien against the real property of the owner.

[6.] Federal, state, county and local governments of nonresidential development shall be exempted from paying a development fee.

(c) Collection procedures.

[1.] Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a building permit.

[2.] For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development

Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

[3.] The Construction Official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

[4.] Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

[5.] The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

[6.] Within 10 business days of a request for the scheduling of a final inspection, the Municipal 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.

[7.] Should the Borough of Harrington Park 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). Upon tender of the estimated non-residential development fee, provided the developer is in full compliance with all other applicable laws, the municipality shall issue a final certificate of occupancy for the subject property.

[8.] Except as provided hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the building 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 building permit and that determined at the time of issuance of the certificate of occupancy.

(d) 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 the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Harrington Park. Appeals from a

determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax 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 nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Harrington Park. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax 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.

C. Housing trust fund.

- (1) There is hereby created a separate interest-bearing affordable housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Harrington Park
 - (b) Developer-contributed funds to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Borough of Harrington Park's affordable housing program.
- (3) In the event of a failure by the Borough of Harrington Park to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of

Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Harrington Park, or, if not practicable, then within the County or Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.

- (4) Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

D. Use of Funds

- (a) The expenditure of funds shall conform to a Spending Plan approved by the Court. Money deposited in the affordable housing trust fund may be used for any activity approved for addressing the Borough of Harrington Park's low- and moderate-income housing obligation and may be set up as a grant or revolving loan program. Such activities may include, but are not limited to: housing rehabilitation; new construction of affordable housing units and related costs; the purchase of land for low- and moderate-income housing; preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, including the extension of controls, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income households; and administrative costs necessary to implement the Borough of Harrington Park's Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan. The expenditure of all money shall conform to a spending plan approved by the Courts.
- (b) Funds shall not be expended to reimburse the Borough of Harrington Park for past housing activities.
- (c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Housing Element and Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low-income households earning 30 percent or less of regional median

income by household size for housing region 1, in which Harrington Park is located.

[1.] Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

[2.] Affordability assistance to households earning 30 percent or less of the regional median household income by household size may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described within the Spending Plan.

[3.] Payments in lieu of constructing affordable units on site, if permitted by Ordinance or by Agreement with the Borough of Harrington Park, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

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

(e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program. In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent collected development fees that may be expended on administration. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

E. Monitoring. The Borough of Harrington Park shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable

Housing or Local Government Services. The reporting shall include an accounting of all 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. Such reporting shall include an accounting of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Borough), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Harrington Park's affordable housing programs, as well as an accounting of the expenditure of revenues and implementation of the spending plan approved by the Court. F. Ongoing Collection of Fees

(1) The ability for the Borough of Harrington Park to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Borough has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

(2) If the Borough of Harrington Park 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).

(3) The Borough of Harrington Park shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Borough retroactively impose a development fee on such a development. The Borough also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

This Section is intended to be interpreted and applied consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.). In the event of any inconsistency, this Section shall be read so as to comply with the Act.

SECTION 2. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be

adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, or as otherwise required by law, and upon filing with the Planning Board of the County of Bergen.

Paul Hoelscher, Mayor

ATTEST:

Ann H. Bistriz, Borough Clerk

Introduced: _____

Adopted: _____

Appendix D: Affirmative Marketing Plan

AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in **(REGION 1)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Rehabco Inc 44 East Water Street Toms River NJ 08753 ph. (732) 477-7750		1b. Development or Program Name, Address 106 Schralenburg Road, Harrington Park, NJ 07640.	
1c. Number of Affordable Units: 4 Number of Rental Units: 4 Number of For-Sale Units: 0	1d. Price or Rental Range From: \$1,000 To: \$2,023	1e. State and Federal Funding Sources (if any) NJ Division of Developmental Disabilities	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: November 1, 2020 Occupancy: January 2022		
1h. County Bergen		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number Madeline Corporation – 555 10 th Street, Palisades Park, NJ (201) 944-3222			
1k. Application Fees (if any): None			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. Please see attached: Tenant Selection Plan – Family Units Tenant Selection Plan – Independent Living for Special Needs Individuals

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)			
<input type="checkbox"/> White (non-Hispanic) <input checked="" type="checkbox"/> Black (non-Hispanic) <input checked="" type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaskan Native <input checked="" type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Other group:			
3b. HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing <input checked="" type="checkbox"/>			
3c. Commercial Media (required) (Check all that applies)			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 1			
Daily Newspaper			
<input checked="" type="checkbox"/>	One-time	Star Ledger	Northern NJ
<input checked="" type="checkbox"/>	One-time	Reporte Hispano	Regional
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
<input checked="" type="checkbox"/>	Once/as needed	Record, The	Bergen
<input checked="" type="checkbox"/>	Once	Jersey Journal	Hudson
<input checked="" type="checkbox"/>	Once	Herald News	Passaic
<input checked="" type="checkbox"/>	Once	New Jersey Herald	Sussex
TARGETS PARTIAL HOUSING REGION 1			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input checked="" type="checkbox"/>	One-time	Reporte Hispano	Regional
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input checked="" type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen
<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic

<input type="checkbox"/>		Journal America	Passaic
<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson
<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen
<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
<input type="checkbox"/>		Press Journal	Palisades Park, Bergen
<input type="checkbox"/>		Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen
<input type="checkbox"/>		Our Town	Northern Bergen

<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen
<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen
<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson
<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
<input type="checkbox"/>		La Tribuna de North Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE HOUSING REGION 1

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
<input type="checkbox"/>		7 WABC-TV American Broadcasting	NYC Metropolitan Area

		Companies, Inc (Walt Disney)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish- language

TARGETS PARTIAL HOUSING REGION 1

<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNXV-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Hudson
<input type="checkbox"/>		34 WPXO-LP Paxson Communications License	Hudson

		Company, Llc	
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Sussex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Sussex
<input type="checkbox"/>		23 W23AZ Centenary College	Sussex
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Sussex
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Sussex
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Sussex
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Sussex
<input type="checkbox"/>		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 1			
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson

<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic

<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
X		WKXW FM 101.5	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	

<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			
<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
X		WINS 1010	Bergen, Hudson, Passaic
<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic

<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input type="checkbox"/>		WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
Bi-weekly			
X	Al Manassah		Arab-American
Monthly			
X	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 1			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language

Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input checked="" type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Hudson County		
<input type="checkbox"/>	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus
<input type="checkbox"/>	USPS	80 County Road, Jersey City
<input type="checkbox"/>	Liz Claiborne Inc	1 Claiborne Ave, North Bergen
<input type="checkbox"/>	Credit Suisse First Boston LLC	1 Pershing Plz Jersey City
<input type="checkbox"/>	HealthCare Staffing and Consult	26 Journal Square, Jersey City
<input type="checkbox"/>	Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
<input type="checkbox"/>	Jersey City Medical Center Inc.	50 Grand St, Secaucus
<input type="checkbox"/>	Marsh USA Inc.	121 River St, Hoboken
<input type="checkbox"/>	National Retail Systems Inc.	2820 16th St North Bergen
<input type="checkbox"/>	Community Corrections Corp	Lincoln Hwy Kearny
<input type="checkbox"/>	Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken

<input type="checkbox"/>		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
<input type="checkbox"/>		Christ Hospital Health Service	176 Palisade Ave, Jersey City
<input type="checkbox"/>		Bayonne Hospital	29th Street and Ave E, Bayonne
<input type="checkbox"/>		Salson Logistics Inc.	2100 88th St.and 7373 West Side Ave, North Bergen, NJ
<input type="checkbox"/>		National Financial Service	1000 Plaza, Jersey City
<input type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
<input type="checkbox"/>		Maidenform Inc	154 Ave E, Bayonne
<input type="checkbox"/>		Lord Abbett & Company	90 Hudson City, Jersey City
<input type="checkbox"/>		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
<input type="checkbox"/>		Port Imperial Ferry Corp.	Pershing Rd Secaucus
<input type="checkbox"/>		Hudson News	1305 Paterson Plank Rd, North Bergen
<input type="checkbox"/>		Palisades General Hospital	7600 River Rd North Bergen, NJ
<input type="checkbox"/>		Equiserve Inc.	525 Washington Blvd Jersey city
<input type="checkbox"/>		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
<input type="checkbox"/>		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
<input type="checkbox"/>		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
<input type="checkbox"/>		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
<input type="checkbox"/>		Bowne Business Communications Inc.	215 County Ave Secaucus
<input type="checkbox"/>		North Hudson Community Action Corp.	5301 Broadway West New York 07093
<input type="checkbox"/>		Goya Foods Inc.	100 Seaview Dr. Secaucus
<input type="checkbox"/>		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
Bergen County			
<input checked="" type="checkbox"/>		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
<input checked="" type="checkbox"/>		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
<input checked="" type="checkbox"/>		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
<input checked="" type="checkbox"/>		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
<input checked="" type="checkbox"/>		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
<input checked="" type="checkbox"/>		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
<input checked="" type="checkbox"/>		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
<input checked="" type="checkbox"/>		Englewood Hospital and Medical Center	350 Engle St. Englewood

X		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
X		Holy Name Hospital	718 Teaneck Road Teaneck
X		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
X		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
X		Howmedica Osteonics Corp	59 Route 17 Allendale
X		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
X		Pearson Education, Inc.	1 Lake St. Upper Saddle River

Passaic County

<input type="checkbox"/>		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
<input type="checkbox"/>		Acme Markets	467 AllWood Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
<input type="checkbox"/>		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403
<input type="checkbox"/>		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
<input type="checkbox"/>		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
<input type="checkbox"/>		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
<input type="checkbox"/>		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
<input type="checkbox"/>		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
<input type="checkbox"/>		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
<input type="checkbox"/>		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470

Sussex County

<input type="checkbox"/>		Selective Insurance	40 Wantage Ave, Branchville, NJ
<input type="checkbox"/>		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
<input type="checkbox"/>		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
<input type="checkbox"/>		County of Sussex	One Spring Street, Newton, NJ 07860
<input type="checkbox"/>		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
<input type="checkbox"/>		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
<input type="checkbox"/>		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
<input type="checkbox"/>		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
<input type="checkbox"/>		Saint Clare's Hospital	20 Walnut St, Sussex, NJ

<input type="checkbox"/>		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ
3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	statewide	510 Park Blvd Cherry Hill NJ 08002	Once
NAACP of NJ	statewide	15 Front St., Trenton NJ 08601	Once
Latino Action Network of NJ	statewide	1 Broad St Freehold NJ 08826	Once
BCUW Database – 12,000+	Northern NJ	6 Forest Ave, Paramus	Twice

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
X	Sussex County Administrative Building Sussex County Main Library	One Spring Street, Newton, NJ 07860 125 Morris Turnpike, Newton, NJ 07860
X	Hudson County Administration Building Hudson County Library	595 Newark Avenue, Jersey City, NJ 07306 25 Journal Square, Jersey City, NJ 07306
X	Passaic County Administration Building Danforth Memorial Library	401 Grand Street, Paterson, NJ 07505 250 Broadway, Paterson, NJ 07501
X	Bergen County Administration Building Johnson Library	One Bergen County Plaza, Hackensack, NJ 07601 274 Main Street, Hackensack, NJ 07601
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
Borough of Harrington Park Harrington Park Library		
4c. Sales/Rental Office for units (if applicable) Madeline Corporation – 555 10 th Street, Palisades Park, NJ		

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Name (Type or Print)	
Title/Municipality	
Signature	Date

Appendix E: Spending Plan

Affordable Housing Trust Fund Spending Plan
Borough of Harrington Park
June 2025

INTRODUCTION

The Borough of Harrington Park, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was formerly approved by COAH and the Superior Court and adopted by the municipality. The ordinance established the Harrington Park affordable housing trust fund for which this spending plan is prepared.

As of March 31, 2025, Harrington Park has collected \$148,783.69 and expended \$55,652.65, resulting in an affordable housing trust fund balance of \$93,131.04 as of that date. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Connect One Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round (2025-2035), Harrington Park considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: None

(c) Other funding sources: None

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate of 2.50%.

No large development projects are anticipated in the coming years due to the lack of vacant and developable land in Harrington Park.

SOURCE OF FUNDS	PROJECTED REVENUE SCHEDULE APRIL 1, 2025-JUNE 30, 2035					
	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	
(a) Development fees:						
1. Approved Development	\$0	\$0	\$0	\$0	\$0	
2. Development Pending Approval	\$0	\$0	\$0	\$0	\$0	
3. Projected Development ¹	\$9,195.36	\$9,195.36	\$9,195.36	\$9,195.36	\$9,195.36	
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	
(c) Other Funds (Specify source(s))	\$0	\$0	\$0	\$0	\$0	
(d) Interest	\$2,068.74	\$1,860.91	\$1,647.89	\$1,429.55	\$1,205.75	
Total	\$11,264.10	\$11,056.27	\$10,843.26	\$10,624.91	\$10,401.11	
	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035	Total
(a) Dev. fees:						
1. Appr.	\$0	\$0	\$0	\$0	\$0	\$0
2. Pending	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected	\$9,195.36	\$9,195.36	\$9,195.36	\$9,195.36	\$9,195.36	\$91,953.61
(b) P-i-L	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$976.35	\$741.22	\$500.21	\$253.17	\$0.01	\$10,683.80
Total	\$10,171.71	\$9,936.58	\$9,695.57	\$9,448.53	\$9,195.37	\$102,637.42

¹ Between 01/01/2018 and 03/31/2025, the Borough of Harrington Park received development fees totaling \$66,666.37 from all qualifying residential and non-residential development activities within the Township, or an annual average of \$9,195.36. Future development trends and resulting annual development fees are assumed to be consistent with current levels, resulting in total development fees of approximately \$91,954 through 2035.

Harrington Park projects a total of approximately \$102,637 in revenue to be collected between April 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Harrington Park:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Harrington Park's development fee ordinance for both residential and non-residential developments in accordance with P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7), as amended and supplemented and COAH's previously established rules as still applicable.

(b) Distribution of development fee revenues:

The disbursement of monies in Harrington Park's affordable housing trust fund is coordinated by its Municipal Housing Liaison in conjunction with the Borough's Chief Financial Officer and the Borough Council. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation program (N.J.A.C. 5:93-8.16)**

Harrington Park will dedicate \$0 to its rehabilitation program, as the Borough does not have a rehabilitation or present need obligation for the Fourth Round.

(b) **Affordability Assistance (N.J.A.C. 5:93-8.16)**

Projected minimum affordability assistance requirement:

AFFORDABILITY ASSISTANCE CALCULATION		
Actual development fees through 03/31/2025		\$141,825.21
Actual interest through 03/31/2025		\$6,958.48
Development fees projected 04/01/2025 through 06/30/2035	+	\$91,953.61
Interest projected 2025-2035	+	\$10,683.80
Less expenditures through 03/31/2025	-	\$55,652.65
Total	=	\$195,768
30 percent requirement	x 0.30 =	\$58,730.40
PROJECTED MINIMUM Affordability Assistance Requirement 04/01/2025 through 06/30/2035	=	\$58,730.40
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 04/01/2025 through 06/30/2035	÷ 3 =	\$19,576.80

Per N.J.A.C. 5:93-8.16, the Borough of Harrington Park must dedicate at least 30 percent of all development fees collected and interest earned to provide affordability assistance to low- and moderate-income households. In addition, at least one-third of the affordability assistance shall be used to provide affordability assistance to very-low income households. The Borough is obligated to spend approximately \$58,730 on affordability assistance between 2025 and 2035.

- For sale units in the form of emergency repairs, down-payment assistance, homeowner assistance loans for condominium or homeowner association fees, and homeowner assistance loans for mortgage payments up to two months or less in arrears to forestall foreclosure.
- For rent units in the form of security deposit assistance and rental assistance.

In addition, the Borough intends to provide an additional 6 affordable accessory apartments, of which 3 would be made available to low-income households and 3 would be made available to moderate income households. The Borough will set aside \$25,000 for each low-income accessory apartment and \$20,000 for each moderate-income apartment, pursuant to N.J.A.C. 5:96-6.8(b)(2).

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

ADMINISTRATIVE EXPENSE CALCULATION		
Actual development fees AND interest through 03/31/2025		\$148,783.69
Development fees AND interest projected 04/01/2025 through 06/30/2035	+	\$102,637.42
Payments-in-lieu of construction and other deposits through 07/17/2008	+	0
Less expenditures through 03/31/2025	-	\$55,652.65
Total for Administrative Calculation	=	\$195,768
Less Required Affordability Assistance	-	\$58,730.40
Less Accessory Apartment Set Aside (6 units)	-	\$135,000
Available for Administrative Expenses 04/01/2025 through 06/30/2035		\$2,037.60

Harrington Park projects that approximately \$2,038 will be available from the affordable housing trust fund to be used for administrative purposes. While the Borough is permitted to utilize a maximum of 20 percent of its total projected expenditures (\$39,154) for administrative expenses, the Borough intends to set aside \$135,000 for accessory apartment units and \$58,730 for the required affordability assistance, leaving only \$2,038 in remaining projected funds. Projected administrative expenditures are the provision of professional planning and legal services related to the planning for affordable housing.

4. EXPENDITURE SCHEDULE

Harrington Park intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units.

Program	PROJECTED EXPENDITURE SCHEDULE					
	APRIL 1, 2025-JUNE 30, 2035					
	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	
Rehabilitation	\$0	\$0	\$0	\$0	\$0	
Accessory Apartment – Low Income	\$0	\$25,000	\$0	\$0	\$25,000	
Accessory Apartment – Moderate Income	\$0	\$0	\$20,000	\$0	\$0	
Affordability Assistance	\$5,873.04	\$5,873.04	\$5,873.04	\$5,873.04	\$5,873.04	
Administration	\$203.76	\$203.76	\$203.76	\$203.76	\$203.76	
Total	\$6,076.80	\$31,076.80	\$26,076.80	\$6,076.80	\$31,076.80	
	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035	Total
Rehab.	\$0	\$0	\$0	\$0	\$0	
Acc. Apt – Low Income	\$0	\$0	\$25,000	\$0	\$0	\$75,000
Acc. Apt – Mod Income	\$20,000	\$0	\$0	\$20,000	\$0	\$60,000
Aff. Asst.	\$5,873.04	\$5,873.04	\$5,873.04	\$5,873.04	\$5,873.04	\$58,730.40
Admin.	\$203.76	\$203.76	\$203.76	\$203.76	\$203.76	\$2,037.60
Total	\$26,076.80	\$6,076.80	\$31,076.80	\$26,076.80	\$6,076.80	\$195,768

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, the Borough of Harrington Park will appropriate funds from general revenue to provide the necessary funds.

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or the Borough of Harrington Park is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used for affordability assistance programs.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Harrington Park's Affordable Housing Ordinance in accordance with N.J.A.C. 5:93-8.13 and N.J.A.C. 5:93-8.16.

SUMMARY

The Borough of Harrington Park intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.13 through N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Housing Plan Element. To the extent that programs described herein are not described in the Housing Plan Element, the Borough of Harrington Park will submit an amendment to its Fair Share Plan.

Harrington Park had a balance of \$93,131.04 as of March 31, 2025 and anticipates an additional \$91,954 in revenues and \$10,683.80 in interest from 2025 to 2035, for a total of \$102,637. The municipality will dedicate \$135,000 toward the creation of 6 accessory apartment units, \$58,730.40 to render units more affordable, and \$2,037.60 to administrative costs. In the event that there is a shortfall of funds, the Borough will adopt an intent to bond. The municipality will dedicate any excess funds or remaining balance toward affordability assistance programs.

SPENDING PLAN SUMMARY	
Balance as of March 31, 2025	\$93,131.04
PROJECTED REVENUE 2025-2035	
Development fees	+ \$91,953.61
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$10,683.80
TOTAL AVAILABLE FUNDS	
	= \$195,768
PROJECTED EXPENDITURES	
Funds used for Rehabilitation	- \$0
Accessory Apartments (6)	\$135,000
Affordability Assistance*	- \$58,730.40
Administration**	- \$2,037.60
TOTAL PROJECTED EXPENDITURES	
	= \$195,768
REMAINING BALANCE	
	= \$0

* Actual affordability assistance minimums are calculated on an ongoing basis, based on actual revenues.

** Administrative expenses are limited to 20 percent of what is actually collected.

Appendix F: Contract with Rehabco

Resolution Borough of Harrington Park appointing Rehabco., Inc.
as Affordable Housing Program Administrator

WHEREAS the Borough of Harrington Park did on November 21, 2017 sign an Agreement with Fair Share Housing in satisfaction of the Boroughs obligations pursuant to resolution of the COAH suit;

WHEREAS pursuant to the Agreement the Borough is required to appoint an Administrative Agent for purposes of enforcing the Affordable Housing Program referenced in the settlement agreement;

WHEREAS those entities that qualify as administrative agents perform specialized and unique services, the Borough of Harrington Park is desirous of appointing Rehabco, Inc. as the Administrator of the Affordable Housing Program referenced in the settlement agreement without public bidding as authorized by statute;

WHEREAS Rehabco has proposed on page 14 of their Agreement to begin to perform the work necessary for the sum of \$2500/per month for the first year and an additional \$4000 for the creation of an "Affordable Housing Operating Manual" and an additional \$4000 for the development of the boroughs "Affirmative Marketing Plan", in addition to other fees that will be charged to the owners or landlords of property subject to the program as detailed in page 14 of the proposal.

Whereas, the services of Rehabco, Inc. are necessary to receive substantive certification of the Boroughs obligation pursuant to agreement and determined to be in the best interest of the health, welfare and safety of the Borough;

NOW THEREFORE BE RESOLVED by the Mayor and Council that the Mayor, Clerk or such of the authorized person shall execute such documents as is necessary to establish Rehabco, Inc. as the Administrator for Affordable Housing in the Borough of Harrington Park.

I certify the above captioned Resolution was duly passed by the mayor and council on September 19, 2022.

Ann H Bistriz/Borough Clerk

Affordable Housing Program Administration
“Administrative Agent” - UHAC Based

Statement of Qualifications and Price Proposal

Borough of Harrington Park
Bergen County, N.J.

August 31, 2022

Rehabco, Inc.
44 East Water Street
Toms River NJ 08753

(732) 477-7750

Email: Rehabco@Aol.com
www.rehabconj.com

INTRODUCTION

Firm Description

Rehabco, Inc., established in 1980, specializes in Community Development management and administration of Housing Rehabilitation programs conducted by county and municipal governments. The firm has vast experience in developing programs, which are to be funded by Federal, State or local sources in the delivery of affordable housing-based services. The firm is also fully capable to respond to various levels of technical and administrative assistance as needed by private, local, county or State level entities whether they be in their developmental stages or online and up and running.

Rehabco's parent company, E. Eugene Oross Associates was one of the largest and most experienced consultant planning firms in the State of New Jersey, having served numerous public and private clients for over 40 years. E. Eugene Oross Associates as parent company to Rehabco, Inc. has wide experience in municipal planning, landscape architecture, environmental studies and housing programs inclusive of the development of "Fair Share" Housing Plans pursuant to the New Jersey Fair Housing Act.

Having offices in Toms River, the firm has extensive experience in northern and central New Jersey municipalities such as Bernards, Brick, Jackson, Lakewood, Edison, Marlboro, Hanover, North Haledon, Bayonne, Paterson, West Paterson, Elizabeth, Franklin, Clinton, South Bound Brook, Watchung and Warren Townships. We are also full program administrators of the Brick Township and Lakewood Township Community Development Department. We are administrators of the Jackson Township Affordable Housing and local Housing Rehabilitation Program and past administrators of the Ocean County Housing Rehabilitation Program and the Union County Housing Rehabilitation Program.

Rehabco, Inc. prides itself on its record of the development of consistent and effective programs, especially in the field of housing. The combination of its planning and administrative services has allowed for a successful relationship between policy/program development and the actual implementation of goals targeted.

TECHNICAL PROPOSAL

AFFORDABLE HOUSING “ADMINISTRATIVE AGENT” RESPONSIBILITIES

A. *Administration of Harrington Park Affordable Housing Program. The general oversight of Affordable Housing of six (6) accessory units as “Administrative Agent”.*

Rehabco, Inc. shall provide the following “Administrative Agent” services in the conduct of the Harrington Park Affordable Housing Program, in accordance with the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and Council on Affordable Housing (C.O.A.H) Uniform Housing Affordability Controls-U.H.A.C (N.J.A.C. 5:80-26), they are:

1. Rehabco Inc. shall secure from developers, if not already done, written acknowledgement of the requirement that no restricted affordable unit can be offered or committed, to any person, other than a household duly certified to occupy the unit.
2. Rehabco, Inc. shall conduct full income review of families occupying affordable units with expiring controls prior to new terms being imposed. Rehabco will formally certify eligibility based on NJ Uniform Affordability Housing Controls (UHAC) and when complete, will forward said certification to developer and municipality.
3. Rehabco Inc. shall require that all certified applicants eligible for, or presently occupy restricted rental units, execute a “Certificate of Eligibility” (good for 180 days) as well as execute “Affordable Housing Restriction Agreement” to occupy, as applicable.
4. Rehabco Inc. shall forward annual mailings to all owners of affordable dwelling units, reminding them of their obligations under their “Affordable Housing Agreement”.
5. Rehabco Inc. will receive from the municipality lists of all affordable housing units which tax bills are mailed to absentee owners, and notify all such owners that they must either move back to their unit or sell it.
6. Rehabco Inc. will ensure that all restricted units are identified as affordable within the Tax Assessor’s office as well at the offices of the Municipal Utility Authority (MUA).
7. Rehabco Inc. will monitoring the outreach process as implemented by participating developers to insure affirmative marketing of affordable housing units in accordance with the provisions of N.J.A.C. 5:80-26:15 and general UHAC rules and regulations.
8. Rehabco Inc. shall forward applications to interested persons and then scheduling interviews with interested households for affordable housing in Harrington Park.
9. Rehabco Inc. will conducting all interviews and will obtain sufficient documentation of gross income and assets upon which to base a determination of income eligibility for low or moderate-income units;

10. Rehabco Inc. shall provide written notification to each applicant as to the determination of eligibility or non-eligibility inclusive of issuing "Certificate of Eligibility" to income-qualified persons or households.
11. Rehabco Inc. will create and maintain a referral list of eligible applicant persons and eligible applicant households.
12. Rehabco Inc. will employ a random selection process when referring households for certification to affordable units. This may include a public lottery selection process.
13. Rehabco Inc. will furnish to attorneys forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit. This specifically will include; "Recapture Mortgage Note", "Mortgage", "Deed", "Consideration for use by Seller Affidavit" and the "Affordable Housing Restrictions Agreement".
14. Rehabco Inc. shall create and maintain a file on each restricted unit for its control period.
15. Rehabco Inc. shall institute and maintain an effective means of communicating between owners and administrative agent regarding availability of restricted units.
16. Rehabco Inc. will institute and maintain an effective means of communicating information to low- and moderate-income households regarding availability of restricted units for resale.
17. Rehabco Inc. will review and approve requests from owners of restricted units who wish to take out home equity loans or refinancing during the term of ownership.
18. Rehabco Inc. will review and approve requests to increase sales prices from owners who wish to make capital improvements; such authorizations will be limited to additional bedrooms or bathrooms and the cost of central air conditioning systems.
19. Rehabco Inc. will process requests and make determinations on request by owners of restricted units for hardship waivers.
20. Rehabco Inc. will communicate with lenders regarding foreclosures.

21. Rehabco Inc. will ensure that the issuances of “Continuing Certificates of Occupancy” are pursuant to N.J.A.C. 5:80-2610.
22. Rehabco Inc. will notify Borough Administration of an owner's intent to sell a restricted unit.
23. Rehabco Inc. will ensure that a “Letter of Instruction to Sell” and “Intent to Sell” has been filed. Henceforth a “Purchase Agreement”, “Consideration for Use by Seller Affidavit”, “Recapture Mortgage Note”, “Mortgage” “Deed” and “Affordable Housing Restrictions Agreement” is prepared and executed in accordance with U.H.A.C.

QUALIFICATIONS and EXPERIENCE

A. COMMUNITY DEVELOPMENT ADVISORY SERVICES

Rehabco, Inc. has been providing extensive and continuous professional planning and management services to Community Development and Affordable Housing compliant entities over the past thirty-five (35) years.

Professional services provided have included the following:

- Establishment of operating policies and procedures. Inclusive of operating manuals for affordable housing programs such as “Affirmative Marketing Plan” and “Procedure Manual”.
- Identifying the responsibilities of Rehabco and the developer.
- Development of procedures for project ranking and selection in accordance with “Uniform Housing Affordability Controls” NJAC 5:80-26.1
- Preparation of program applications.
- Monitoring of program performance.
- Interaction with Hanover Township officials during program implementation.
- Day-to-day program management and administration.
- Scheduling of project elements.
- Preparation of monitoring forms regarding ongoing status of program.

Rehabco, Inc. has provided housing rehabilitation and affordable housing management and administrative assistance for programs in the County of Ocean, County of Union, Hanover Township, Little Egg Harbor, Bernards Township, Brick Township, Jackson Township, Lakewood Township, Edison Township, Parsippany-Troy Hills, Warren Township and the Borough of Sayreville since the early days of the HUD’s Community Development Block Grant program and New Jersey’s COAH process. In each of these programs, the firm played a major role in the development of their policies and procedures. The assistance provided included establishment of operational procedures, selection of program activities, preparation of applications, development of the housing rehabilitation “Manual”, and provisions of training local personnel in the areas of Community Development planning and administration. We also provided Ocean County with professional technical assistance in its first year of participation in the HUD-CDBG housing rehabilitation program.

In addition, the firm has provided professional assistance or complete operation of Community Development programs to numerous municipalities and counties, which participate in various housing programs as well as State Affordable Housing Mandates. These municipalities and counties include the following:

Counties of Middlesex	Township of Bernards
Monmouth	Brick
Ocean	Edison
Somerset	Lakewood
Union	Manalapan
	Marlboro
Boroughs of Chester	Monroe
Dunellen	Jackson
Freehold	
North Haledon	Cities of Bayonne
Pine Beach	Elizabeth
West Paterson	Long Branch
South Bound Brook	Paterson

Rehabco, Inc has provided community development and housing rehabilitation consultant services for the following municipalities since 1985:

<u>Municipality</u>	<u>Duration</u>	<u>Director</u>	<u>Telephone</u>
Ocean County	1985 – 1995	Alan Avery	732-929-2054
Township of Brick	1989 – 2017	Scott Pezzaras	732-262-1052
Township of Warren	1988 – Present	Mark Krane	908-753-8000

A. Community Development Advisory Services

Continued

<u>Municipality</u>	<u>Duration</u>	<u>Director</u>	<u>Telephone</u>
Bernards Township	1998 – 2006	Don Davis	908-204-3016
Jackson Township	2000 – 2021	Mayor Mark Reina	732-928-1200
Lakewood Township	2003 – Present	Mayor Ray Coles	732-364-2500
Township of Bridgewater	2022 – Present	Alex Fisher	908 725-6300
Little Egg Harbor	2015 – Present	Jean Cipriani	609-294-3040
Hanover Township	2015 – Present	Joseph Giorgio	973-428-2467
Red Bank Borough	2019- Present	Pastor Porter	732-757-2257
NJ Hand Affordable Housing	2011- Present	Rabbi Lefkowitz	917-797-0150
United Way of Bergen County	2022- Present	Gina Plotino	201-994-3222

B. Successful Housing Experience

The firm has been directly responsible for the administration of housing programs resulting in the rehabilitation of over 2,000 units in New Jersey occupied by low and moderate-income households. The firm's established track record is consistent with its commitment to providing reliable competent work.

Rehabco, Inc. has managed many subsidized housing programs through our twenty (35) year history. Rehabco celebrates its Twentieth Anniversary in January 2000 and through our first twenty years we are proud to report that we have helped rehabilitate over three thousand (3000) housing units throughout the State of New Jersey.

Rehabco has also assisted in the initial design of various housing programs throughout the State. The firm has worked closely with the local government staffs such as Departments of Economic Development, local Building Inspections Departments, local or County Planning Departments to fashion a comprehensive and effective process for eligible applicants.

Oross Associates/Rehabco, Inc. has responded to all past and newly established rules from HUD (Housing & Urban Development) as well as COAH (Council on Affordable Housing) on details regarding requirements to create affordable housing opportunities through the municipal and County-based housing rehabilitation programs.

C. Familiarity with HUD Regulations

A significant portion of Rehabco's experience base has involved rehabilitation programs in conjunction with the HUD Community Development Block Grant Programs (CDBG) or COAH compliant programs. We were the prime administrators of the Ocean County Housing Rehabilitation Grant Program and the administrators of the Union County Housing Rehabilitation Program. Rehabco, Inc. is the prime administrator (on a consultant basis) for township based Community Development Departments, namely, in the Township's of Brick, Lakewood and Jackson in Ocean County and the Townships of Warren, Bernards and South Bound Brook in Somerset County and the Borough of North Haledon and West Paterson in Passaic County. All of the previous mentioned municipal programs are also working to satisfy COAH mandatory affordable housing obligations.

In all cases, the firm has been responsible for compliance with all procedural requirements established by the U.S. Department of Housing and Urban Development (HUD) and/or more stringent specific parameters established by the Council on Affordable Housing (COAH) for local compliance.

Both E. Eugene Oross Associates and Rehabco, Inc. are extremely familiar with HUD procedures and requirements. The firm has served the Townships of Brick and Edison with daily assistance in the conduct of its HUD/CDBG Housing Rehabilitation and Community Development Programs. Rehabco's services include the development of program objectives, which are published in HUD "Community 2020" Annual Program Plans, reporting program progress in HUD "Consolidated Annual Performance Evaluation Reports (CAPER) and specific expertise in the sophisticated "IDIS" fiscal drawdown software. Furthermore, the firm has been responsible for the conduct of all required Environmental Reviews and procedural requirements. The firm also prepared the now updated "CHAS" for the Township of Edison's program in 1992.

D. Familiarity with Additional HUD Programs

Rehabco's rehabilitation services are overseen by NAHRO Certified Rehabilitation Construction and Finance Specialists. E. Eugene Oross Associates/Rehabco, Inc. has also managed and administered the Commercial Renovation program in Lakewood Township.

During the six (6) years of its operation, the Lakewood Township Commercial Renovation Program was a partial grant program offering assistance to downtown store owners. Applicants are provided with a grant to cover an established percentage of the cost of rehabilitating storefronts. The structures, which were targeted, are located in the prime business area of downtown Lakewood. Owners qualify if their businesses are situated in this area. The grant program ceased operation in 1989 and now operates on a revolving loan basis.

The firm also has experience in the processing and packaging of applications for Housing and Urban Development Section 3 Rehabilitation Loan Program. In excess of \$330,000 of Section 312 loans have been administered in the Borough of Sayreville.

In addition, the firm provided day to day management of the Union County (Section 8) Rental Assistance Program at our offices. Presently this office performs all inspection related duties for the Ocean County (Section 8) Rental Assistance Program.

The firm also has vast experience in preparation of application forms and administration of Neighborhood Preservation Balanced Housing funds from the New Jersey State Department of Community Affairs.

E. Familiarity with Council on Affordable Housing (COAH) Regulations

The firm has extensive experience with the rules and regulations of the N.J. Council on Affordable Housing (COAH). The firm's parent company has been responsible for the preparation and certification of over fifteen (15) Fair Share Housing Elements pursuant to the 1985 N.J. Fair Housing Act and the direct administration of Regional Contribution Agreement (RCA) and Developer Fee(s) programs throughout the State.

Rehabco, Inc., currently has affordable housing service contracts in conjunction with the implementation of housing rehabilitation and affordable housing programs in the Somerset County municipalities of Warren Township and Bernards Township, Boroughs of Watchung and Peapack and Gladstone and South Bound Brook. In the Ocean County municipalities of Brick Township, Jackson Township, Lakewood Township and in the Boroughs of North Haledon and West Paterson in Passaic County. Rehabco are the prime administrators and construction cost supervisor for these municipal programs, which utilizes various funding sources in the delivery of, completed housing rehab projects. The firm has administered these programs following the procedural requirements of COAH, and units rehabilitated under such programs have been credited to the municipality's "fair share" obligation.

The firm's experience is inclusive of program management activities through the Balanced Housing program administered by the New Jersey Department of Community Affairs (DCA) and the New Jersey Housing Mortgage Finance Agency (NJHMFA). The firm has prepared applications and secured financing from DCA for the housing rehabilitation program in the Borough of Peapack and Gladstone. The firm is conducting the program in conjunction with applicable requirements of DCA and COAH. Rehabco has also been the prime administrators of the Brick Township HOME Rental Rehabilitation Program for pre-qualified landlords. Rehabco was instrumental in obtaining funds for this program which ultimately assists tenants in need of unit upgrade and code compliance.

F. Administration and Grant Seeking

Rehabco, Inc., is fully capable of supplying staff persons for the daily administration or part time servicing of Community Development Programs including Housing Rehabilitation activities, which include program planning, fiscal management and general administration. Grant seeking and municipal funding procurement, functions that are necessary for a completely on-line Community Development Department, are also included in the technical assistance and consulting services of Rehabco, Inc.

Public Service Grants and programs, which would be available through State, Federal or Private sources, would also be under the direct charge of Rehabco, Inc. The firm is also able to provide technical assistance to all local municipal based departments interested in obtaining monies to better serve the residents of client municipalities.

Grant seeking duties include:

- Grant procurement.
- Research and development.
- Preparation of application documents.
- Liaison with grant recipient entities.
- Full preparation and execution of municipal related ordinances and resolutions.

Rehabco, Inc. has provided assistance to local governments in preparation of grant applications and related programs:

- New Jersey Department of Community Affairs, Balanced Housing Program, Rental Rehabilitation Program
- New Jersey Division on Aging, Safe Housing and Transportation Program
- New Jersey Department of Law and Public Safety, Local Level Training Funds
- New Jersey Department of Environmental Protection and Energy, Green Acres Grants, Clean Communities Program, Local Environmental Commission Matching Grants

PERSONNEL

Following is a description of the background and experience of those members of the firm who participate in various administrative and construction aspects in the implementation of a local affordable housing program. The expertise is on hand for the full operation of a comprehensive housing program.

Ervin E. Oross, Jr., P.P. A.I.C.P.C.P.M.: President of the Firm, Chief Program Administrator

Ervin Oross completed his Masters- in City and Regional Planning (MCRP) at Rutgers University specializing in Housing and Community Development in 1992. Ervin also has a degree in Political Science from Fairleigh-Dickinson University in Madison, New Jersey. This background brings current approaches to the administration of all housing programs. He has been employed with Rehabco, Inc. for twenty (20) years. He is in charge of various community development and housing rehabilitation programs throughout the State of New Jersey. He has specific expertise in New Jersey Council on Affordable Housing (COAH) and US Department of Housing and Urban Development (HUD) rules and regulations and the operation of programs under their specific jurisdiction. Ervin is also a licensed planner in the State of New Jersey. Ervin, through Rehabco, Inc. is the Community Development Director for the Township of Brick and Lakewood Township in Ocean County, New Jersey.

Mr. Oross is involved in numerous educational programs offered by the National Community Development Association (NCDA), the New Jersey Community Development Association (NJCDA), the Affordable Housing Professionals of New Jersey (AHPNJ) as well as the American Planning Association (APA). In June of 2008, Ervin also successfully passed COAH's and Rutgers University, Module I Training to perform "Administrative Agent" services for client municipalities. He relates most of his expertise to elements of housing rehabilitation, affordable housing and to ongoing planning programs. Ervin has been responsible for the direct development and administration of all housing rehabilitation and community development program activities. His responsibilities include all facets of day-to-day administration and management of all said housing and community development programs. Ervin also served on a special select board of housing professionals who advised on the content of the New Jersey Uniform Rehabilitation Construction Subcode, which was made into State law on January 5, 1998. Ervin is also a New Jersey licensed commercial real estate salesperson. In May of 2016, Ervin received his Certificate of Public Management (CPM) from Rutgers University, Newark NJ.

Dave Kerwan: Rehabco Construction & Specification Specialist

Dave has over twenty (20) years of experience in the commercial construction and residential building trades. He specifically brings his expertise in residential rehabilitation cost estimation to programs under the management of Rehabco, Inc. His daily duties include work write-ups, cost estimates, progress and final inspections.

Lora Calorio: Vice President of Operations, Administrator

Lora has been with the firm for three (3) years. She is in charge of the processing of program applications, the management and administration of all affordable housing and housing rehabilitation projects under charge to Rehabco, Inc. Those responsibilities include liaison between developers, township officials, contractors and homeowners, the tracking of all projects as well as the completion of all program reporting.

OFFICE LOCATION

Rehabco, Inc. is located on 44 East Water Street, Toms River, New Jersey. Our services can be retrofitted to suit local program needs regardless of location of clients.

COSTS and COMPENSATION

Initial Program Set-Up Fee: *If an applicant lottery selection process is required* for a new development; Rehabco will charge a “Retainage Fee” of \$30,000 (\$2,500 monthly) for the first year of program creation/development and marketing, implementation and daily operation. All initial tasks will include the specifics as described in the “Technical Proposal” and “Program Implementation and Qualifications” section of this proposal. This fee will also include the “pre-screening” of ALL potential applicants into prescribed affordable housing projects for initial occupancy, for further “Certificate of Eligibility” under a separate “Per Unit Fee” described below.

Program Operating Manual and Affirmative Marketing Plan If required, Rehabco, Inc. shall be compensated \$4,000 for the creation of the “Affordable Housing Operating Manual” in line with UHAC Model Operating Manual format. The same rate of compensation \$4,000, will be due for the development of the Borough’s “Affirmative Marketing Plan” in line with UHAC rules and regulations.

Per Unit Fee Rehabco Inc. shall charge \$500 for **initial** “Certificate of Eligibility” of each new household referred for rental or owner occupancy. This fee will also be charged for any new and/or recently vacated unit for occupancy as described in the “Technical Proposal” section of this submission. The reason for this is that if a unit is vacated, it will be necessary to perform all of the initial tasks required for the re-occupancy of a vacated unit, and therefore this fee will apply. This fee can be borne by the seller of the affordable housing unit to be paid at the time of closing to Rehabco, Inc.

Qualification of Prospective Tenants for Re-Rentals In accordance with UHAC, all rental occupants or families will require income re-certification at the conclusion of their lease term either annually or bi-annually. (See UHAC 5:80-26.16) The fee for this task will be \$300 for each unit that is renewed for tenant eligibility and receives an updated “Certificate of Eligibility” from Rehabco, Inc. This fee will borne by the tenant (or Borough) of the affordable housing unit to be paid at the time of lease closing to Rehabco, Inc.

Refinancing and Home Equity Transactions Oftentimes, through the course of the term of the affordable housing agreement, it will be necessary for the Administrative Agent to research the appropriate mortgage commitments for the purposes of refinancing and/or home equity transactions. Rehabco Inc. will charge a fee of \$300 for this service to the owner. This fee will borne by the seller of the affordable housing unit to be paid at the time of closing to Rehabco, Inc.

EQUAL OPPORTUNITY and AFFIRMATIVE ACTION POLICIES

The firm of Rehabco, Inc. is an equal opportunity employer and shall not discriminate against and employee or applicant because of race, color, religion, sex or national origin.

STATEMENT OF INTENT

Rehabco Inc. does hereby agree to attend any and all informational and training sessions as conducted by the New Jersey Uniform Housing Affordability Controls (UHAC). This is inclusive of administrative updates as they relate to all administrative functions under the local affordable housing program. This specifically applies to the “Uniform Housing Affordability Controls” (U.H.A.C.) as they guide the management of the Borough of Harrington Park Affordable Housing Program.

Appendix G: Methodology, Mapping, and Analysis of Vacant Land Adjustment

Vacant Land Adjustment Methodology

The following provides documentation regarding the methodology used for a Vacant Land Adjustment analysis undertaken on behalf of the Borough of Harrington Park pursuant to the requirements of the amended Fair Housing Act, set forth at N.J.S.A. 52:27D-310.1.

Using the most recent tax assessment data for Harrington Park obtained from the state of New Jersey's assessment records, all Class 1 (vacant) and Class 15C (public land) parcels were extracted to create a preliminary list of potentially developable properties in the Borough. The Borough does not contain any Class 3B (farmland) properties.

MOD IV Tax Assessment data and corresponding parcel shapefile data were obtained from the New Jersey Geographic Information Network (NJGIN), which serves as the Geographic Information Systems (GIS) data warehouse for New Jersey. The parcel shapefile was used in GIS to analyze environmental constraints, spatial relationships between vacant parcels, etc. In the event that there were discrepancies between the MOV IV data and the 2024 tax assessment records referenced above, data from the 2024 tax assessment records was used.

Eliminating Parcels from Consideration

Parcels were initially eliminated from the preliminary list of potentially developable properties based on the following:

- 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 (parcels less than 0.83 acres in size);

- 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;
- g) and 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.

It should be noted that the rules of NJAC 5:93-4.2 were utilized, where still applicable, in order to complete the analysis of lands which may be excluded from consideration.

Tax assessment data, aerials and the NJDEP Recreation and Open Space Inventory (ROSI) were also consulted to determine those Class 15C (public) properties that were not available for development (i.e., parklands, utilities, municipal buildings, etc.). In addition, the Borough contains numerous properties under the ownership of United Water Company (Suez), which are subject to conservation easements and are therefore not developable. These parcels were similarly eliminated from the list of potentially developable properties in the Borough.

Environmental Constraints

Environmentally sensitive lands per N.J.A.C. 5:93-4.2(e)2 were then mapped and deducted on those Class 1 and 15C parcels that were not eliminated from consideration based on the above criteria. To start, GIS shapefiles were obtained for the following environmental constraints:

- Wetlands and water bodies derived from the NJDEP 2020 state land use/land cover dataset
- FEMA flood hazard areas, inclusive of the 100-year floodplain. It should be noted that construction within the floodway itself is severely restricted as per NJAC 7:13-et seq, and therefore excluded. Furthermore, flood hazard areas (defined as the 100-year design flood as per NJAC 7:13-et seq) were also excluded.
- Steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10-foot digital elevation model lidar data

These constraints were then consolidated to determine the environmentally constrained areas contained within each of the properties which had not yet been eliminated from consideration for potential development for the reasons stated above. The environmentally constrained lands layer

was processed such that the constraints would not be “double counted” in the event that they overlapped one another. Using GIS, the acreage of environmentally constrained lands was calculated for each property. The area of environmentally constrained lands was then subtracted from the property’s overall acreage, leaving the remaining developable area of each property. As stated above, those properties with less than 0.83 acres of developable area remaining were eliminated from the list of potentially developable properties.

Plan Area and Sewer Service Area

NJDEP SDRP and sewer service area GIS layers were obtained to determine the SDRP planning area designation and sewer service availability, respectively, for each of the remaining parcels on the potentially developable list of properties. This information was noted on the list of potentially developable properties in the Borough for reference.

See **Appendix G-1** for a map showing Class 1 and 15C properties and sites identified for potential development. **Appendix G-2** provides a list of all properties inventoried.

Appendix G-1: Vacant Land Adjustment Map

Appendix G-2: Vacant Land Adjustment Inventory

Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acreege	Constrained Acreege	Constraint Description	Remaining Acreege	Remaining Acreege > 0.83?	Developable Acreege	Notes
101	23	99-109 FIRST ST	BOROUGH OF HARRINGTON PARK	15C	R-1	0.208		Flood hazard area and wetlands.		N	0.000	Entirety of lot covered by sensitive areas, not developable. Less than 0.83 acres.
102	1	8 FIRST ST	KYQYKALIU, ASDREN & SHKENDJIE	1	R-1	0.067				N	0.000	Less than 0.83 acres, no contiguous parcels.
107	1	LOHS PL	BOROUGH OF HARRINGTON PARK	15C	R	22.830				N	0.000	Lohs Field - ROSI
107	2	64-92 LOHS PL	BOROUGH OF HARRINGTON PARK	15C	R-3	0.880	0.271	wetlands	0.609	N	0.000	Narrow parcel adjacent to Pondsides Park. Wetlands occupy much of the lot, although there lies a southern portion of the lot unencumbered by constraints with an area of at least 13,000 square feet. Developable acreage still below 0.83 acres.
108	1.02	116 NORTH COLONIAL DR	HWANG, OK HEE & KYO DON	1	R-3	0.450				N	0.000	Owned in common with adjacent Block 108, Lot 1.01 and Block 1302, Lot 10 (in Old Tappan); developed with a single-family residence. Not developable. Less than 0.83 acres.
108	4	BLANCH AVE	BOROUGH OF HARRINGTON PARK	15C	R	1.710				N	0.000	Pondsides Park- ROSI
108	5	118 NORTH COLONIAL DR	KANG, CHILSUNG	1	R-3	0.970				N	0.000	Owned in common with adjacent Block 1302, Lot 9 (Old Tappan); developed with gravel driveway which provides access to single-family dwelling on Block 1302, Lot 9. Not developable.
109	5	91 ADAMS ST, REAR OF	ADANAS, KEYORK & MARDINOGLU, SILA	1	R-2	0.080				N	0.000	Less than 0.83 acres, no contiguous parcels.
110	8.01	21-23 LOHS PL	UNKNOWN % BOROUGH OF HP	1	R-2	0.015				N	0.000	Less than 0.83 acres, no contiguous parcels.
110	19	63 ADAMS ST, REAR OF	SILBERFELD, NANCY	1	R-2	0.093				N	0.000	Less than 0.83 acres, no contiguous parcels.
111	7	BLANCH AVE	BOROUGH OF HARRINGTON PARK	15C	R	9.550				N	0.000	Pondsides Park- ROSI
111	8	41 BLANCH AVE	BOROUGH OF HARRINGTON PARK	15C	R-3	0.050				N	0.000	Less than 0.83 acres with contiguous Block 111, Lot 9.
111	9	LOHS PL	BOROUGH OF HARRINGTON PARK	15C	R-3	0.009				N	0.000	Less than 0.83 acres with contiguous Block 111, Lot 8.
202	13	550 LYNN ST	BOROUGH OF HARRINGTON PARK	15C	R-2	0.562	0.562	wetlands, steep slopes & flood hazard areas	0.000	N	0.000	Environmental constraints cover all of lot. Narriw rectangular lot between residential parcels. Less than 0.83 acres.
206	8.01	547 LYNN ST	BOROUGH OF HARRINGTON PARK	15C	R-2	0.043				N	0.000	Less than 0.83 acres.
301	2	LYNN-PINE PL	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	54.780				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
401	1	LYNN ST	BOROUGH OF HARRINGTON PARK	15C	R	9.760				N	0.000	Beechwood Park - ROSI
401	3	LYNN ST	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	9.090				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
401	8	LYNN ST	BOROUGH OF HARRINGTON PARK	15C	R-2	0.209				N	0.000	Less than 0.83 acres.
401	17	BEECHWOOD PL	BOROUGH OF HARRINGTON PARK	15C	R-3	0.320				N	0.000	Less than 0.83 acres.
405	10	ARTHUR PL	BOROUGH OF HARRINGTON PARK	15C	R-2	0.607				N	0.000	Less than 0.83 acres.
406	6	LYNN ST	BOROUGH OF HARRINGTON PARK	15C	R-2	2.560	2.311	wetlands, steep slopes & flood hazard areas	0.249	N	0.000	Not realistically developable. Parcel between residential dwellings, cut through by Hackensack River Tributary - Vast majority of lot covered by environmental constraints and used for drainage per tax assessor records.
501	1	469-501 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	11.500				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
501	2	403-459 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	0.750				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009. Less than 0.83 acres.
501	3	461 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	0.034				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009. Less than 0.83 acres.
501	6	537-621 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	23.290				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
501	9	529 LAFAYETTE RD, REAR	BOROUGH OF HARRINGTON PARK	15C	R-3	6.240				N	0.000	Listed on ROSI
501	10	LAFAYETTE RD	BOROUGH OF HARRINGTON PARK	15C	R-3	8.270				N	0.000	HP Swim Club - ROSI
501	11	KRAMER LN	BOROUGH OF HARRINGTON PARK	15C	R-3	19.000				N	0.000	TRAUTWEIN PROPERTY - ROSI
602	2	LAFAYETTE RD	MUKA, CHRISTOPHER H	1	R-3	0.517	0.392	wetlands, steep slopes & flood hazard areas	0.124	N	0.000	Developable acreage less than 0.83 acres. Southwestern portion of lot covered by sensitive areas. Narrow wooded parcel adjacent to railroad, cut through by Dorotockeys Run stream. Less than 0.83 acres. Only approximately 25 feet in width.
604	7	UNKNOWN	BOROUGH OF HARRINGTON PARK	15C	R-3	0.216				N	0.000	Small triangular lot between larger residential lots - landlocked parcel. Not realistically developable. Less than 0.83 acres.
604	12.01	ARCADIA CT	BOROUGH OF HARRINGTON PARK	15C	R-3	0.025				N	0.000	Less than 0.83 acres. Narrow rectangular lot.
604	14.01	TAPPAN RD	BOROUGH OF HARRINGTON PARK	15C	R-3	0.234				N	0.000	Less than 0.83 acres. Very narrow parcel between larger residential lots.
604	16.01	TAPPAN RD	BOROUGH OF HARRINGTON PARK	15C	R-3	0.137				N	0.000	Less than 0.83 acres, no contiguous parcels.
604	17	ARCADIA CT	BOROUGH OF HARRINGTON PARK	15C	R-3	0.086				N	0.000	Less than 0.83 acres, no contiguous parcels.
604	19	LAFAYETTE AVE	BOROUGH OF HARRINGTON PARK	1	R-3	0.100	0.045	wetlands, steep slopes & flood hazard areas	0.055	N	0.000	Developable acreage less than 0.83 acres. Majority of lot covered by environmental constraints. Very small wooded parcel cut through by Dorotockeys Run stream. Parcel less than 0.83 acres.
606	4.01	UNKNOWN	BOROUGH OF HARRINGTON PARK	15C	R-3	0.067				N	0.000	Less than 0.83 acres. Narrow rectangular lot.
702	2.02	KLINE ST	BOROUGH OF HARRINGTON PARK	15C	R-2	3.350	0.835	wetlands, steep slopes & flood hazard areas	2.515	Y	0.000	Environmental constraints in center and northwestern corner of lot. Wooded open space area which is not developable - subject to conservation easement for water detention dated May 30, 1997 as part of grant of lot to Borough from United Water.
702	2.04	BROOK ST	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	1.380				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
704	2	331 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	0.080				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009. Less than 0.83 acres.
707	1	52 GUY ST	BOROUGH OF HARRINGTON PARK	15C	R-1	0.138				N	0.000	Less than 0.83 acres with contiguous Block 707, Lot 16.

Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acres	Constrained Acreage	Constraint Description	Remaining Acreage	Remaining Acreage > 0.83?	Developable Acreage	Notes
707	16	53 DORA ST	BOROUGH OF HARRINGTON PARK	15C	R-1	0.161				N	0.000	Less than 0.83 acres with contiguous Block 707, Lot 1.
711	14	147 HACKENSACK AVE	KELLY, JOHN % MCELROY	1	R-1	0.057				N	0.000	Less than 0.83 acres, no contiguous parcels.
715	1	102 HACKENSACK AVE	MCKINNEY, ROSE	1	R-1	0.057				N	0.000	Less than 0.83 acres, no contiguous parcels.
722	1	75 HARRIOT AVE	BOROUGH OF HARRINGTON PARK	15C	M	1.950				N	0.000	Borough Library - not developable. Designated as such in 1991 Master Plan.
722	1.X	85 HARRIOT AVE	BORO OF HARRINGTON PK NJ	15C	M	1.870				N	0.000	Borough municipal building - not developable. Designated as such in 1991 Master Plan.
728	1	DORA ST N END	BOROUGH OF HARRINGTON PARK	15C	R-2	0.210				N	0.000	Less than 0.83 acres with contiguous lots.
801	1	LYNN ST	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	18.870				N	0.000	Deed restricted - protected watershed. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
805	13.11	HACKENSACK AVE	BOROUGH OF HARRINGTON PARK	15C	R-2	0.343				N	0.000	Less Than 0.83 acres
901	1	238 HACKENSACK AVE	BOROUGH OR HARRINGTON PARK	15C	R	0.000				N	0.000	Listed on ROSI
901	2	176-234 HACK AVE	BOROUGH OF HARRINGTON PARK	15C	R	2.980				N	0.000	Listed on ROSI
903	29	258 HACKENSACK AVE	BOROUGH OF HARRINGTON PARK	15C	R	0.510				N	0.000	Listed on ROSI
903	30	FLORENCE RD	BOROUGH OF HARRINGTON PARK	15C	R	1.180				N	0.000	Listed on ROSI
904	1	FLORENCE & GEORGE	BOROUGH OF HARRINGTON PARK	15C	R	2.390				N	0.000	Listed on ROSI
904	15	272 HACKENSACK AVE	BOROUGH OF HARRINGTON PARK	15C	R	0.270				N	0.000	Listed on ROSI
908	19.01	GLEN AVE W	BOROUGH OF HARRINGTON PARK	15C	R-2	0.076				N	0.000	Less than 0.83 acres, no contiguous parcels.
911	1	337 HARRIOT AVE	BOROUGH OF HARRINGTON PARK	15C	R	0.790				N	0.000	Donald T. Horsey Centennial Park - ROSI
912	1	UNKNOWN	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-3	18.650				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
912	19	UNKNOWN	BOROUGH OF HARRINGTON PARK	15C	R-3	0.642				N	0.000	Less than 0.83 acres
1001	3	SOMERSET RD	BARTOLOMEO, MATTHEW JAMES DI ETAL	1	R-2	0.321				N	0.000	Rear portion of property developed with single-family home in Norwood. Less than 0.83 acres. Not developable.
1001	5	UNKNOWN	CONMY, DANIEL L. & TARA A.	1	R-2	0.239				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	6	UNKNOWN	KARDOS, VICTOR & ELIZABETH	1	R-2	0.260				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	7	166 SOMERSET RD, NORWOOD	PANELLA, VINCENT S	1	R-2	0.360				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	9	UNKNOWN	KEATING, CHARLES J & JOHANNA M	1	R-2	0.325				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	13	UNKNOWN	CONWAY, JAMES F & CHARLENE E	1	R-2	0.274				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	14	102 SOMERSET RD, NORWOOD	QUICKEN LOANS INC	1	R-2	0.253				N	0.000	Rear portion of property developed with single-family home in Norwood. Not developable. Less than 0.83 acres.
1001	15	11 EDGEWOOD RD	ROCKLAND ELEC.CO., PROP.TAX ADMIN.	1	R	4.150	0.323	Wetlands and steep slopes.		N	0.000	Environmental constraints located in southern portion of lot. Rockland Electric Company utility corridor - not developable.
1001	16	TAPPAN RD	BOROUGH OF HARRINGTON PARK	15C	R	28.980				N	0.000	Highland Field - ROSI
1018	1	1-61 NORMANDY AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	1.620				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1019	1	4-62 NORMANDY AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	10.390				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1020	1	1-21 HIGHLAND AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	4.400				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1020	2	HIGHLAND AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	0.425				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009. Less than 0.83 acres.
1021	7	KOHRING CIRCLE	BOROUGH OF HARRINGTON PARK	15C	R-2	0.129				N	0.000	Less than 0.83 acres.
1021	23	12 HIGHLAND AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	7.290				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1021	24	80 KOHRING CIR, REAR OF	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	4.090				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1101	1	1-229 LIVINGSTON ST	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	33.770				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1202	1	49 LAROCHE AVE	BOROUGH OF HARRINGTON PARK	15C	R-1	0.600				N	0.000	Nutshell Park - Green Acres ROSI.
1206	2	LA ROCHE AVE	BOROUGH OF HARRINGTON PARK	15C	M	0.970				N	0.000	R.O.W next to railroad tracks inclusive of DPW facility, not realistically developable.
1207	1	2-12 SCHRAALENBURGH RD	SUEZ UNTIED WATER C/O ALTUS GROUP	1	R-1	1.440				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1207	3	64 SCHRAALENBURGH RD	BOROUGH OF HARRINGTON PARK	15C	I-1	0.380				N	0.000	Less than 0.83 acres. DPW Facility.
1208	1	UNKNOWN	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	2.550				N	0.000	Deed restricted - protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.

Block	Lot	Property Location	Owner's Name	Property Class	Zone	Acreage	Constrained Acreage	Constraint Description	Remaining Acreage	Remaining Acreage > 0.83?	Developable Acreage	Notes
1209	1	1-131 SCHRAALENBURG RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	20.240				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1309	9	1 CARMAN RD	BOROUGH OF HARRINGTON PARK	15C	R-1	0.014				N	0.000	Less than 0.83 acres, no contiguous parcels.
1317	5	146 LA ROCHE AVE	GIBNEY, GEORGE & GERALDINE	1	R-1	0.144				N	0.000	Less than 0.83 acres, no contiguous parcels.
1320	17	65-91 SOUTH AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	1.000				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1404	1	126-142 COLUMBUS AVE	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	1.420				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1405	4	12 SOUTH AVE	12 SOUTH SYCAMORE LLC	1	R-1	0.344				N	0.000	Less than 0.83 acres.
1405	5	15 MARTHA RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	0.430				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009. Less than 0.83 acres.
1406	1	276-334 PARKSIDE RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-1	96.500				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1501	12	54 PASCACK AVE	IULO, ANTHONY & BROLSMA, PATRICIA	1	R-2	0.370				N	0.000	Less than 0.83 acres.
1501	13	UNKNOWN	VANDERBEEK, HOWARD	1	R-2	0.046				N	0.000	Less than 0.83 acres.
1502	6	2-48 BOGERTS MILL RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	10.330				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1502	11	RIGHT OF WAY	BOROUGH OF HARRINGTON PARK	15C	R-2	0.027				N	0.000	Less than 0.83 acres, no contiguous parcels.
1503	1	47-57 BOGERTS MILL RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	R-2	8.111				N	0.000	Deed restricted- protected watershed. Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009.
1504	1	423-441 HARRIOT AVE	BOROUGH OF HARRINGTON PARK	15C	R-3	0.545				N	0.000	Less than 0.83 acres, no contiguous parcels.
1601	1	OLD HOOK RD	SUEZ UNITED WATER C/O ALTUS GROUP	1	OR	55.170	49.520	Water bodies, flood hazard areas, steep slopes.	5.650	Y	5.650	Majority of lot except for portion of northwestern boundary occupied by sensitive areas. Narrow wooded open space areas adjacent to Oradell Reservoir and Allegro Senior Living Facility. Sewer service only exists along northern portion of lot. Located in Planning Area 5 Environmentally Sensitive.
Additional Properties Analyzed												
1204	13	106 Schraalenburgh Road	BCUW MADELINE HOUSING PARTNERS LLC	4A	B-1	0.317				N	0.000	Included in 2018 VLA. Has been since developed with multi-family housing, group home, and supportive living.
111	2	20 LOHS PL	PHILLIPS, PAUL E & MARGARET CLAIRE	15F	R-3	0.220				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
305	4	13 RAYMOND ST	CHIAVETTA, PHILIP V & ROSEMARY M	15F	R-2	0.287				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
406	22	208 BROOK ST	208 BROOK ST CO.	15F	R-2	0.383				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
501.01	8	60 BLANCH AVE, UNIT 201	SELLAROLE, GEORGE & MIRTA	15F	S-1	0.000				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
713	1	82 HERRING ST	MC ELROY, BRIAN J., JR. & GAYLE	15F	R-1	0.164				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
720	11	21 HERRING ST	GRIER, KENNETH R	15F	R-1	0.230				N	0.000	Residence for disabled veteran, not developable. Less than 0.83 acres.
722	12	11 KLINE ST	HARRINGTON PARK FIRE CO INC	15F	M	0.230				N	0.000	Utilized as municipal fire house, not developable. Designated as such in 1991 Master Plan. Less than 0.83 acres.
805	8	26 HAZEL ST	D'AMICO, NICHOLAS JR. & MARIE	15F	R-2	0.276				N	0.000	Residence for disabled veteran, not developable.
901	48	33 DOWNING PL	O'DEA, MARTIN K & KATHLEEN F.	15F	R-1	0.255				N	0.000	Residence for disabled veteran, not developable.
1017	10	11 KOHRING CIRCLE S	HOWE, STEVEN M	15F	R-2	0.289				N	0.000	Residence for disabled veteran, not developable.
1204	13	106 SCHRAALENBURG RD	BCUW MADELINE HOUSING PARTNERS LLC	15F	B-1	0.317				N	0.000	Already, developed with affordable housing as part of Third Round site. Less than 0.83 acres.
1306	13	131 MARTHA RD	SCHIEFER, ANDREW & NAPOLITANO, RAYMOND	15F		0.000				N	0.000	Residence for disabled veteran, not developable.
1406	24	95 OLD HOOK RD	ABRAM DEMAREE HOMESTEAD, INC.	15F	R-1	0.350				N	0.000	Less than 0.83 acres. Designated as part of proposed overlay zone expansion to address unmet need in Fourth Round.
1501	1	500-540 HARRIOT AVE	COUNTY OF BERGEN	15F	R-3	8.370	2.953	Wetlands	5.417	Y	0.000	Wetlands are distributed in the central portion of the lot and a small area in the northern portion of the lot. Property is deed restricted to only golf course use (Valley Brook).

Total Dev Acreage	5.650	
Min Presumptive Density	56.500	10 units per acre
Max Presumptive Setaside	11.300	20 percent

Appendix H: Accessory Apartment Manual



Harrington
Park - *new jersey* -

ACCESSORY DWELLING UNITS- AFFORDABLE HOUSING

OPERATING MANUAL

HARRINGTON PARK, NJ

May 23, 2024 (DRAFT)

Prepared By: Ervin E Oross Jr. PP AICP CPM

Rehabco Inc.

44 East Water Street, Toms River NJ 08753

This Operating Manual provides guidelines and the checklist of minimum topics provide the criteria required for an Operating Manual for accessory apartments in the Township of Harrington Park, NJ. Said guidelines are in-line with rules and regulations of the “Uniform Housing Affordability Controls” (UHAC) as controlled by the NJ Department of Community Affairs (DCA).

ACCESSORY APARTMENT OPERATING MANUAL CHECKLIST Minimum Standards

At a minimum the Accessory Apartment Operating Manual must clearly describe the procedures and policies for the following:

	Affordable Housing Program & Opportunities
<input type="checkbox"/>	Identify where Housing Element & Fair Share Plan can be viewed.
<input type="checkbox"/>	Identify local Affordable Housing Programs & Affordability Assistance Programs
<input type="checkbox"/>	Include overview of local rental process
<input type="checkbox"/>	Process for Creation of an Accessory Apartment
<input type="checkbox"/>	Requirements for creating an accessory apartment
<input type="checkbox"/>	Compensation for creating an accessory apartment
<input type="checkbox"/>	Local process for creating an accessory apartment
<input type="checkbox"/>	Determining Affordable Rents
<input type="checkbox"/>	Development Considerations and Compliance Issues
<input type="checkbox"/>	Determining Initial Rents
<input type="checkbox"/>	Determining Rent Increases
<input type="checkbox"/>	Affirmative Marketing
<input type="checkbox"/>	Approved Affirmative Marketing Plan included
<input type="checkbox"/>	How will new rental units be marketed?
<input type="checkbox"/>	How will re-rentals be marketed?
<input type="checkbox"/>	Will there be a regional preference?
<input type="checkbox"/>	Who will implement marketing new rental units and re-rentals?
<input type="checkbox"/>	Prepare sample marketing materials, including a sample display ad and Public Service Announcements
<input type="checkbox"/>	Random Selection & Applicant Pool
<input type="checkbox"/>	What level of verification will be completed before the lottery process – pre-application or full applications?
<input type="checkbox"/>	Will the pool of applicants be randomized each time a unit is available?
<input type="checkbox"/>	Will there be categories of applicant pools?
<input type="checkbox"/>	Matching Households to Available Units
<input type="checkbox"/>	How will households be matched to available units? Will there be categories of applicant pools?
<input type="checkbox"/>	Household Certification
<input type="checkbox"/>	Standards for reviewing applicant household eligibility and certifying applicant households
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Maximum Monthly Payment
<input type="checkbox"/>	Housing Counseling

<input type="checkbox"/>	Basis for Dismissing Applications
<input type="checkbox"/>	Appeals
<input type="checkbox"/>	Application Fees
<input type="checkbox"/>	Violations, Defaults and Remedies
<input type="checkbox"/>	Maintenance of Records
<input type="checkbox"/>	List documents to be filed
<input type="checkbox"/>	Monitoring information required

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INTRODUCTION

This Operating Manual has been prepared to assist in the administration of accessory apartments in the Harrington Park Affordable Housing Program. It will serve as a guide to the program staff. For the purposes of this Operating Manual, the NJ Council on Affordable Housing (COAH) will be replaced with the New Jersey Department of Community Affairs (NJDCA).

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the initial creation of an accessory apartment and in the rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws¹, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.², the affordable housing regulations of the Harrington Park (hereafter referred to as the “Regulations”).



In accordance with the Federal Fair Housing Act and Equal Opportunities laws it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status.

WHAT IS AFFORDABLE HOUSING?

Affordable accessory apartments, unlike market rate housing, have affordability controls limiting the rent for 30 years. NJ DCA considers housing “affordable” if the household pays approximately 35% or less of the household’s gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHAT IS AN ACCESSORY APARTMENT?

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

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household’s income must be below the income limit for the region in which the affordable housing is located, either for low or moderate levels. A moderate-income household is classified as earning between 50 percent and 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income. Municipalities are also required to provide affordable housing to very low-income households; at least 13 percent of all affordable units must be affordable to households earning 30 percent or less of median income.

The six NJ DCA housing regions are as follows:

Regions	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

The NJ DCA Regional Income Limits Chart (Appendix B) provides information about income limits for each of NJ DCA’s six housing regions. Each region has different calculated median incomes, which are adjusted annually.

An applicant does not have to currently live in the region in which the applicant is interested in applying for an affordable unit. An applicant’s income qualification is determined by the Region Income Limits for where the applicant wants to live.
--

LOCAL AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

The following affordable housing programs and opportunities are available in Harrington Park:

Fair Share Housing Center Agreement with the Borough of Harrington Park, dated November 6, 2017, states the following stipulations of affordable housing in the municipality.

Development #1, Six (6) Accessory Apartment Units as administered by Bergen County United Way/Madeline (Developer) and five (5) additional accessory units at the multi-family building at 72 & 76 Schraalenburgh Road in the borough.

Plan Aspect #1 There are four (4) accessory apartments in the Borough, the plan calls for the creation of two (2) new accessory apartments in the creation of this Operating Manual.

A copy of the Borough of Harrington Park Housing Element and Fair Share Plan and Memo of Understanding with the Fair Share Housing Center is available at the Borough Clerk's Office at 85 Harriot Avenue in Harrington Park NJ.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

Affordable housing is administered by a wide variety of organizations and agencies. NJ DCA does not administer affordable housing but links to affordable housing resources can be found on NJ DCA's website at

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality under NJ DCA's jurisdiction has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhousing.gov.

The New Jersey Guide to Affordable Housing, is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled.

Applicants who do not have access to the Internet should call 211 for assistance

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES

It is unlawful to discriminate against any person making application to buy or rent a home with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent, Rehabco Inc., implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent, Rehabco Inc., serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.
- The Administrative Agent, Rehabco Inc., the developer or the affordable housing sponsor will accept these returned pre-applications for a specific period of time, for example, 30 to 90 days. At the end of this time period, all applications will go to the Administrative Agent where these applications will be randomly selected, through a lottery, to create a pool of applicants.
- The Administrative Agent, Rehabco Inc., pre-qualifies applicants in the applicant pool for income eligibility and sends either a rejection letter to those over income or a preliminary approval letter to those who appear income-eligible.
- When a unit becomes available, Rehabco Inc. the Administrative Agent will interview the applicant households and proceed with the income qualification process.

- The Administrative Agent, Rehabco Inc. must notify applicant households in writing of certification or denial within 20 days of the determination.
- Once certified, households are further screened to match household size to bedroom size.
- Certified households that are approved for a rental affordable housing unit will sign a Disclosure Statement (Appendix K) and any other applicable documents, which are held in the applicant file. Applicants then make an appointment with the accessory apartment unit owner. Applicant households seeking rental units may be subject to a credit check by the unit owner. If approved, the applicant will sign the lease, pay the first month's rent and the security deposit and receive the keys.
- The certified household moves into the affordable rental unit.

ROLES AND RESPONSIBILITIES

RESPONSIBILITIES OF THE MUNICIPAL HOUSING LIAISON

The Municipal Housing Liaison is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the Municipal Housing Liaison is to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the Municipal Housing Liaison include the following duties, and may include the responsibilities for providing administrative services as described in the next Section under, **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The Municipal Housing Liaison serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual NJ DCA monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report to NJ DCA. Any requests from NJ DCA for additional information or corrections will be directed to the Municipal Housing Liaison.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new accessory apartment is in the planning process, the Municipal Housing Liaison should coordinate a meeting between the Administrative Agent and the owner. The purpose of this initial meeting is to make sure the unit owner understands all the requirements of the program and go over the procedures outlined in the Operating Manual.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent**.

RESPONSIBILITIES OF AN ADMINISTRATIVE AGENT

The primary responsibility of an Administrative Agent, Rehabco Inc. is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are rented to eligible households. Administrative Agents must:

Secure written acknowledgement from all owners in the accessory apartment program that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent is responsible for implementing the Affirmative Marketing Plan adopted by the municipality. Affirmative marketing includes conducting regional outreach and advertising for available affordable units.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility must be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of renting an affordable unit, in the form of Appendix K of UHAC, as applicable.

Establish and maintain effective communication with owners. Owners of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all owners of any changes to the Administrative Agent's contact information or business hours. The Administrative Agent must create and distribute annual mailings to all Owners of affordable units reminding them of the rights and requirements of owning an affordable rental unit.

Owners should be instructed to immediately contact the Administrative Agent in the following circumstances:

- Immediately upon learning that an affordable rental unit will be vacated.
- For review and approval of annual rental increases.
- If they are considering or have decided to sell their home.

Send out annual mailings about restrictions. Administrative Agents must annually mail to all Owners of affordable housing units a reminder of their rights and responsibilities as Owners of an affordable rental unit.

Provide annual notification of maximum rents. Each year when NJ DCA releases its low- and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included on such notification in case the tenant is being overcharged.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Deed Restriction, lease, and Disclosure Statement (Appendix K).

Provide annual activity reports to Municipal Housing Liaison for use in the annual NJ DCA monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

RESPONSIBILITIES OF THE MUNICIPAL ATTORNEY

The Municipal Attorney assists the municipality with developing, administrating, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with

NJ DCA and UHAC regulations, before they are recorded and submitted to DCA for approval.

- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls, including reviewing legal documents and legal actions required on foreclosures and violations.

RESPONSIBILITIES OF OWNERS OF ACCESSORY APARTMENTS

When an owner is in the planning process for an affordable accessory apartment, s/he should contact the Municipal Housing Liaison who shall coordinate a meeting between the Administrative Agent, Rehabco Inc., and the owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all NJ DCA-related local ordinances – that have already been adopted by the municipality.

The Administrative Agent, Rehabco Inc. will secure from the owner written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaison and the Administrative Agent, Rehabco Inc., is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all necessary information to complete the annual NJ DCA reporting.

CREATION OF AN ACCESSORY APARTMENT

Accessory apartments are allowed in Harrington Park in *specific zones where accessory apartments are permitted and whether the use is permitted or conditional*]. Homeowners interested in creating an accessory apartment on their property should contact the Municipal Housing Liaison or Administrative Agent.

REQUIREMENTS FOR CREATING AN ACCESSORY APARTMENT

This section should be augmented by and tailored to local ordinances and construction requirements.

- Homeowners interested in creating an accessory apartment or making an existing accessory unit available for this program must read this manual and understand all of the requirements of owning and renting out an affordable housing unit.
- Property considered for an accessory unit must fall within the zone(s) where accessory units are permitted within Harrington Park.
- Property must have sufficient sewer and water capacity to service the proposed accessory apartment. This must be documented and kept on file by the Administrative Agent, Rehabco Inc.
- A deed restriction in the form of Appendix E in the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and appended to this manual stating the affordability controls will be **recorded** on the primary residence.
- Deed restrictions for accessory apartments in Harrington Park are for a period of no less than [10 *or* 30] years.
- The rent for the accessory apartment will be lower than market rate rents in the area to make it affordable for low- and/or moderate-income households. Households must be income-qualified by the Administrative Agent. Application for the apartment is open to the public, however the homeowner may establish reasonable criteria for the household selected to live in the unit.

COMPENSATION FOR THE CREATION OF AN ACCESSORY APARTMENT

- The municipality will provide \$[*Insert amount no less than \$20,000*] per unit to subsidize the creation of a moderate-income accessory apartment and \$[*Insert amount no less than \$25,000*] per unit to subsidize the creation of a low-income accessory apartment. [*If the municipality is creating only low-income units or only moderate-income units through this program, only include that level subsidy.*]

- *[If the municipality will be waiving municipal fees associated with construction permits, mention it here.]*
- *[If the municipality will expend additional funds in order to rehabilitate existing units and bring them up to code, explain the procedures here.]*

PROCESS FOR CREATING AN ACCESSORY APARTMENT

The following is the process that a prospective homeowner must follow when interested in creating an accessory apartment in building the unit. The following is a list of steps. *This should be edited and further detailed to fit the municipality's administration and construction process.*

- Application for approval of accessory apartment construction
- Initial inspection by building inspector
- Approval of apartment design
- Contract agreement between municipality and owner
- Deed restriction recorded on residence
- Construction inspections
- Final inspection and issuance of Certificate of Occupancy
- Final payment
- Initial occupancy by qualified tenant

DETERMINING AFFORDABLE RENTS

To determine the affordable rents the Administrative Agent uses the NJ DCA calculators from the Affordable Housing Professionals of New Jersey (AHPNJ).

DEVELOPMENT CONSIDERATIONS AND COMPLIANCE ISSUES

There are several regulations that must be considered from the *development perspective* before the rents of accessory apartments can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and homeowner.

Number of Bedrooms. The number of bedrooms is a decision that must be made by the homeowner as there is no requirement for a certain number of bedrooms for accessory apartments. The homeowner must provide this information to the municipality and the Administrative Agent so that a rent may be established for the unit.

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on NJ DCA’s Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

Size of Unit	Household Size Used to Determine Max Rent
Studio/Efficiency	1
1 Bedroom	1.5
2 Bedrooms	3
3 Bedrooms	4.5
4 Bedrooms	6

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Utilities. The homeowner must determine how utilities for the accessory apartment will be paid, either by the homeowner and reimbursed through rent or by the tenant separately. Either way, the maximum rent amount may not be exceeded. This should be discussed with the Administrative Agent prior to the rent being set.

DETERMINING INITIAL RENTS

To determine the initial rents the Administrative Agent uses the NJ DCA calculators located at the AHPNJ website.

Maximum Rent. When including percentages in the NJ DCA rental calculator, the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

ADDITIONAL REGULATIONS FOR ACCESSORY APARTMENTS

In Harrington Park, the Accessory Apartment Program [*allows for the creation of both low- and moderate-income units or is limited to only low-income units or only moderate-income units*], which has been established by ordinance. [*If both low- and moderate-income units are allowed, describe how it is determined which accessory apartments will be designated as low-income and which as moderate-income.*]

DETERMINING RENT INCREASES

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to NJ DCA's Annual Regional Income Limits Chart, available on NJ DCA's website. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development, and calculating the annual NJ DCA-approved increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one NJ DCA-approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

FINDING AN ACCESSORY APARTMENT TENANT

AFFIRMATIVE MARKETING

OVERVIEW OF THE REQUIREMENTS

All affordable units are required to be affirmatively marketed using the Harrington Park's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Harrington Park's Affirmative Marketing Plan can be found in the Appendix.

The enclosed Affirmative Marketing Plan must include all of the following:

- Publication of at least one advertisement in a newspaper of general circulation within the housing region; and
- Broadcast of at least one advertisement by radio or television throughout the housing region.
- At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

- The address of the project and development name, if any
- The number of rental units
- The price ranges of the rental units
- The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager or landlord
- A description of the Random Selection method that will be used to select applicants for affordable housing.

- Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

- The name of the program, i.e. Accessory Apartment
- The rent amount
- The bedroom size of the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units
- The business hours when interested households may obtain an application for a housing unit
- Application fees, if any

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

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 implement the following policies:

- Provide an occupant for each unit bedroom;
- Provide children of different sex with separate bedrooms;
- Prevent more than two persons from occupying a single bedroom;
- Require that all the bedrooms be used as bedrooms; and
- Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

APPLICATION FEES

The Administrative Agent's fee schedule can be found in the Appendix.

HOUSEHOLD CERTIFICATION

Before any household can rent a restricted unit, the Administrative Agent must certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members over 18 years of age. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION

The Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF³ current award letter
 - Disability - Worker's compensation letter or
 - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order

³ TANF – Temporary Assistance for Needy Families

or recent original letters from the court or education scholarship/stipends – current award letter.

- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.

Administrative Agent, Rehabco Inc typically uses a spreadsheet or worksheet similar to the one included in the Appendix to help calculate an applicant's income. This summarizing document will also prove useful in the event there is an appeal or question by the applicant concerning the calculation or during NJ DCA monitoring visits. The Operating Manual should include a reasonable period to complete the submission of all required documentation and this policy should be included in the manual.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income. Restricted units constructed with Federal funds should consult the appropriate regulations, for example, HUD Section 42, to ensure compliance with applicable Federal regulations.

INCOME

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security

6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

NOT INCOME

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of persons enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

STUDENT INCOME

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

REAL ESTATE ASSET LIMIT

Except for federal programs, if an applicant's primary residence, which is to be sold upon rental of an affordable unit, has no mortgage debt and is valued at or above the regional asset limit as published annually by NJ DCA with NJ DCA's Annual Regional Income Limits Chart, the household must be determined ineligible for certification.

However, if the applicant's existing monthly housing costs including taxes, homeowner insurance, and condominium or homeowner association fees exceed 38 percent of the household's eligible monthly income, the household will be exempt from the asset limit.

An applicant must provide a recent, Market Value Appraisal or Realtor Comparative Market Analysis, on the home they own unless the applicant has mortgage debt on the home or can demonstrate that the existing monthly housing costs exceed 38 percent of the household's eligible monthly income, in which case the applicant is exempt from the asset limit.

Before obtaining a professional appraisal, the applicant should review the property's tax appraisal and the current market value and compare it to the asset limit to avoid any unnecessary expense. For instance, if homes are commonly selling in the applicant's neighborhood for over \$250,000, it is unlikely that an appraisal will determine a value below the asset limit.

INCOME FROM REAL ESTATE

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

MAXIMUM MONTHLY PAYMENTS

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). The Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

UHAC states that a certified household is not permitted to lease a restricted rental unit that would require more than 35 percent of the verified household income to pay rent and utilities. However, at the discretion of the Administrative Agent, this limit may be exceeded if:

- 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 the household's housing costs;
- 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;
- The household is currently in substandard or overcrowded living conditions;
- The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
- The household documents proposed third party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the Owner of the unit; and
- The household receives budget counseling.

HOUSING COUNSELING

The Administrative Agent is responsible for providing housing counseling, or providing referrals for counseling, as a part of the Affirmative Marketing Plan and during the application process. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. If the Administrative Agent is not approved by HUD or by the NJ Department of Banking and Insurance, the Agent will make referrals to one of the HUD-approved housing counseling agencies in New Jersey. This counseling to low- and moderate-income housing applicants will focus on subjects such

as budgeting, credit issues, and mortgage qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on NJ DCA's website and is available from the Administrative Agent.

THE APPLICANT INTERVIEW

Ideally, the prospective applicant will be available to meet with the Administrative Agent to review the certification and random selection processes in detail and ask any questions they may have about the project or the process. However, scheduling time off from work may prove burdensome to the applicant. Applicants may also have mobility issues or special needs that also pose an obstacle to an interview. Therefore, the Administrative Agent is prepared to complete the certification process via telephone and mail. If an interview is to be conducted, the Administrative Agent will attempt to achieve the following objectives:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members over age 18 to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Make sure the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

DOCUMENTING HOUSEHOLD COMPOSITION AND CIRCUMSTANCES

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport

- Alien Registration Card

APPROVING OR REJECTING A HOUSEHOLD

Administrative Agents must notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling [*Insert if applicable* or the local Affordability Assistance Program].

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the Administrative Agent is unable to place the household in a restricted unit at the conclusion of 180 days, an extension may be granted once the household's eligibility is verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent must secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in renting a restricted unit. UHAC's Disclosure Statement (Appendix K) shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

DISMISSAL OF APPLICATIONS

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time.
2. The applicant commits fraud, or the application is not truthful or complete.
3. The applicant cannot or does not provide documentation to verify their income or other required information when due.

4. The household income does not meet the minimum or maximum income requirements for a particular property.
5. The applicant owns assets that exceed the Asset Limit.
6. The applicant fails to respond to any inquiry in a timely manner.
7. The applicant is non-cooperative or abusive with the staff, property manager or landlord.
8. The applicant changes address or other contact information without informing the Administrative Agent in writing.
9. The applicant does not meet the credit standard or other requirement set forth by managers of rental properties.
10. The applicant fails to verify attendance in a credit counseling program when required to do so by the program rules.
11. The applicant does not respond to periodic update inquiry in a timely fashion.
12. The applicant fails to sign the Compliance Certification, Certificate for Applicant, Lease Document, as may be required.
13. The applicant, once approved, fails to sign the lease in a timely manner.
14. Applicants will also be removed from all lists held by the Administrative Agent once they have been approved for an affordable unit. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applicants are not automatically removed from rental lists if they do not respond to a Notice of Availability.

Applications may be held in abeyance for a period not to exceed 60 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given a priority for the next opportunity at that property.

APPEALS

Appeals from all decisions of an Administrative Agent shall be made in writing to the Executive Director of the Council on Affordable Housing (NJ DCA), 101 South Broad Street, P.O. Box 813, Trenton, New Jersey 08615. The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action of NJ DCA.

FINALIZING THE TENANT

Once a household has been certified to occupy an accessory apartment, the income has been documented and the ability to pay the established rent has been verified, the Administrative Agent may refer that household to meet with the owner of the apartment for final approval. The owner may develop a reasonable list of criteria, such as smoking or non-smoking, whether or not pets are allowed, etc., and may only reject tenants who do not meet those criteria. That list must be approved by the Administrative Agent.

The owner may also conduct a credit check and criminal background check on prospective tenants. An acceptable credit limit must be established prior to any credit check and must be on file with the Administrative Agent.

Lease. When a tenant is found, that tenant will be required to sign a lease. This may be a standard lease and must be approved by the Administrative Agent. It should list the location of the unit, the name of the tenant and the initial rent amount. A copy of the executed lease must be provided to the Administrative Agent. In addition, Certification K, which is appended to this manual, must also be signed by the tenant and a file must be given to the tenant and the original kept on file with the Administrative Agent.

Security Deposit. The owner may require a reasonable security deposit from the tenant.

VACANCIES

Once a homeowner learns that an accessory apartment will be vacated by a tenant, the Administrative Agent should immediately be notified to begin the process of finding a new tenant.

LOCAL AFFORDABILITY ASSISTANCE PROGRAM

The Borough of Harrington Park does maintain an affordable housing trust fund to assist residents in conversion of spaces for accessory apartments,.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner of an accessory apartment, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable units by an Owner of an accessory apartment, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, 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.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.14(a)8, N.J.A.C. 5:80-26.15(c) and N.J.A.C. 5:80-26.17 current records must be maintained by the Administrative Agent and outdated records must be given to the municipality for safe-keeping. A file must be created and maintained on each restricted unit for its control period.

Administrative Agents maintain detailed records on all marketing initiatives.

FILES TO BE MAINTAINED ON EVERY APPLICANT

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Tenant Information Form
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process [*Insert if applicable* and submitted to the municipality upon termination of the program].

FILES TO BE MAINTAINED ON EVERY UNIT

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement (Appendix K)
- Deed restriction with length of controls on the unit

FILES TO BE MAINTAINED ON THE APPLICANT POOL

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool

- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

MONITORING

The current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found on NJ DCA's website at [http://www.nj.gov/dca/affiliates/NJ DCA/upcoming/ctmproject.html](http://www.nj.gov/dca/affiliates/NJ%20DCA/upcoming/ctmproject.html).

The information required for each unit includes but is not limited to:

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed

Accessory Apartment Program Audit Checklist

<input type="checkbox"/>	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	Sample Forms and Letters	
AFFIRMATIVE MARKETING		
<input type="checkbox"/>	Copies of Display Ads	
<input type="checkbox"/>	Copies of PSA Requests	
<input type="checkbox"/>	Copies of Marketing Requests	
RANDOM SELECTION		
<input type="checkbox"/>	Log of Applications Received	
<input type="checkbox"/>	Log of Random Selection Results	
<input type="checkbox"/>	Database of Referrals	
MAINTENANCE OF RECORDS		
Files To Be Maintained on Every Applicant		
<input type="checkbox"/>	Preliminary Application.	
<input type="checkbox"/>	Application Form.	
<input type="checkbox"/>	Tenant Information Form	
<input type="checkbox"/>	Income Verification	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility	
Files To Be Maintained on Every Unit		
<input type="checkbox"/>	Base rent	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Application materials, verifications and certifications of all present tenants, pertinent correspondence	
<input type="checkbox"/>	Copy of lease	
<input type="checkbox"/>	Disclosure Statement (Appendix K)	
<input type="checkbox"/>	Original deed restriction with length of controls	
MONITORING INFORMATION		
<input type="checkbox"/>	Complete Monitoring Reporting Forms	

Appendix I: Resolution Appointing Municipal Housing Officer



Borough of Harrington Park
 85 HARRIOT AVENUE
 HARRINGTON PARK, NEW JERSEY 07640
 201-768-1700 fax 201-768-3038
 harringtonparknj.gov clerk@harringtonparknj.gov

RESOLUTION 2025-21

APPOINTING A MUNICIPAL HOUSING OFFICER

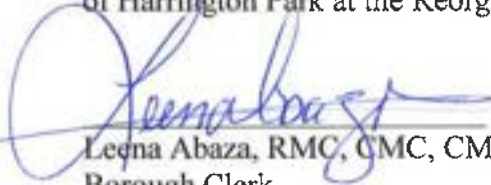
WHEREAS, the Borough of Harrington Park has determined that there is a need to appoint a Municipal Housing Officer(s); and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

Carolyn Lee, PB/BOA Secretary, as Municipal Housing Officer for CY2025.
 Kunjesh Trivedi, CFO as Secondary Municipal Housing Officer for CY2025.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote						
NAPOLITANO (AN)			X			
EVANELLA (GE)			X			
BLACKINTON(WB)			X			
WALKER (DW)			X			
PEDERSEN (JP)		X	X			
LANDER (LL)	X		X			

I hereby certify the above resolution was passed by the Mayor & Council of the Borough of Harrington Park at the Reorganization Meeting held on January 4, 2025.


 Leona Abaza, RMC, CMC, CMR
 Borough Clerk