Amended Housing Element & Fair Share Plan

Borough of Tenafly
Bergen County | New Jersey
Draft Dated 01-09-26

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Housing Element and Fair Share Plan

Borough of Tenafly
Bergen County, New Jersey

Prepared for the Borough of Tenafly
Planning Board

BA# 4168.04

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The original document was appropriately signed and sealed on _____ in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

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Executive Summary

The following **2026 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Tenafly.

This plan is designed to outline the manner in which the Borough will address its affordable housing obligations. As discussed in greater detail herein, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), a prior settlement agreement with Fair Share Housing Center (FSHC), and most recently from calculations provided by the Department of Community Affairs (DCA) as well as a settlement agreement with FSHC dated January 7, 2026.

These obligations are summarized as follows:

Table 1: Affordable Housing Obligations Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	10
Prior Round Obligation (1987-1999)	159
Third Round Obligation (1999-2025)	501
Fourth Round Obligation (2025-2035)	297

Prior Round Obligation

The Borough was assigned a Prior Round Obligation of one hundred and fifty-nine (159) affordable units. It subsequently received a Prior Round judgement of compliance and repose which established a realistic development potential (RDP) of thirty-eight (38) affordable units which was later adjusted to sixty-seven (67) affordable units. The Borough addressed this Prior Round RDP through the components identified in Table 2 below. As shown, these components comprised a total of seventy-six (76) credits. After applying these seventy-six (76) credits as well as thirty-five (35) existing credits of subsidized senior housing from the Tenafly Senior Housing site, the remaining Prior Round Unmet Need constituted forty-eight (48) affordable units.

Table 2: Prior Round RDP Components

Plan Component	Units	Rental Units	Applicable Rental Bonus	Unused Credits	Total Units/Credits
Accessory Apartments	10	0	0	0	10
Arc Group Home	5	5	[A] 5	0	10
Brightview Tenafly Assisted Living	9	9	0	0	9
Tenafly Special Needs Housing	10	10	[A] 10	0	20
The Plaza at Tenafly	17	0	0	0	17
The Crossings at Tenafly	9	5	[A] 1	[B] 4	10
Total	60	29	16	4	76

[A] Rental bonus may only account for twenty-five (25%) percent (16 units) toward Prior Round RDP

[B] Four bonus credits could not be applied from this development due to sixteen (16) unit constraint noted in Footnote A

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Third Round Obligation

As per a settlement agreement with FSHC, the Borough was assigned a Third Round Obligation of five hundred and one (501) affordable units as well as a Third Round RDP of ten (10) affordable units. Pursuant to an amended settlement agreement, this Third Round RDP was later adjusted to forty-two (42) affordable units which was informed by a previously conducted vacant land adjustment (VLA) as well as four components which were anticipated to generate thirty-seven (37) affordable units. The Borough plans to address its Third Round RDP with the following components.

Table 3: Components to Address Third Round RDP

Component	Affordable Units	Bonus Credit	Total Credit	Unit Type
Tenafly Senior Housing[1]	10	0	10	Extension of Controls
Piermont Road Site	7	0	7	Family
Serpentine Road Site	16	11	27	Family
West Railroad Avenue Site	3	0	3	Family
Total	36	11	47	

[1] *34 units were extended. Only 10 are applied to the Third Round due to a 25% cap.*

The Borough has a remaining Third Round Unmet Need of five hundred and two (502) affordable units which is informed from the following:

- *Remaining Prior Round Obligation*. The Borough has a remaining Prior Round Unmet Need of forty-eight (48) affordable units.
- *Third Round Obligation*. The Borough has a Third Round obligation of five hundred and one (501) affordable units.
- *Combined Prior and Third Round Obligation*. The remaining Prior Round Unmet Need and the Third Round Obligation total five hundred and forty-nine (549) affordable units.
- *Subtracting RDP Components*. When subtracting the forty-seven (47) credits to be generated by the amended Third Round Components, the Borough has a remaining Unmet Need of five hundred and two (502) affordable units.

The components which were utilized by the 2023 Amendment to the 2018 HE&FSP to address the Borough's Unmet Need are identified in Table 4 on the following page. As shown, these components were originally contemplated to produce a total of two hundred and ten (210) units, including forty-four (44) affordable units. However, as discussed in the following subsection and in Section 4.3, the Borough proposes to increase the densities of several of these overlay districts.

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Table 4: Third Round Unmet Need Components

Plan Component	Overlay District	Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	18	32	7
Riveredge Road/Tenafly Road	AHO-5	15	14	3
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	5	1
Block 1305	AHO-7	15	32	7
Block 1306 Lot 1.01	AHO-8	15	8	2
Block 1308	AHO-7	15	75	15
Block 1302	AHO-7	15	39	8
Total			210	44

Fourth Round Obligation

The DCA calculated a Fourth Round Obligation of two hundred and ninety-seven (297) affordable units for the Borough. Despite finding errors in its land capacity factor, the Borough accepted the DCA's calculations by way of Resolution #R25-72 which was adopted on January 21, 2025. That same resolution noted that the Borough reserved the right to conduct a VLA analysis to determine its RDP.

An updated VLA was subsequently conducted for Tenafly. It finds that since the Borough last conducted a VLA for its prior Housing Element and Fair Share Plan, no new vacant land had been made available for development. However, one municipally-owned parking lot was found to have the potential to redevelop. This results in a RDP of two (2) affordable units.

The Borough will address this two-unit RDP through the Giesi 31 Central Avenue Site. As detailed herein, the site received preliminary and final site plan approval as well as "c" variance relief for a mixed use development consisting of 700 square feet of commercial space as well as ten (10) units, including two (2) affordable units. This component is currently under construction.

Table 5: Component to Address RDP

Plan Component	Total Units	Affordable Units
Giesi 31 Central Avenue Site	10	2
Total	10	2

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This component leaves the Borough with an Unmet Need of two hundred and ninety-five (295) affordable units. After applying the remaining twenty-four (24) extended credits from Tenafly Senior Housing, the Borough's Unmet Need is further reduced to two hundred and seventy-one (271) affordable units. As per NJSA 52:27D-310.1 and its Settlement Agreement with FSHC, the Borough will address twenty-five percent (25%) of this Unmet Need which equates to sixty-eight (68) affordable units. It will do so in a two-part manner.

1. *Fourth Round Unmet Need Components*. To address a portion of this requirement, the existing and proposed components identified in Table 6 will be utilized. These components, which are discussed in greater detail in Section 4.3, can generate sixty (60) affordable units.
2. *Third Round Unmet Need Components: Increased Densities*. To address the remaining eight (8) unit Unmet Need requirement, the Borough will also increase the densities of its Third Round Unmet Need Overlay Zones as identified in Table 7. As shown, these increased densities can generate an additional eight (8) affordable units as otherwise contemplated in Table 4.

Table 6: Fourth Round Unmet Need Components

Plan Component	Status	Affordable Units
RRD North Summit Street Site	Site Plan Approved	17
Adoni West Railroad Avenue Site	Site Plan Approved	6
Dean Drive Site	Proposed	20
33 Engle Street	Proposed	2
West Clinton Avenue Overlay Site	Proposed	3
Block 1311 Overlay Site	Newly Proposed	3
Block 715 Overlay Site	Newly Proposed	3
Block 1707 Overlay Site	Newly Proposed	4
Block 1801 Overlay Site	Newly Proposed	2
Total		60

Table 7: Revised Third Round Unmet Need Components

Plan Component	Overlay District	Revised Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	19	35	7
Riveredge Road/Tenafly Road	AHO-5	18	18	4
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	4	1
Block 1305	AHO-7	19	40	8
Block 1306 Lot 1.01	AHO-8	18	10	2
Block 1308	AHO-7	19	94	19
Block 1302	AHO-7	19	49	10
Total			254	52

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Accordingly, the remainder of this 2026 HE&FSP is divided into the following sections:

- Section 1: Introduction

  The first section of the 2026 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

- Section 2: Housing Element

  Section 2 contains the Housing Element for the Borough of Tenafly. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

- Section 3: Fair Share Obligation

  Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

- Section 4: Fair Share Plan

  Finally, Section 4 details the manner in which the Borough has addressed its Prior Round and Third Round Obligation as well as how it will address its Fourth Round Obligation.

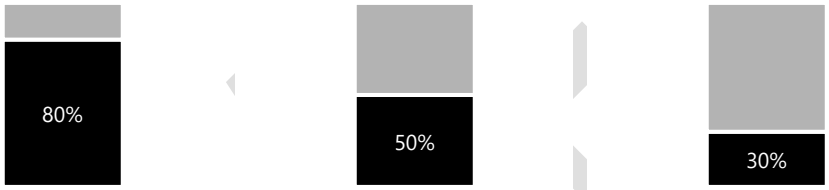
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Section 1: Introduction

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

1.1: What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Tenafly is located in Region 1 which includes Bergen, Hudson, Passaic, and Sussex Counties.



Moderate-Income Households
Earn 80% of the region's median income

Low-Income Households
Earn 50% of the region's median income

Very Low-Income Households
Earn 30% of the region's median income

Regional income limitations are updated every year, with different categories established for varying household sizes. Table 8 identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than $86,697 could qualify for affordable housing in the Borough's region.

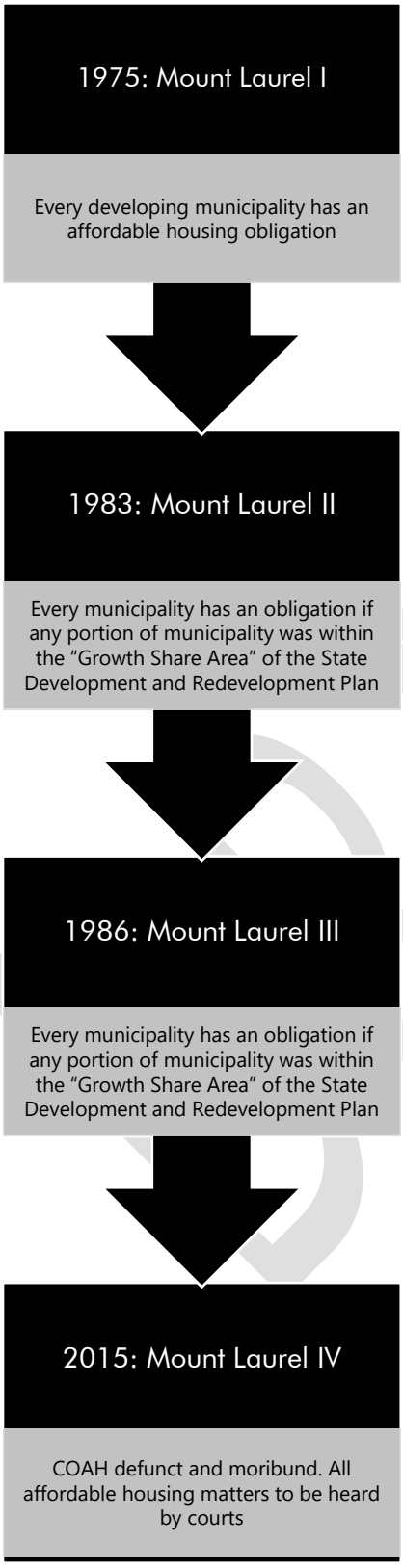
Table 8: 2024 Affordable Housing Region 1 Income Limits by Household Size

Income Level	2 Person	3 Person	4 Person	5 Person
Median	$96,329	$108,371	$120,412	$130,045
Moderate	$77,064	$86,697	$96,329	$104,036
Low	$48,165	$54,185	$60,206	$65,022
Very-Low	$28,899	$32,511	$37,568	$39,013

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Affordable housing can be found in a variety of other forms, including but not limited to: one hundred percent affordable housing developments, deed-restricted accessory apartments, assisted living facilities, alternative arrangements such as supportive housing or group homes, and age restricted housing.

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1.2: What is the History of Affordable Housing in New Jersey?



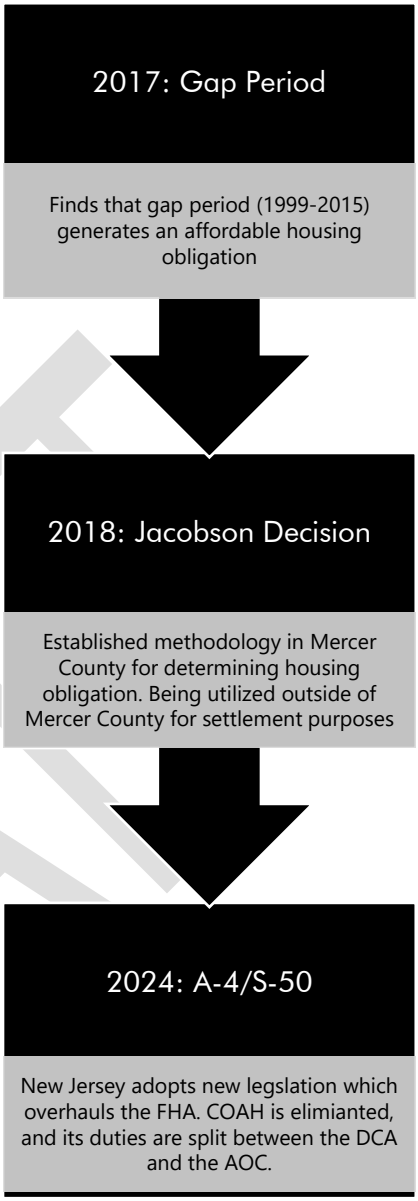
The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in So. Burlington Cty. NAACP v. Township of Mount Laurel (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had ignored their constitutional obligation to provide affordable housing.

Accordingly, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985 as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low and moderate income housing needs.

COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "Fair Share" methodology.

COAH utilized a different methodology, known as "Growth Share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were adopted in 2004.

However, these regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of them and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.



In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged again, and in an October 2010 decision the Appellate Division invalidated the Growth Share methodology and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of Growth Share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt revised Third Round regulations in October 2014. Fair Share Housing Center (FSHC), who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

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Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, the State of New Jersey adopted a package of affordable housing bills which overhauled the Fair Housing Act. This legislation ultimately eliminated COAH and split its duties and functions between the Department of Community Affairs (DCA) and the Administrative Office of the Courts (AOC).

The DCA was designated by the legislation as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the Jacobson Decision. However, the legislation makes clear that these numbers are advisory and that each municipality must set its own obligation number utilizing the same methodology. Meanwhile, the Affordable Housing Dispute Resolution Program (the "Program") within the AOC is tasked to handle any disputes regarding affordable housing obligations and plans.

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1.3: What is a Housing Element and Fair Share Plan?

A Housing Element and Fair Share Plan (HE&FSP) serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

> The **Municipal Land Use Law (MLUL)** is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by NJSA 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without a HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Fair Housing Act (FHA), which was adopted in 1985 and has been amended multiple times since then, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;

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7. 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;
8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities;
9. 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.

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Section 2: Housing Element

The following section provides the housing element for the Borough of Tenafly. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

Information Regarding Data Sources

The information contained in Section 2.2 entitled "Demographic and Population Data," Section 2.3 entitled "Inventory of Housing Stock," and Section 2.4 entitled "Housing and Employment Projections" was obtained from a variety of publicly available data sources. These are summarized below:

1. United States Decennial Census

   The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.

2. American Community Survey (ACS)

   The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.

3. New Jersey Department of Health

   The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.

4. New Jersey Department of Community Affairs (DCA)

   The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.

5. New Jersey Department of Labor and Workforce Development

   The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.

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2.1: Community Overview

The Borough of Tenafly is located along the eastern border of Bergen County, immediately adjacent to the Hudson River. It is bounded by five (5) municipalities, including: the Borough of Alpine and the Borough of Cresskill to the north; the Borough of Bergenfield to the west; and the City of Englewood and the Borough of Englewood Cliffs to the south.

Tenafly has a total area of approximately 5.18 square miles, making it the twelfth largest municipality in Bergen County. As summarized in Table 9, Tenafly is essentially a fully developed community with very little vacant land remaining for development. The majority of the Borough is characterized by residential development which accounts for approximately 60.3% of its total parcel area.

Commercial uses and light industrial uses approximately account for a combined 2.8% of the Borough's total parcel area. Commercial uses are largely concentrated in the Borough's downtown area, which is characterized by small retail and service establishments catering to the needs of the local populace. A mixed commercial and light industrial area is also located within the northerly portion of the Borough, in close proximity to the Borough of Cresskill.

In addition, there are more than six hundred and fifty (650) acres throughout the Borough dedicated to open space purposes. This is largely divided between the Tenafly Nature Center and the Palisades Interstate Parkway, both of which are located in the easterly portion of Tenafly.

Table 9: Existing Land Uses

Land Use	Parcels	% Parcels	Area	% Area
Residential: One and Two Family	4,193	92.6%	1,481.9	58.7%
Residential: Multifamily	17	0.4%	40.0	1.6%
Residential: Age Restricted/Assisted Living	3	0.1%	4.8	0.2%
Commercial	163	3.6%	66.5	2.6%
Light Industrial	8	0.2%	5.9	0.2%
House of Worship/Charitable Property	24	0.5%	82.3	3.3%
Public Property	31	0.7%	42.1	1.7%
Public School Property	6	0.1%	65.7	2.6%
Quasi-Public	4	0.1%	4.8	0.2%
Parks and Open Space	30	0.7%	653.6	25.9%
Golf Course	2	0.0%	40.0	1.6%
Cemeteries	3	0.1%	10.3	0.4%
Parking Lot	14	0.3%	6.4	0.3%
Railroad	1	0.0%	12.4	0.5%
Right-of-Way	1	0.0%	0.6	0.0%
Vacant	27	0.6%	6.1	0.2%
Total	4,526	100.0%	2,522.9	100.0%

Source: ArcGIS Calculations

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Dwg. Title

Map 1: Community Overview

Project No.	Date	Drawn
4168.04	02.03.25	DN

Legend

Municipal Boundary

Parcels

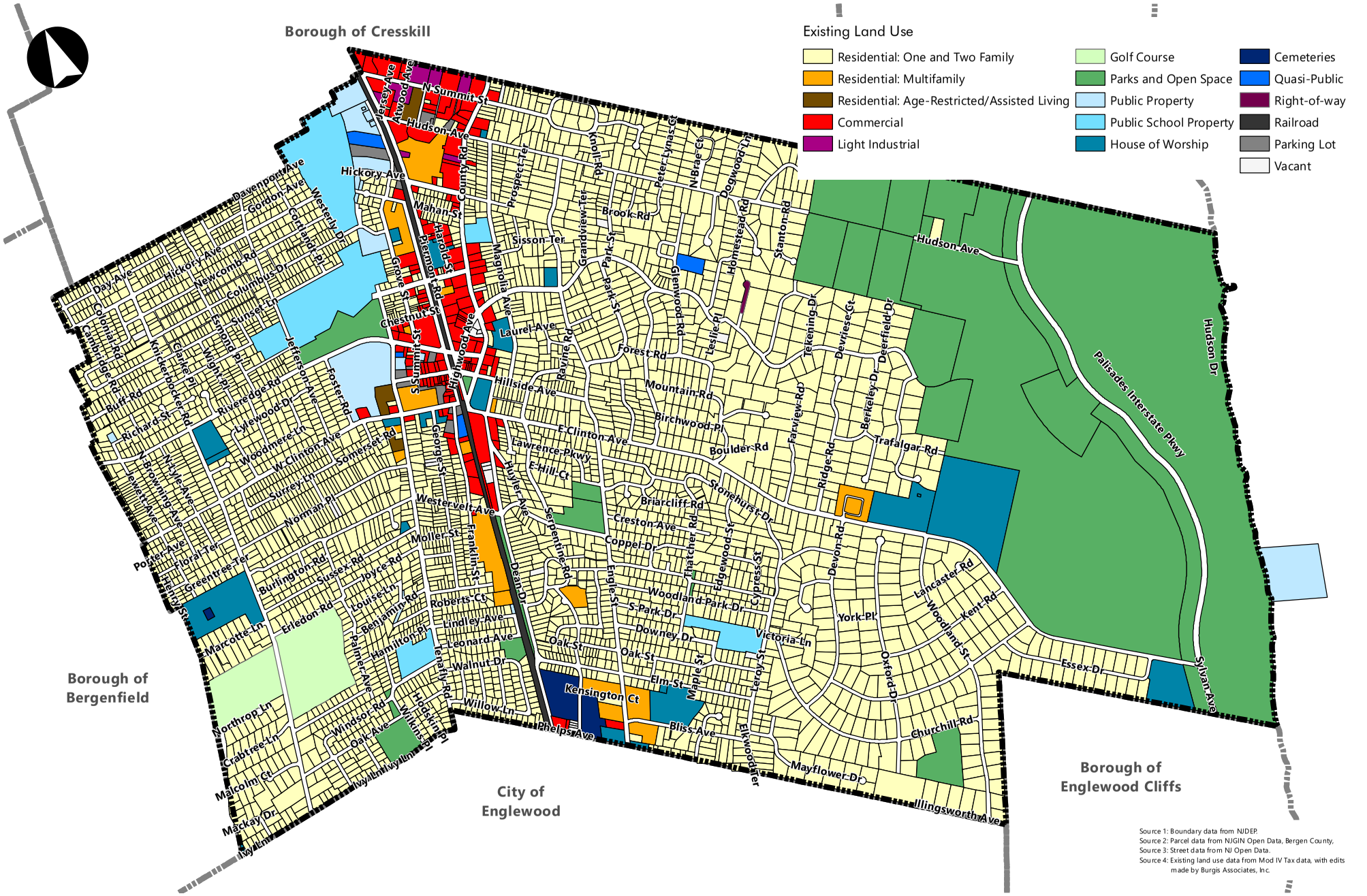
BURGIS ASSOCIATES, INC.
COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
25 Westwood Avenue
Westwood, New Jersey 07675
p: 201.666.1811
f: 201.666.2599

Project Title

Housing Element and Fair Share Plan

Borough of Tenafly | Bergen County, New Jersey

Scale:	Dwg. No.:
1 " = 1,800 '	map 1



Dwg. Title

Map 2: Existing Land Use

Project No.	Date	Drawn
4168.04	02.03.25	DN

Legend

Municipal Boundary

Parcels

BURGIS ASSOCIATES, INC.
COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
25 Westwood Avenue
Westwood, New Jersey 07675
p: 201.666.1811
f: 201.666.2599

Project Title

Housing Element and Fair Share Plan

Borough of Tenafly | Bergen County, New Jersey

Scale:	Dwg. No.:
1 " = 1,800 '	map 2

2.2: Demographic and Population Data

Analyzing demographic and population data is a necessary and integral step in planning for the future needs of a community. As such, the following section outlines the demographic changes experienced by the Borough of Tenafly over the past several decades.

Population Changes

The Borough experienced a consistent level of growth between 1930 to 1960, wherein its population increased approximately 150%. Between 1950 and 1960 alone, Tenafly's population increased by nearly fifty percent. Nevertheless, this trend reversed during the 1970s and 1980s, which saw the Borough's population decline by 10.1% to 13,326 in 1990. By 2000, however, this trend reversed again and the Borough's population increased 3.6 percent to 13,806.

Between 2000 and 2020, the Borough's population is estimated to have increased approximately 11.6%. Since that time, however, the ACS indicates a slight decrease of approximately 1.0%. As of 2023, the ACS estimates that the Borough's population is approximately 15,252 people.

Due to recent approvals for multifamily developments throughout the community over the past several years, it is anticipated that the Borough's population will increase over the next several years.

Table 10: Population Growth, 1930-2023

Year	Population	Change	Percent Change
1930	5,669	-	-
1940	7,413	1,744	30.8%
1950	9,651	2,238	30.2%
1960	14,264	4,613	47.8%
1970	14,827	563	3.9%
1980	13,552	-1,275	-8.6%
1990	13,326	-226	-1.7%
2000	13,806	480	3.6%
2010	14,488	682	4.9%
2020	15,409	921	6.4%
2023	15,252	-157	-1.0%

Source: US Census Bureau; 2023 American Community Survey Five-Year Estimate

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Age Characteristics

Overall, the Borough's median age increased slightly from 40.9 years in 2000 to 42.1 years in 2023. Nevertheless, Tenafly is not aging as rapidly nor as dramatically as other municipalities throughout the state. This is particularly evident in its younger age cohorts.

The percentage of the Borough's population aged nineteen and under has increased over the past twenty-three years. In 2000, an estimated 30.2% of the Borough's population was aged nineteen and under. By 2023, this percentage slightly increased to an estimated 32.1%. Overall, the total number of residents in the age cohort is estimated to have increased approximately 17.3% during that same time period.

Meanwhile, the percentage of the Borough's population aged sixty-five and over has decreased over the same time period. In 2000, an estimated 15.1% of the Borough's population was aged sixty-five and over. By 2023, this percentage decreased to an estimated 12.9%. Overall, the total number of residents in this age cohort decreased by approximately 5.9% during that same time period.

Table 11: Age Characteristics, 2000-2023

	2000		2010		2023	
Age	Number	Percent	Number	Percent	Number	Percent
Under 5	904	6.5%	728	5.0%	482	3.2%
5 to 19	3,275	23.7%	4,086	28.2%	4,417	29.0%
20 to 24	371	2.7%	424	2.9%	407	2.7%
25 to 34	1,000	7.2%	711	4.9%	708	4.6%
35 to 44	2,513	18.2%	2,209	15.2%	2,570	16.8%
45 to 54	2,232	16.2%	2,743	18.9%	2,611	17.1%
55 to 64	1,419	10.3%	1,634	11.3%	2,089	13.7%
65 to 74	1,064	7.7%	959	6.6%	1040	6.8%
75 to 84	734	5.3%	678	4.7%	537	3.5%
85 and over	294	2.1%	316	2.2%	391	2.6%
Total		13,806		14,488		15,299
Median Age		40.9		41.8		42.1

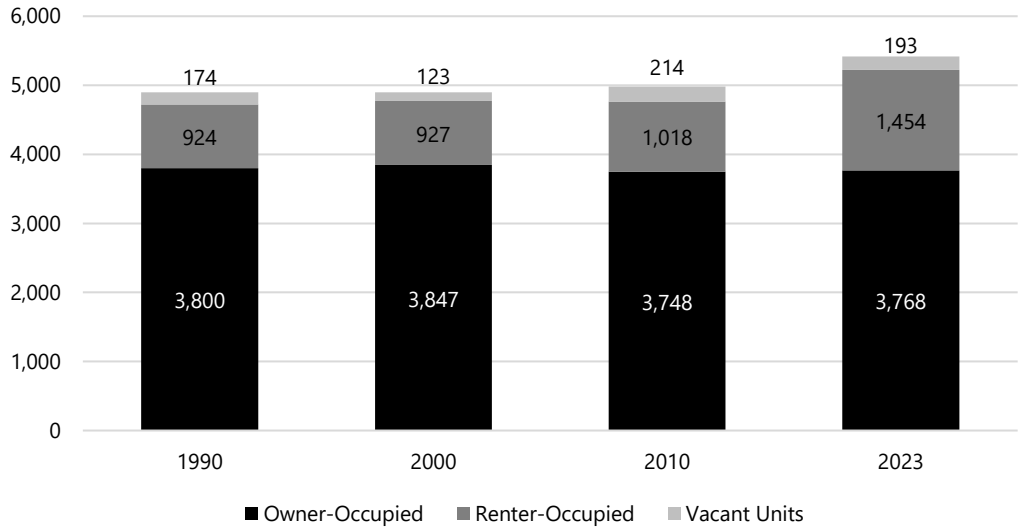
Source: US Census Bureau; 2023 American Community Survey Five-Year Estimate

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Household Tenure and Occupancy

Over the past twenty-three years, the total number and overall percentage of owner-occupied housing units is estimated to have decreased while the overall number and percentage of renter-occupied units is estimated to have increased. The 2023 ACS further estimates that the number of vacant units in the Borough has fluctuated between a low of 123 units and a high of 214 units during that same time period.

Figure 1: Owner-Occupied and Renter-Occupied Units, 1990-2023

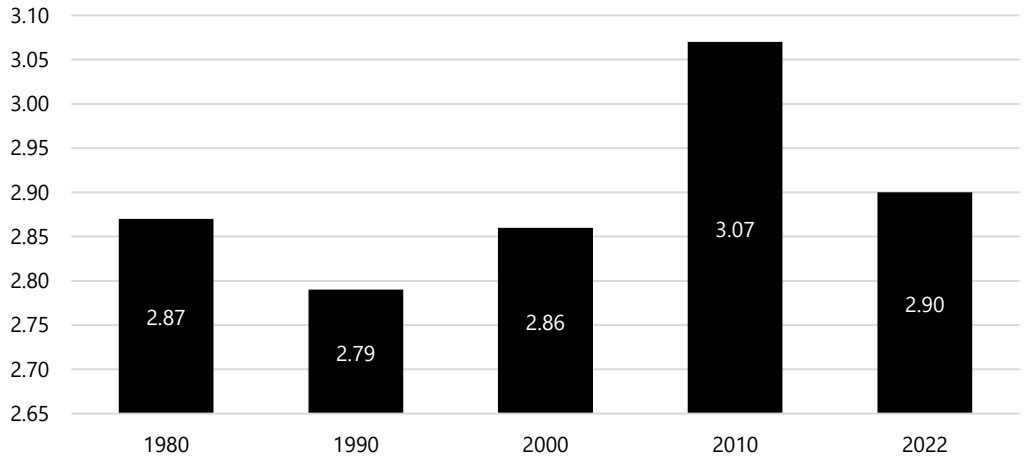


Source: US Census Bureau; 2022 American Community Survey Five-Year Estimate

Average Household Size

The Borough's average household size has generally fluctuated since 1980. As per the 2023 ACS, it is estimated that the average household size in the Borough was 2.90 people per unit. This represents a decrease of approximately 5.5% since 2010.

Figure 2: Household Sizes, 1990-2023



Source: US Census Bureau; 2023 American Community Survey Five-Year Estimate

Household Income

Households incomes have increased throughout the Borough since 1999. This is particularly evident in upper-tier incomes. In 1999, an estimated 30% of the Borough's households reported an income of $150,000 or more. By 2023, this percentage increased to approximately 65.7% of households.

Overall, the Borough's median income increased approximately 202.7% over the past few decades, from $68,742 per household in 1999 to $208,088 per household in 2023. This represents a higher percentage increase experienced by the County as a whole (78.9%) during that same time period. The Borough's median household income has also historically been higher than the County's.

Pursuant to the ACS, an estimated 3.7% of the Borough's population reported an income below the federal poverty line in 2023. This is below the County's estimated rate of 6.6%.

Table 12: Household Incomes, 1999-2023

	1999		2010		2023	
Income Level	Households	Percent	Households	Percent	Households	Percent
Less than $10,000	198	4.1%	112	2.40%	133	2.6%
$10,000 to $14,999	116	2.4%	39	0.80%	23	0.4%
$15,000 to $24,999	244	5.1%	110	2.40%	117	2.2%
$25,000 to $34,999	258	5.4%	148	3.20%	47	0.9%
$35,000 to $49,999	392	8.2%	422	9.10%	279	5.4%
$50,000 to $74,999	722	15.1%	791	17%	203	3.9%
$75,000 to $99,999	599	12.5%	376	8.10%	252	4.8%
$100,000 to $149,999	815	17.0%	605	13%	737	14.1%
$150,000 to $199,999	375	7.8%	492	10.60%	646	12.4%
$200,000 or more	1,062	22.2%	1550	33.40%	2,785	53.3%
Total	4,871	100.00%	4,645	100.00%	5,222	100.0%
Median Income		$68,742		$125,865		$208,088
Bergen County		$65,241		$81,708		$116,709

Source: US Census Bureau; 2010 and 2023 American Community Survey 5-Year Estimates.

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2.3: Inventory of Housing Stock

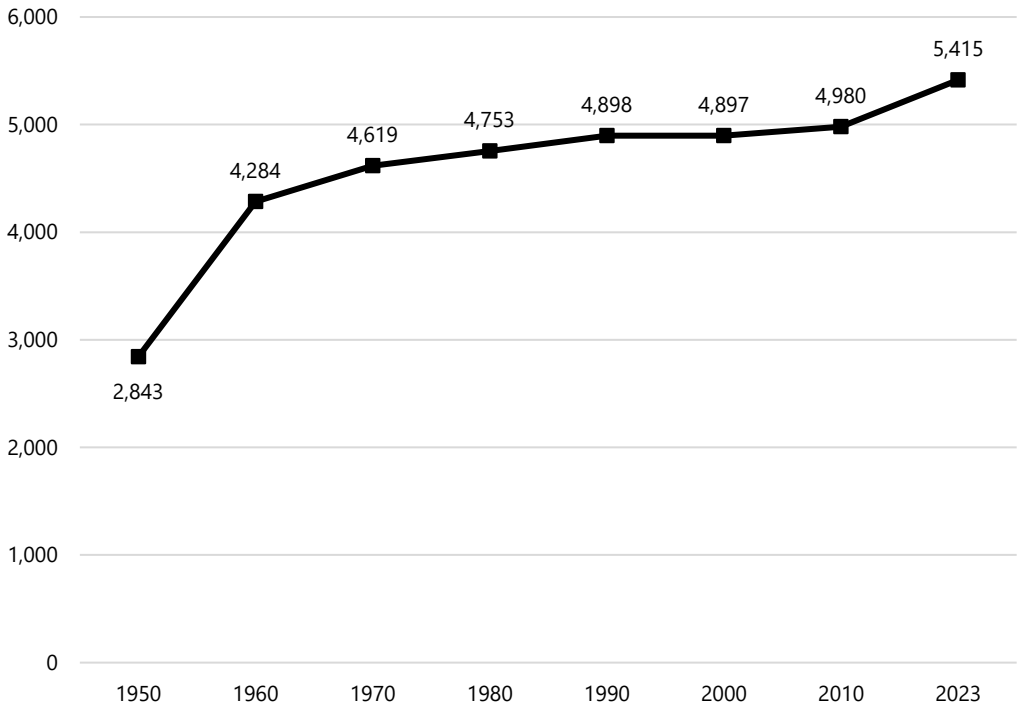
The following section provides an overview of the Borough's housing stock. It inventories several housing characteristics such as age, condition, purchase/rental value, and occupancy.

Number of Dwelling Units

Between 1950 and 2023, the number of dwelling units in the Borough is estimated to have increased approximately 90.5%, from 2,843 units in 1950 to 5,415 units in 2023.

Nevertheless, the largest percentage increase in the Borough's housing stock took place between 1950 and 1960, wherein the number of units increased by 50.6%. Since that time, the growth rate of the Borough's housing stock has slowed. The ACS estimates that between 2010 and 2023, the Borough's housing stock increased by approximately 8.7%. This reduced rate can likely be attributed to the Borough's fully developed nature.

Figure 3: Housing Units, 1950-2023



Source: US Census Bureau, 2023 ACS Five-Year Estimate

Units in Structure for Occupied Units

Information regarding the number of dwelling units in different types of housing structures provides insights into the types of housing which exists throughout the Borough. Thus, the following table summarizes the unit-composition of the Borough's structures since 2000.

As per the 2023 ACS, single-family detached dwellings account for an estimated 75.9% of the Borough's housing stock, down slightly from 81.0% in 2000. Single-family attached dwellings represent the second largest housing category at 6.1%. Those buildings with twenty or more units experienced an estimated increase of approximately 64.4% since 2023.

Table 13: Units in Structure, 2000-2023

	2000		2010		2023	
Units in Structure	Number	Percent	Number	Percent	Number	Percent
Single Family, Detached	3,966	81.0%	3,766	77.5%	4,110	75.9%
Single Family, Attached	140	2.9%	152	3.1%	331	6.1%
2 Units	332	6.8%	452	9.3%	298	5.5%
3 to 4 Units	88	1.8%	146	3.0%	122	2.3%
5 to 9 Units	98	2.0%	109	2.2%	138	2.5%
10 to 19 Units	110	2.2%	144	3.0%	86	1.6%
20 or More	163	3.3%	89	1.8%	268	5.0%
Other	0	0.0%	0	0.0%	62	1.1%
Total	4,897	100.0%	4,858	100.0%	5,415	100.0%

Source: US Census Bureau; 2010 and 2023 American Community Survey Five-Year Estimates.

Purchase and Rental Value of Housing Units

The following two tables identify purchase values and rental values for owner-occupied and renter-occupied units in Tenafly, respectively.

As shown in Table 14, the overall median value of the Borough's owner-occupied housing increased substantially between 2000 and 2010, from $403,600 to $742,500. Since that time, the ACS estimates that the median value of the Borough's owner-occupied housing stock increased again, albeit at a slower rate. As of 2023, the ACS estimates that the median value of the Borough's owner-occupied housing is approximately $974,300. This is higher than both Bergen County's and the State of New Jersey's estimated median values.

Similarly, the overall value of contract rents in the Borough has increased consistently since 2000. As of 2023, the ACS estimates that the median contract rent asked in the Borough is approximately $2,913, which represents a 145.6% increase since 2000. Rents in the Borough have historically been higher than those estimated for Bergen County and the State as a whole.

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Table 14: Value of Owner-Occupied Units, 2000-2023

	2000		2010		2023	
Value Range	Number	Percent	Number	Percent	Number	Percent
Less than $50,000	26	0.7%	12	0.3%	0	0.0%
$50,000 to $99,999	9	0.3%	15	0.4%	19	0.5%
$100,000 to $149,999	17	0.5%	15	0.4%	20	0.5%
$150,000 to $199,999	145	4.1%	0	0.0%	7	0.2%
$200,000 to $299,999	769	21.7%	83	2.4%	127	3.4%
$300,000 to $499,999	1352	38.2%	536	15.6%	140	3.7%
$500,000 to $999,999	938	26.5%	1,978	57.4%	1,685	44.7%
$1,000,000 or More	283	8.0%	805	23.4%	1770	47.0%
Total	3,539	100.0%	3,444	100.0%	3,768	100.0%
Borough Median Value		$403,600		$742,500		$974,300
Bergen County Median Value		$250,300		$483,300		$615,300
New Jersey Median Value		$170,800		$357,000		$461,000

Source: US Census Bureau; 2010 and 2023 American Community Survey Five-Year Estimates.

Table 15: Specified Renter Occupied Housing Units by Rent, 2000-2023

	2000		2010		2023	
Rent Range	Number	Percent	Number	Percent	Number	Percent
Less than $500	66	7.1%	43	4.3%	22	1.5%
$500 to $999	337	36.4%	81	8.1%	0	0.0%
$1,000 to $1,499	222	24.0%	177	17.8%	29	2.0%
$1,500 to $1,999	89	9.6%	101	10.1%	154	10.6%
$2,000 to $2,499	137	14.8%	47	4.7%	336	23.1%
$2,500 to $2,999	---	---	79	7.9%	173	11.9%
$3,000 or more	---	---	469	47.1%	654	45.0%
No Rent paid	75	8.1%	0	0.0%	86	5.9%
Total	926	100.0%	997	100.0%	1,454	100
Median Rent		$1,186		$1,882		$2,913
Bergen County Median Rent		$872		$1,236		$1,644
New Jersey Median Value		$751		$1,092		$1,498

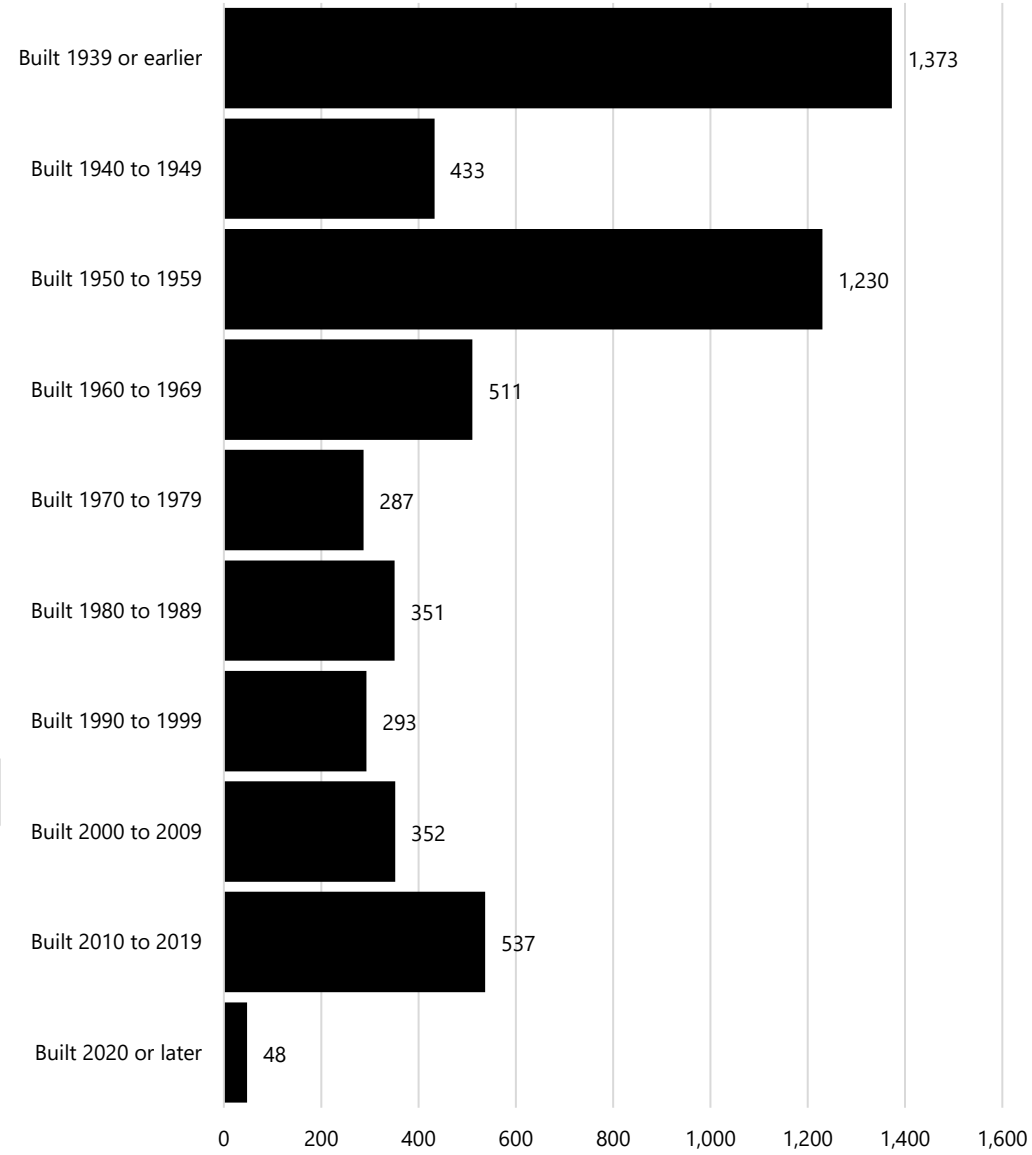
Source: US Census Bureau; 2010 and 2023 American Community Survey Five-Year Estimates.
Note: 2000 US Census provided different rental categories than 2023 ACS

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Year Structure Built

The following figure identifies the years in which the Borough's structures were built. As shown, the Borough has an older housing stock with more than half (56.1%) of all dwellings constructed prior to 1960. Conversely, only 10.8% of the Borough's dwellings are estimated to have been constructed after 2010.

Figure 4: Year Structure Built



Source: 2023 American Community Survey Five-Year Estimates.

Deficient Housing Units

Neither the Census nor the ACS classify housing units as deficient. However, the Fair Housing Act defines a "deficient housing unit" as housing which: is over fifty years old and overcrowded; lacks complete plumbing, or; lacks complete kitchen facilities.

Accordingly, the following tables are intended to provide insights into the extent to which the Borough has deficient housing units. First, Table 16 examines the extent to which there is overcrowding in the Borough's housing stock which is typically associated with housing units with more than one occupant per room. As shown, the estimated number of occupied housing units within the Borough considered to be overcrowded is negligible

Table 16: Occupants Per Room (2023)

Occupants per Room	Owner-Occupied	Renter-Occupied
0.50 or Fewer	3,171	874
0.51 to 1.00	597	529
1.01 to 1.50	0	21
1.51 to 2.00	0	30
2.01 or More	0	0
Total	3,768	1,454

Source: 2023 American Community Survey Five-Year Estimates.

Table 17 identifies housing units with and without complete plumbing and kitchen facilities. As shown, all occupied units in the Borough were identified as having complete kitchen facilities, while nearly all (99.8%) of occupied units have complete plumbing facilities.

Table 17: Plumbing and Kitchen Facilities (2023)

	Units with Complete Facilities	Units without Complete Facilities
Plumbing	5,214	8
Kitchen	5,222	0

Source: 2023 American Community Survey Five-Year Estimates.

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2.4: Housing and Employment Projection

The following section identifies the extent to which housing and economic development have occurred in the community, which can assist in the determination of future residential and employment projections.

Recent Residential Development Activity

One way of examining the stability of a community's housing stock is by comparing the number of residential building permits and demolition permits issued every year. Since 2000, the Borough has annually issued an average of 39.6 and 25.1 building permits and demolition permits, respectively. This results in an average positive net of 14.4 permits annually. This is reflective of the Borough's established development pattern.

Table 18: Residential Building Permits and Demolition Permits

	Building Permits					
Year	1 & 2 Family	Multifamily	Mixed Use	Total	Demos	Net
2000*				30	24	6
2001*				31	20	11
2002*				54	26	28
2003*				24	18	6
2004	36	0	1	37	20	17
2005	48	0	0	48	36	12
2006	53	0	0	53	26	27
2007	35	147	0	182	26	156
2008	21	2	0	23	14	9
2009	14	12	0	26	19	7
2010	23	0	0	23	20	3
2011	22	0	0	22	27	-5
2012	22	0	0	22	18	4
2013	28	0	0	28	26	2
2014	29	0	0	29	35	-6
2015	32	0	0	32	36	-4
2016	35	0	0	35	12	23
2017	38	0	0	38	18	20
2018	39	0	0	39	52	-13
2019	46	0	0	46	38	8
2020	25	0	0	25	27	-2
2021	53	0	0	53	11	42
2022	21	0	0	21	25	-4
2023	30	0	0	30	30	0
Total	650	161	1	951	604	347

Source: Department of Community Affairs

** Data not broken down by category*

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Recent Multifamily Development Approvals

The Borough has approved several multifamily developments which may not be reflected in Table 18. These include the following. As shown, these developments comprise a total of one hundred and eighty-nine (189) residential units.

- *4.5-5 West Railroad Avenue*. 4.5-5 West Railroad Avenue, which is identified by municipal tax records as Block 1011 Lot 19, received site plan approval in 2022 for a mixed-use development consisting of eighteen (18) residential units.
- *6 West Railroad Avenue*. 6 West Railroad Avenue, which is identified by municipal tax records as Block 1011 Lot 18, received site plan approval in 2022 for a mixed-use development consisting of four (4) residential units.
- *11 West Railroad Avenue*. 11 West Railroad Avenue, which is identified by municipal tax records as Block 1011 Lot 15, received site plan approval in 2022 for a mixed-use development consisting of five (5) residential units.
- *31 Central Avenue*. 31 Central Avenue, which is identified by municipal tax records as Block 1104 Lots 7 and 8, received site plan approval in 2023 for a mixed-use development consisting of ten (10) residential units.
- *121-131 North Summit Street/145 Piermont Road*. 121-131 North Summit Street/145 Piermont Road, which is identified by municipal tax records as Block 1301 Lots 2 and 13, received site plan approval in 2023 for a mixed-use development consisting of one hundred and twelve (112) residential units.
- *66 West Railroad Avenue*. 66 West Railroad Avenue, which is identified by municipal tax records as Block 1104 Lot 4, received site plan approval for a mixed-use development consisting of forty (40) residential units.

Covered Employment

Figure 8 and Figure 9 provide data on the Borough's covered employment trends between 2004 and 2023, as reported by the New Jersey Department of Labor and Workforce Development. "Covered employment" refers to any employment covered under the Unemployment and Temporary Disability Benefits Law. Generally, nearly all employment in the state is considered to be "covered employment."

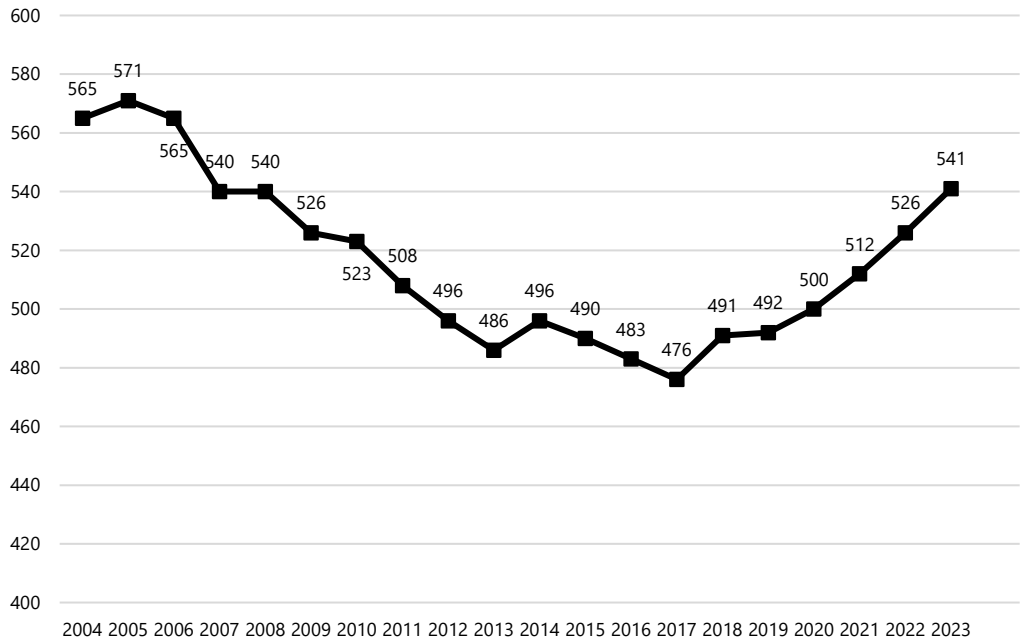
Figure 8 depicts the number of reported "employment units" within the Borough. An "employment unit" is defined as an individual or organization which employs one or more workers. As shown, the Borough experienced a fairly consistent loss of employment units between 2005 and 2017. Since that time, however, the number of employment units have increased approximately 13.7%. As of 2023, there were a reported 541 employment units in the Borough.

While the Borough may have generally experienced a decrease of employment units between 2005 and 2017, Figure 9 suggests it actually experienced an increase in employment during that same time frame. Ironically, as the number of employment units increased since 2017, employment levels decreased continually between 2017 and 2020.

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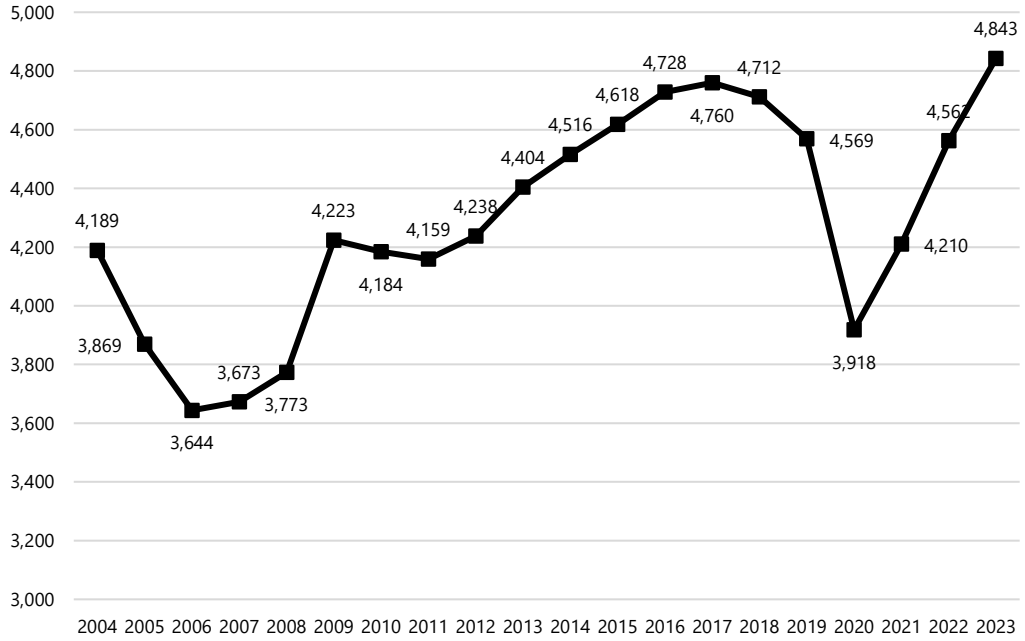
Since that time, however, employment has increased by approximately 23.6%. As of 2023, the Borough's reported covered employment was 4,843 individuals.

Figure 5: Covered Employment Units, 2004 to 2023



Source: Department of Labor and Workforce Development

Figure 6: Average Covered Employment, 2004 to 2023



Source: Department of Labor and Workforce Development

Section 3: 4th Round Obligation

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

3.1: Summary of Fourth Round Obligation

On March 20, 2024, the State of New Jersey adopted a package of affordable housing bills which overhauled the Fair Housing Act (FHA). This legislation eliminated the Council on Affordable Housing (COAH) and split its duties and functions between the Department of Community Affairs (DCA) and the Administrative Office of the Courts (AOC).

The DCA was designated as the entity responsible for calculating the state's regional needs. NJSA 52:27D-304.2 establishes the methodology to be utilized by the DCA to determine the state's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each region between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then to be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. This methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

Furthermore, the DCA was also designated as the entity responsible for calculating each municipality's present and prospective fair share obligations. However, the FHA makes clear that these calculations are advisory and that each municipality must set its own obligation number utilizing the same methodology.

On January 21, 2025, Tenafly adopted Resolution #R25-72 which established its affordable housing obligations for the Fourth Round. A copy of this resolution is located in Appendix A. Despite finding flaws in its land capacity factor, the Borough accepted the DCA's Fourth Round Obligation calculation of two hundred and ninety-seven (297) affordable units. That same resolution also noted that the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP). This is discussed in greater detail herein.

Furthermore, Resolution #R25-72 adjusted the Borough's Present Need Obligation from sixty-one (61) to ten (10) affordable units based upon a Structural Conditions Survey. This is also discussed in greater detail herein.

Table 19: Summary of Fair Share Obligation

Affordable Obligation	Units
Present (Rehabilitation Need) Obligation	10
Prospective Need	297

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3.2: Present Need Obligation and Structural Conditions Survey

The following is noted regarding the Borough's Present Need Obligation and Structural Conditions Survey.

Present Need Obligation

As per the adopted legislation, a municipality's Present Need Obligation is determined "by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof."

The "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" workbook released by the DCA (herein referred to as the "DCA Workbook" or the "Workbook") notes that the Present Need calculations used three (3) factors to calculate its present need: the number of housing units lacking complete kitchen facilities; the number of units lacking complete plumbing facilities; and the number of overcrowded units.

The analysis employed by the DCA utilizes data from HUD's Comprehensive Housing Affordability Strategy (CHAS) dataset, which has municipal-level data on the number and percentage of low- and moderate-income households from a special tabulation of the US Census's American Community Survey (ACS) data. Utilizing the methodology outlined in the Workbook, the DCA calculated a Present Need of sixty-eight (68) affordable units for the Borough.

Structural Conditions Survey

However, as per NJAC 5:93-5.2, "each municipality shall be provided with the Council's estimate for substandard units occupied by low and moderate income households. This estimate shall be the municipality's indigenous need, unless the municipality or an objector performs the Council's Structural Conditions Survey (see Appendix C, incorporated herein by reference). Where the municipality or objector performs the Structural Conditions Survey, the Council shall review the results of the data collected and shall modify the indigenous need if it determines a modification is warranted."

Appendix C to COAH's Round 2 rules (5:93) sets forth the guidelines for the preparation of a Structural Conditions Survey. As set forth therein, the first step in the process is for the Construction Official (or their designee) to conduct an exterior survey to determine the number of substandard units in the municipality. The second step is to estimate the number of substandard units occupied by low- and moderate-income households. To calculate this estimate, Appendix C states that "the Council will rely on census information that is available from the Public Use Micro-Data Sample (PUMS)."

In regard to the first step, the Borough's Construction Official conducted a survey on December 11, 2024. As per that survey, the Construction Official observed thirteen (13) structures being in need of repair. See Appendix C for a copy of this survey.

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The next step is to estimate the number of those surveyed substandard units which are occupied by low- and moderate-income households. However, in calculating the Round 4 Present Need obligations, the DCA did not rely upon PUMS data for determining the percentage of substandard units occupied by low-and moderate-income households. Rather, the DCA relied upon HUD's Comprehensive Housing Affordability Strategy (CHAS) dataset for this estimate. Separate percentages were calculated for overcrowded units and units lacking complete plumbing or kitchen facilities.

The entirety of the Present Need calculated for the Borough consisted of overcrowded units. The data employed by the DCA found that ninety-two (92) units were overcrowded, and it was estimated by the DCA that 74.0% of these units were overcrowded by low- and moderate-income households.

When applying this same percentage to the units identified by the Structural Conditions survey, a total of ten (10) units are in need of rehabilitation.

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3.3: Realistic Development Potential

The Borough of Tenafly is a fully developed community and is therefore entitled to adjust its obligation in accordance with a procedure set forth in the FHA. Specifically, NJSA 52:27D-310.1 permits municipalities to perform a realistic development potential (RDP) analysis by seeking a vacant land adjustment (VLA).

A RDP analysis is intended to determine which sites in a municipality are most likely to develop for low- and moderate-income housing. Municipalities may present documentation that eliminates a site or part of a site from its inventory of vacant land. Such eliminating factors include: lands dedicated for public uses other than housing since 1997; park lands or open space; vacant contiguous parcels in private ownership of a size which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

Prior Round RDP

The Borough received a Prior Round judgement of compliance and repose which established a RDP of thirty-eight (38) affordable units which was later adjusted to sixty-seven (67) affordable units.

Third Round RDP

A VLA was conducted for the Borough's 2018 HE&FSP. This analysis identified sixteen (16) vacant parcels which totaled 6.37 acres of vacant land in the Borough. A total of 4.05 acres were comprised of vacant sites that were minimally 0.83 acres, all of which were devoid of the aforementioned constraints. Pursuant to the applicable regulations, a minimum presumptive density of six units per acre was imposed on these 4.05 acres. A twenty percent (20%) set-aside was then imposed on that calculation. This formula resulted in a RDP of five (5) affordable units.

Subsequently, and pursuant to an amended settlement agreement and a 2023 amendment to the Borough's HE&FSP, this RDP of five (5) affordable units was combined with an RDP of thirty-seven (37) units which was comprised of four separate components: the Dean Drive Site; the Piermont Road Site; the Serpentine Road Site; and the West Railroad Avenue Site. This resulted in a total Third Round Prospective Need RDP of forty-two (42) units.

DRAFT

Fourth Round RDP

A new VLA has been conducted for the Borough. This analysis first identified those properties in the Borough which have a vacant tax assessment. Next, wetland, steep slope, and floodplain information pursuant to the applicable regulations were applied to these vacant sites. The remaining acreage of sites minimally 0.83 acres in size was then calculated. The analysis revealed that there are no newly vacant properties which meet the aforementioned 0.83 acre threshold.

However, the Borough found one (1) municipally owned parking lot which has the potential to be redeveloped. This parking lot, which is identified by municipal tax records as Block 1009 Lot 9, is located at the corner of Tenafly Avenue and Washington Road. Pursuant to Bergen County tax records, this site has an area of approximately 0.462 acres. A presumptive density of fifteen (15) units per acre was applied to this site; this presumptive density is based upon the AHO-5 Overlay District which is the nearest overlay zoning district. This results in a RDP of **two (2) affordable units**.

A copy of the VLA can be found in Appendix D.

DRAFT



Source 1: Boundary data from NJDEP.
Source 2: Parcel data from NJGIN Open Data, Bergen County,
Source 3: Street data from NJ Open Data.
Source 4: Wetland data from NJOGIS, Land Use/Land Cover data dated 2020.
Source 5: C-1 Stream data from NJDEP, dated 023.
Source 6: Flood zone data from FEMA, dated 2019.
Source 7: Steep slope data extrapolated from DEM data from NJDEP.

Dwg. Title

Map 3: Vacant Land Adjustment

Project No.	Date	Drawn
4168.04	12.18.25	DN

Legend

Municipal Boundary

Parcels

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Project Title

Housing Element and Fair Share Plan

Borough of Tenafly | Bergen County, New Jersey

Scale: 1 " = 1,800 '

Dwg. No.: map 3

Section 4: Fair Share Plan

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations. These obligations are summarized as follows:

Table 20: Affordable Housing Obligation Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	10
Prior Round Obligation (1987-1999)	159
Third Round Obligation (1999-2025)	501
Fourth Round Obligation (2025-2035)	297

4.1: Prior Round Obligation

The Borough was assigned a Prior Round Obligation of one hundred and fifty-nine (159) affordable units and subsequently a Prior Round judgement of compliance and repose which established a realistic development potential (RDP) of thirty-eight (38) affordable units which was later adjusted to sixty-seven (67) affordable units. The Borough addressed this Prior Round RDP through the components identified in Table 21. As shown, these components comprised a total of seventy-six (76) credits. After applying those seventy-six (76) credits as well as thirty-five (35) existing credits of subsidized senior housing from the Tenafly Senior Housing site, the remaining Prior Round unmet need constituted forty-eight (48) affordable units.

Table 21: Prior Round RDP Components

Plan Component	Units	Rental Units	Applicable Rental Bonus	Unused Credits	Total Units/Credits
Accessory Apartments	10	0	0	0	10
Arc Group Home	5	5	[A] 5	0	10
Brightview Tenafly Assisted Living	9	9	0	0	9
Tenafly Special Needs Housing	10	10	[A] 10	0	20
The Plaza at Tenafly	17	0	0	0	17
The Crossings at Tenafly	9	5	[A] 1	[B] 4	10
Total	60	29	16	4	76

[A] Rental bonus may only account for twenty-five (25%) percent (16 units) toward Prior Round RDP

[B] Four bonus credits could not be applied from this development due to sixteen (16) unit constraint noted in Footnote A

DRAFT



Dwg. Title

Map 4: Prior Round Components

Project No.	Date	Drawn
4168.04	02.03.25	DN

Legend

- Municipal Boundary
- Parcels
- Prior Round Components

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Project Title

Housing Element and Fair Share Plan

Borough of Tenafly | Bergen County, New Jersey

Scale: 1 " = 1,800 '

Dwg. No.: map 4

4.2: Third Round Obligation

Pursuant to a Settlement Agreement signed with FSHC, the Borough had a Third Round Prospective Need Obligation of five hundred and one (501) affordable units. As discussed in the prior section, the 2018 HE&FSP initially established a Third Round Prospective Need RDP of ten (10) affordable units. This was later adjusted in a Revised Settlement Agreement to forty-two (42) units, which was informed by:

- A VLA analysis which generated a RDP of five (5) units;
- The Dean Drive Site which generated a RDP of eleven (11) units;
- The Serpentine Road Site which generated a RDP of sixteen (16) units, and;
- The West Railroad Avenue Site which generated a RDP of three (3) units.

The Borough proposes to address its Third Round RDP through the components identified in Table 22 below. As shown, these components generate forty-eight (48) credits.

Table 22: Components to Address Third Round RDP

Component	Affordable Units	Bonus Credit	Total Credit	Unit Type
Tenafly Senior Housing[1]	10	0	10	Extension of Controls
Piermont Road Site	7	0	7	Family
Serpentine Road Site	16	11	27	Family
West Railroad Avenue Site	3	0	3	Family
Total	36	11	47	

[1] 34 units were extended. Only 10 are applied to the Third Round due to a 25% cap.

In addition to the above, the Borough has a remaining Third Round Unmet Need of five hundred two (502) affordable units which is informed from the following:

- *Remaining Prior Round Obligation*. As discussed herein, the Borough has a remaining Prior Round Unmet Need Obligation of forty-eight (48) affordable units.
- *Third Round Obligation*. The Borough has a Third Round obligation of five hundred and one (501) affordable units.
- *Combined Prior and Third Round Obligation*. The remaining Prior Round Unmet Need Obligation and the Third Round Obligation total five hundred and forty-nine (549) affordable units.
- *Subtracting RDP Components*. When subtracting the forty-seven (47) credits to be generated by the amended Third Round Components, the Borough has a remaining Unmet Need of five hundred and two (502) affordable units.

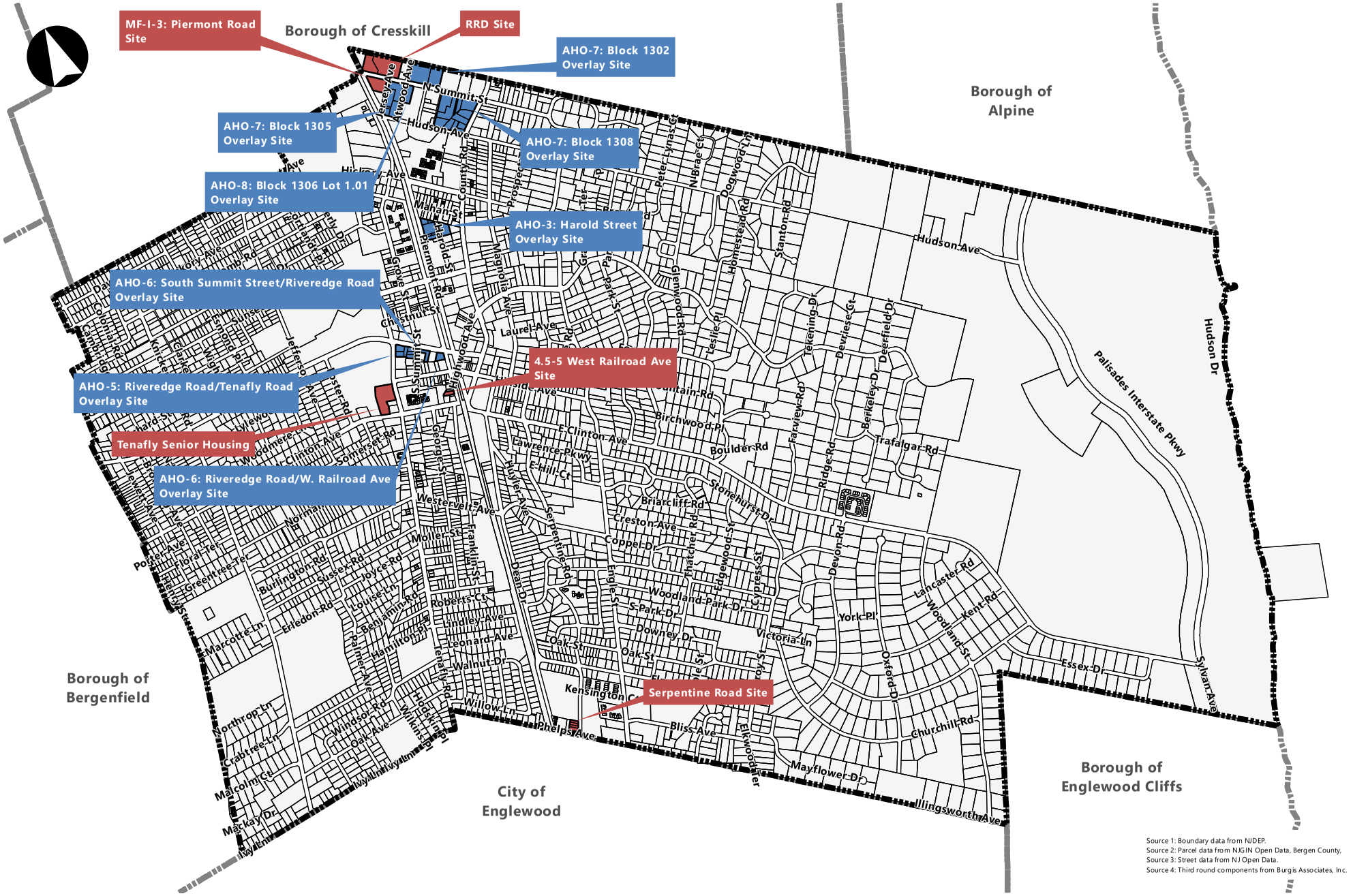
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The components which were utilized by the 2023 Amendment to the 2018 HE&FSP to address the Borough's Unmet Need are identified in Table 23. As shown, these components produce a total of two hundred and ten (210) units, including forty-four (44) affordable units. However, as discussed in Section 4.3, the Borough proposes to increase the densities of these overlay districts.

Table 23: Third Round Unmet Need Components

Plan Component	Overlay District	Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	18	32	7
Riveredge Road/Tenafly Road	AHO-5	15	14	3
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	5	1
Block 1305	AHO-7	15	32	7
Block 1306 Lot 1.01	AHO-8	15	8	2
Block 1308	AHO-7	15	75	15
Block 1302	AHO-7	15	39	8
Total			210	44

DRAFT



Source 1: Boundary data from NJDEP.
Source 2: Parcel data from NJGIN Open Data, Bergen County,
Source 3: Street data from NJ Open Data.
Source 4: Third round components from Burgis Associates, Inc.

Dwg. Title: Map 5: Third Round Components	Project No.: 4168.04	Date: 12.18.25	Drawn: DN
Project Title: Housing Element and Fair Share Plan Borough of Tenafly | Bergen County, New Jersey	Scale: 1 " = 1,800 '	Dwg. No.: map 5	

Legend
- Municipal Boundary
- Parcels
- RDP Sites
- Unmet Need Sites

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Third Round RDP Components

The following components are to be employed to address the Borough's Third Round RDP.

Tenafly Senior Housing



Map 6: Tenafly Senior Housing (scale: 1" = 300')

The Tenafly Senior Housing Site is identified by municipal tax records as Block 1008 Lot 2. It is located at the intersection of West Clinton Avenue and Tenafly Road.

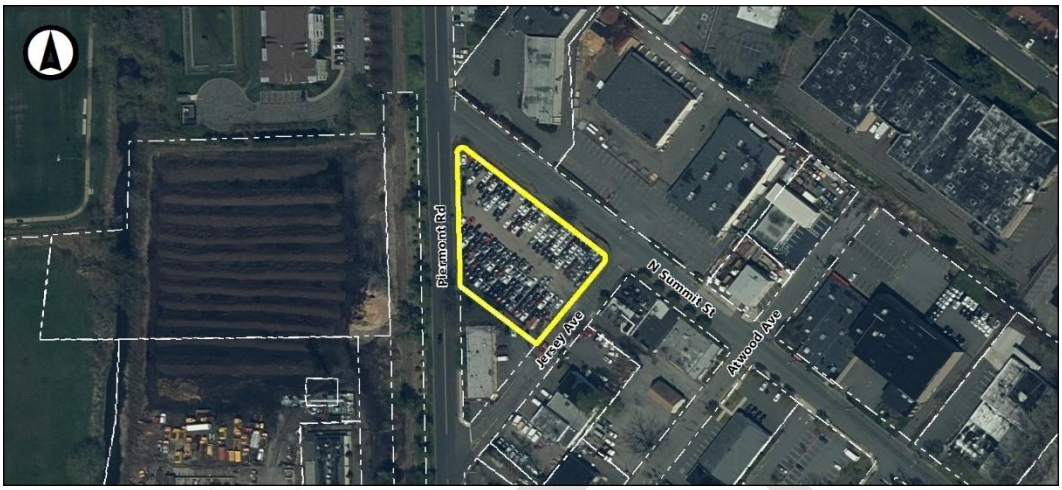
The Tenafly Senior Housing Site was constructed in 1983 as a Federal Housing Administration Section 202 senior housing project. The facility consists of thirty-four (34) units occupied by very-low, low- and moderate-income senior households.

The Borough has adopted an ordinance which authorized an amendment to the tax abatement agreement by and between the Borough and Tenafly Senior Housing. A copy of this ordinance can be found in Appendix E. In short, this ordinance extended the property's Payment in Lieu of Taxes (PILOT). In partial consideration of the term of the PILOT, Tenafly Senior Housing agreed to a recording of an affordable housing deed restriction for the term of the PILOT. A copy of the draft recording can be found in Appendix F.

Since the Third Round regulations only permitted twenty-five percent (25%) of a municipality's obligation to be addressed by age-restricted units, the Borough will apply ten (10) of these thirty-four (34) units towards its Third Round RDP obligation. The remaining twenty-four (24) units will be utilized in the Fourth Round.

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Piermont Road Site



Map 7: Piermont Road Site (scale: 1" = 300')

The Piermont Road Site is identified by municipal tax records as Block 1304 Lot 2. It is located at the intersection of Piermont Road and North Summit Street. The site has an area of approximately 0.90 acres.

Pursuant to the Borough's 2018 HE&FSP and Settlement Agreement, the site was placed in the Multi-Family Inclusionary Housing District 3 (MF-I-3) District. The purpose of this district is to encourage the production of very-low, low- and moderate-income housing units. Accordingly, the district permits multifamily uses at a maximum density of thirty-five units per acre with a required affordable housing set-aside of either twenty percent for for-sale units or fifteen percent for-rent units. This permits the development of thirty-two total units, including seven affordable units.

For new HE&FSPs, the revised legislation requires that in addressing prior round obligations, the municipality shall "demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources." While this component has not yet been constructed, the site continues to present a realistic opportunity for the production of affordable housing. Specifically, the site remains:

1. *Approvable*. The Borough has already adopted a zoning ordinance permitting inclusionary developments with a required affordable housing set-aside.
2. *Available*. There are no known title issues which would prohibit the development of this site.
3. *Developable*. The site is located in a water and sewer service area.
4. *Suitable*. The site is located in close proximity to other multifamily developments including the Plaza at Tenafly. It is also located in close proximity to the Borough's downtown.

DRAFT

Serpentine Road



Map 8: Serpentine Road Site (scale: 1" = 300')

The Serpentine Road site is located near the southerly portion of the Borough, immediately adjacent to its shared municipal border with the City of Englewood. On April 13, 2017, the Borough obtained approval to utilize up to $1,300,000 from its Affordable Housing Trust Fund to acquire Block 715 Lots 11, 12, and 13. The 2018 HE&FSP noted that the Borough intended to work with a nonprofit organization to develop five units of either special needs or veterans housing through the construction of new units or the rehabilitation of the existing structures on site.

On September 1, 2020, the Borough received further approval to allocate an additional $600,000 for the purchase of Block 715 Lot 14. As noted in that approval, the property is immediately adjacent to the three aforementioned lots and, as a result, its acquisition increased the total acreage of the project area thus enabling the potential development of additional affordable units. The Borough ultimately acquired this property by way of Ordinance #20-24, which was adopted on December 21, 2020.

As per the 2023 Amendment to the 2018 HE&FSP, the Borough plans to partner with Bergen County's United Way for the construction of a sixteen unit affordable development consisting of family units. To assist with the construction of this development, the Borough has allocated an additional $200,000 from its affordable housing trust fund to subsidize a portion of the project.

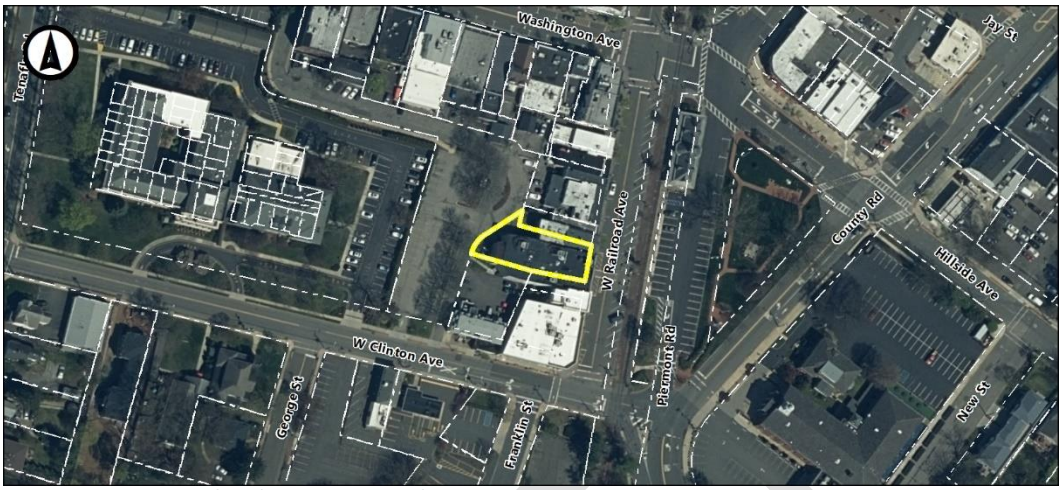
DRAFT

For new HE&FSPs, the revised legislation requires that in addressing prior round obligations, the municipality shall "demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources." While this component has not yet been constructed, the site continues to present a realistic opportunity for the production of affordable housing. Specifically, the site remains:

1. *Approvable*. The Borough adopted Ordinance No. 23-25 on November 20, 2023 which permits a 100% affordable housing multifamily development. See Appendix G for a copy of the adopted ordinance.
2. *Available*. There are no known title issues which would prohibit the development of this site.
3. *Developable*. The site is located in a water and sewer service area.
4. *Suitable*. The site is located in close proximity to other multifamily developments, commercial uses, and a NJ Transit bus stop.

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4.5-5 West Railroad Avenue Site



Map 9: 4.5-5 West Railroad Avenue Site (scale: 1" = 250')

The 4.5-5 West Railroad Avenue Site is located near the center of the Borough's downtown. It is identified by municipal tax records as Block 1011 Lot 19. The site has an area of approximately 0.22 acres.

On October 26, 2022, the site received preliminary and final site plan approval as well as "c" variance relief for a mixed use development consisting of 1,116 square feet of commercial space as well as eighteen residential units, including three affordable units. See Appendix H for a copy of the approving resolution.

While this component has not yet been constructed, the site continues to present a realistic opportunity for the production of affordable housing. Specifically, the site remains:

1. *Approvable*. The site has already received site plan approval from the Borough's Planning Board.
2. *Available*. There are no known title issues which would prohibit the development of this site.
3. *Developable*. The site is located in a water and sewer service area.
4. *Suitable*. The site is located near the center of the Borough's downtown and is in close proximity to several NJ Transit bus stops.

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Unmet Need Components

As already noted, the components which were utilized by the 2023 Amendment to the 2018 HE&FSP to address the Borough's Unmet Need are identified in Table 24. As shown, these components produce a total of two hundred and ten (210) units, including forty-four (44) affordable units. However, as discussed in Section 4.3, the Borough proposes to increase the densities of these overlay districts.

Table 24: Third Round Unmet Need Components

Plan Component	Overlay District	Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	18	32	7
Riveredge Road/Tenafly Road	AHO-5	15	14	3
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	5	1
Block 1305	AHO-7	15	32	7
Block 1306 Lot 1.01	AHO-8	15	8	2
Block 1308	AHO-7	15	75	15
Block 1302	AHO-7	15	39	8
Total			210	44

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4.3: Fourth Round Obligation

As previously noted, Tenafly adopted Resolution #R25-72 which establishes its affordable housing obligations for the Fourth Round. A copy of this resolution is located in Appendix A. Despite finding flaws in its land capacity factor, the Borough accepted the DCA's Fourth Round Obligation calculation of two hundred and ninety-seven (297) affordable units. That same resolution also noted that the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP).

Accordingly, the Borough prepared a new VLA for the Fourth Round. The analysis revealed that there are no newly vacant properties which meet the aforementioned 0.83 acre threshold. However, the Borough found one (1) municipally owned parking lot which has the potential to be redeveloped. This parking lot, which is identified by municipal tax records as Block 1009 Lot 9, is located at the corner of Tenafly Avenue and Washington Road. Pursuant to Bergen County tax records, this site has an area of approximately 0.462 acres. A presumptive density of fifteen (15) units per acre was applied to this site; this presumptive density is based upon the AHO-5 Overlay District which is the nearest overlay zoning district. This results in a RDP of **two (2) affordable units**. A copy of the VLA can be found in Appendix D.

The Borough will address this two-unit RDP through the Giesi 31 Central Avenue Site. As detailed herein, the site received preliminary and final site plan approval as well as "c" variance relief for a mixed use development consisting of 700 square feet of commercial space as well as ten (10) units, including two (2) affordable units. This component is currently under construction.

Table 25: Component to Address Fourth Round RDP

Plan Component	Total Units	Affordable Units
Giesi 31 Central Avenue Site	10	2
Total	10	2

DRAFT

This component leaves the Borough with an Unmet Need of two hundred and ninety-five (295) affordable units. After applying the remaining twenty-four (24) extended credits from Tenafly Senior Housing, the Borough's Unmet Need is further reduced to two hundred and seventy-one (271) affordable units. As per NJSA 52:27D-310.1 and its Settlement Agreement with FSHC (see Appendix B), the Borough will address twenty-five percent (25%) of this Unmet Need which equates to sixty-eight (68) affordable units. It will do so in a two-part manner.

1. *Fourth Round Unmet Need Components*. To address a portion of this requirement, the existing and proposed components identified in Table 26 will be utilized. These components, which are discussed in greater detail herein, can generate sixty (60) affordable units.
2. *Third Round Unmet Need Components: Increased Densities*. To address the remaining eight (8) unit Unmet Need requirement, the Borough will also increase the densities of its Third Round Unmet Need Overlay Zones as identified in Table 27. As shown, these increased densities can generate an additional eight (8) affordable units as otherwise contemplated in Table 24.

These components are all identified in Map 10.

Table 26: Fourth Round Unmet Need Components

Plan Component	Status	Affordable Units
RRD North Summit Street Site	Site Plan Approved	17
Adoni West Railroad Avenue Site	Site Plan Approved	6
Dean Drive Site	Proposed	20
33 Engle Street	Proposed	2
West Clinton Avenue Overlay Site	Proposed	3
Block 1311 Overlay Site	Newly Proposed	3
Block 715 Overlay Site	Newly Proposed	3
Block 1707 Overlay Site	Newly Proposed	4
Block 1801 Overlay Site	Newly Proposed	2
Total		60

Table 27: Revised Third Round Unmet Need Components

Plan Component	Overlay District	Revised Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	19	35	7
Riveredge Road/Tenafly Road	AHO-5	18	18	4
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	4	1
Block 1305	AHO-7	19	40	8
Block 1306 Lot 1.01	AHO-8	18	10	2
Block 1308	AHO-7	19	94	19
Block 1302	AHO-7	19	49	10
Total			254	52

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Dwg. Title

Map 10: Fourth Round Components

Project No.	Date	Drawn
4168.04	12.22.25	DN

Legend

Municipal Boundary

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p: 201.666.1811
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Project Title

Housing Element and Fair Share Plan

Borough of Tenafly | Bergen County, New Jersey

Scale:	Dwg. No.:
1 " = 1,800 '	map 10

Fourth Round RPD Components

The following components are to be employed to address the Borough's Fourth Round RPD.

Giesi 31 Central Ave Site



Map 11: Giesi 31 Central Ave Site (scale: 1" = 200')

The Giesi 31 Central Avenue Site is located in the north-central portion of the Borough, at the intersection of Central Avenue and West Railroad Avenue. The site, which is identified by municipal tax records as Block 1104 Lots 7 and 8, is located at 27-31 Central Avenue.

On January 10, 2024, the site received preliminary and final site plan approval as well as "c" variance for a mixed use development consisting of 700 square feet of commercial space as well as ten (10) affordable units, including two (2) affordable units. See Appendix I for a copy of the approving resolution.

The site presents a realistic opportunity for the production of affordable housing. Specifically, the site is:

1. *Approvable*. The Borough has already granted preliminary and final site plan approval as well as "c" variance relief for the development.
2. *Available*. There are no known title issues which would prohibit the development of this site.
3. *Developable*. The site is located in a water and sewer service area
4. *Suitable*. The site is located in close proximity to nearby commercial areas including the Borough's downtown, other multifamily developments, and NJ Transit bus stops.

This component is intended to address the Borough's two-unit RDP and reduces its Unmet Need to two hundred and ninety-five (295) affordable units.

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Fourth Round Unmet Need Components

The following components are to be employed to address the Borough's Fourth Round Unmet Need.

Tenafly Senior Housing



Map 12: Tenafly Senior Housing (scale: 1" = 300')

The Tenafly Senior Housing Site is identified by municipal tax records as Block 1008 Lot 2. It is located at the intersection of West Clinton Avenue and Tenafly Road.

The Tenafly Senior Housing Site was constructed in 1983 as a Federal Housing Administration Section 202 senior housing project. The facility consists of thirty-four (34) units occupied by very-low, low- and moderate-income senior households.

The Borough has adopted an ordinance which authorized an amendment to the tax abatement agreement by and between the Borough and Tenafly Senior Housing. A copy of this ordinance can be found in Appendix E. In short, this ordinance extended the property's Payment in Lieu of Taxes (PILOT). In partial consideration of the term of the PILOT, Tenafly Senior Housing agreed to a recording of an affordable housing deed restriction for the term of the PILOT. A copy of the draft recording can be found in Appendix F.

As noted in the prior subsection, the Borough will apply ten (10) of the thirty-four (34) credits towards its Third Round RDP obligation. The remaining twenty-four (24) will be utilized in the Fourth Round.

This component is intended to reduce the Borough's Unmet Need Obligation from two hundred and ninety-five (295) affordable units to two hundred and seventy-one (271) affordable units.

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RRD North Summit Street Site



Map 13: RRD North Summit Street Site (scale: 1" = 400')

The RRD North Summit Street Site is located in the northerly portion of the Borough, near its shared municipal border with the Borough of Cresskill. The site, which is identified by municipal tax records as Block 1301 Lots 1 and 3, is located at 121-131 North Summit Street.

On May 24, 2023, the site received preliminary and final site plan approval as well as "c" variance relief for a mixed use development consisting of 2,470 square feet of retail space as well as one hundred and twelve (112) multifamily units, including seventeen (17) affordable units. See Appendix J for a copy of the approving resolution.

Adoni West Railroad Avenue Site



Map 14: Adonie West Railroad Ave Site (scale: 1" = 300')

The Adoni West Railroad Avenue Site is located in the north-central portion of the Borough, to the north of the intersection of Central Avenue and West Railroad Avenue. The site, which is identified by municipal tax records as Block 1104 Lot 4, is located at 66 West Railroad Avenue.

On July 24, 2024, the site received preliminary and final site plan approval as well as "c" variance for a mixed use development consisting of 2,588 square feet of retail space and forty (40) residential units, including six (6) affordable units. See Appendix K for a copy of the approving resolution.

Dean Drive Site



Map 15: Dean Drive Site (scale: 1" = 650')

The Dean Drive site is located between 123 and 145 Dean Drive. It is identified by municipal tax records as Block 906 Lots 1, 2, 3, and 4.

The 123-145 Dean Drive Redevelopment Plan was adopted on July 18, 2022. This plan enables the redevelopment of the site as a hotel and assisted living/congregate care facility. Ten percent (10%) of the assisted living/congregate care facility's beds are required to be set-aside as affordable, provided that no fewer than eleven (11) beds are reserved as such. This redevelopment area was designed as an overlay district, thus preserving the underlying zone which permits mixed use development.

The Borough now proposes to change the redevelopment plan to permit an inclusionary multifamily development consisting of one hundred (100) residential uses, of which twenty (20) units shall be affordable. See Appendix L for a copy of this draft ordinance. Note that this ordinance is in draft form and may be refined at a future date.

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33 Engle Street Site

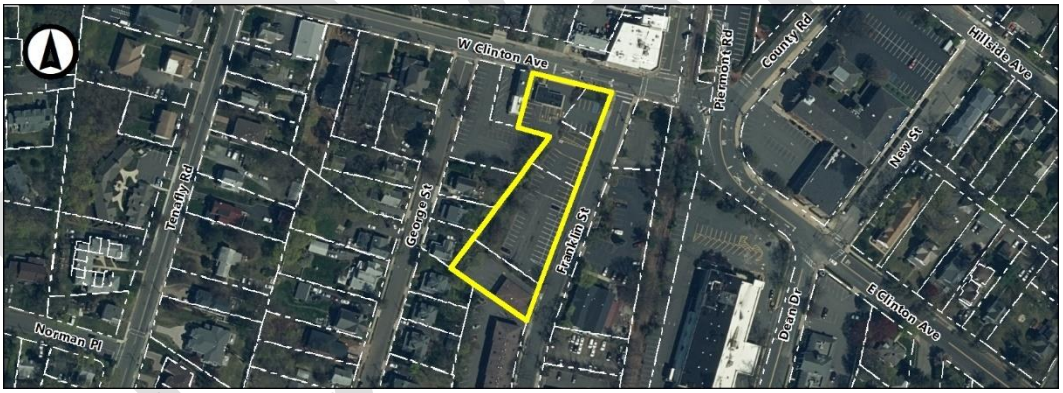


Map 16: 33 Engle Street Site (scale: 1" = 300')

The 33 Engle Street Site is located in the southerly portion of the Borough, to the south of the intersection of Engle Street and Elm Street. The site, which is identified by municipal tax records as Block 2006 Lot 7, is located at 33 Engle Street. It has an area of 0.75 acres and is somewhat rectangular in shape.

The Borough has rezoned this property from the R-7.5 District to a new MF-I-2 District which will permit multifamily development at a density not to exceed 12 units per acre. This will permit the development of eight (8) multifamily units, including two (2) affordable units. See Appendix M for a copy of this ordinance.

West Clinton Avenue Overlay Site



Map 17: West Clinton Ave Site (scale: 1" = 350')

The West Clinton Avenue Overlay Site is located near the center of the Borough's downtown. The site, which is identified by municipal tax records as Block 904 Lots 3, 4, 5, and 6, is located at the intersection of West Clinton Avenue and Franklin Street. It has a collective area of approximately 1.28 acres and is irregular in shape.

The Borough has adopted a new AHO-9 Affordable Housing Overlay District to encapsulate this site. This overlay district will permit the development of thirteen (13) multifamily units, including three (3) affordable units. It will also permit a small-scale commercial development along West Clinton Avenue. See Appendix N for a copy of this ordinance.

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Block 1311 Overlay Site



Map 18: Block 1311 Overlay Site (scale: 1" = 250')

The Block 1311 Overlay Site is located near the north-central portion of the Borough, to the north of the Borough's downtown. The site, which is identified by municipal tax records as Block 1311 Lots 7, 8, 9, and 10, is located at the intersection of County Road and Prospect Terrace. It has a collective area of approximately 0.77 acres and is irregular in shape.

The Borough proposes establishing a new AHO-11 Affordable Housing Overlay Zone District, No. 11 to encapsulate this site. This overlay district will permit the development of approximately fifteen (15) total units including three (3) affordable units. See Appendix O for a copy of this draft ordinance.

Block 715 Overlay Site



Map 19: Proposed Block 715 Overlay Site (scale: 1" = 200')

The Block 715 Overlay Site is located near the southerly portion of the Borough, near its shared municipal border with the Borough of Englewood. The site, which is identified by municipal tax records as Block 715 Lots 15 and 16, is located at the intersection of Dean Drive and Ivy Lane. It has a collective area of approximately 0.78 acres and is irregular in shape.

The Borough proposes establishing a new AHO-11 Affordable Housing Overlay Zone District, No. 11 to encapsulate this site. This overlay district will permit the development of approximately fifteen (15) total units including three (3) affordable units. See Appendix O for a copy of this draft ordinance.

Block 1707 Overlay Site



Map 20: Block 1707 Overlay Site (scale: 1" = 300')

The Block 1707 Overlay Site is located near the central portion of the Borough, near the heart of the Borough's downtown. The site, which is identified by municipal tax records as Block 1707 Lots 1 and 9, is located at the intersection of Dean Drive and East Clinton Ave. It has a collective area of approximately 1.03 acres and is irregular in shape.

The Borough proposes establishing a new AHO-11 Affordable Housing Overlay Zone District, No. 11 to encapsulate this site. This overlay district will permit the development of approximately twenty (20) total units including four (4) affordable units. See Appendix O for a copy of this draft ordinance.

Block 1801 Overlay Site



Map 21: Block 1801 Overlay Site (scale: 1" = 250')

The Block 1801 Overlay Site is located near the central portion of the Borough, near the heart of the Borough's downtown. The site, which is identified by municipal tax records as Block 1801 Lot 1, is located at the intersection of Dean Drive and Huyler Ave. It has a collective area of approximately 0.49 acres and is irregular in shape.

The Borough proposes establishing a new AHO-1 Affordable Housing Overlay Zone District, No. 11 to encapsulate this site. This overlay district will permit the development of approximately nine (9) total units including two (2) affordable units. See Appendix O for a copy of this draft ordinance.

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Third Round Overlay Districts

As previously noted, the Borough will also increase the densities of its Third Round Unmet Need Overlay Zones as identified in Table 28. As shown, these increased densities can generate an additional eight (8) affordable units as otherwise contemplated in Table 24. See Appendix P for a copy of this draft ordinance.

Table 28: Revised Third Round Unmet Need Components

Plan Component	Overlay District	Revised Density (units/acre)	Total Units	Affordable Units
Harold Street	AHO-3	19	35	7
Riveredge Road/Tenafly Road	AHO-5	18	18	4
South Summit Street/Riveredge Road	AHO-6	18	5	1
Riveredge Road/W. Railroad	AHO-6	18	4	1
Block 1305	AHO-7	19	40	8
Block 1306 Lot 1.01	AHO-8	18	10	2
Block 1308	AHO-7	19	94	19
Block 1302	AHO-7	19	49	10
Total			254	52

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4.4: Present Need Obligation

The Borough will continue to implement its rehabilitation program to address its ten (10) unit rehabilitation share in accordance with the rules established in prior rounds. These regulations establish that "municipalities shall provide sufficient dollars to fund one-third of the municipal rehabilitation component within one year of substantive certification. In each subsequent year of the substantive certification period, the municipality shall provide sufficient dollars to fund one-sixth of the municipal rehabilitation component."

The regulations further establish that a total of $10,000 shall be assigned per each unit of a municipality's rehabilitation component. At a minimum, the Borough must therefore set aside a total of $100,000 for its rehabilitation program. Nevertheless, in order to better meet the needs of its residents, the Borough will dedicate $500,000 to fund its rehabilitation program. The Borough will set aside $166,666.66 for the first year of substantive certification, and an additional $83,333 each subsequent year following substantive certification until its rehabilitation share is met

4.5: Other Provisions

The following additional requirements are noted:

1. *Fourth Round Bonuses*. Fourth Round bonuses will be applied in accordance with NJAC 52:27d-311.k.
2. *Very-Low Income and Low-Income Units*. At least fifty percent (50%) of the units addressing the Fourth Round Prospective Need shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households. A minimum of thirteen percent (13%) of the affordable units will be made available to very low income households, defined as households earning thirty percent (30%) or less of the regional median income by household size.
3. *Rental Component*. At least twenty-five percent (25%) of the Fourth Round Obligation shall be met through rental units, including at least half in rental units available to families.
4. *Families*. At least half of the units addressing the Fourth Round RDP must be available to families.
5. *Age-Restricted Cap*. The Borough shall comply with the age-restricted cap of thirty percent (30%) and will not request a waiver of this requirement. This shall be understood to mean that in no circumstances may the municipality claim credit towards its fair share obligation for age-restricted units that exceed thirty percent (30%) of all units developed or planned to meet its cumulative Prior Round, Third Round, and Fourth Round fair share obligations.
6. *Development Fees*. The Borough will continue to impose development fees as permitted by COAH's prior round rules. The funds generated by the collection of development fees will be applied directly towards any activity approved by State regulations for addressing the municipal fair share.

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7. *Existing Housing Trust Fund*. As per the Borough's Spending Plan (see Appendix Q), the Borough proposes to reserve any remaining funds for emergent opportunities. An emergent opportunity is defined as "a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of compliance certification." It is offered for consideration that the Borough could utilize a portion of this fund to collaborate in a public/private partnership with the developer of a group home/assisted living facility to realize affordable units.
8. *Mandatory Set-Aside Ordinance*. The Borough has updated its mandatory set-aside ordinance (see Appendix R) for all new multifamily residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new redevelopment plan. Specifically, the Borough shall amend this ordinance to:
    a. Specify that the ordinance shall apply to any multifamily development of five (5) or more units regardless of how it may be approved;
    b. Require a twenty percent (20%) set-aside regardless of tenure status.

    This provision does not affect residential development sites that have already been zoned for inclusionary development as part of the Borough's HE&FSP, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. This mandatory set-aside ordinance does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Tenafly to grant such rezoning, variance, or other relief.

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4.6: Consistency with State Planning Initiatives

As noted in Section 1, a HE&FSP must also include:

- 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, 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.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in NJSA 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt 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."

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

State Development and Redevelopment Plan

As established by NJSA 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) 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."

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State's cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

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As indicated by the SDRP's Policy Map, the entirety of the Borough is located in the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed. The intent of this Planning Area is to:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and;
- Protect the character of existing stable communities.

Accordingly, this HE&FSP is consistent with the intents of the PA-1. Specifically, it is designed to encourage redevelopment and growth in a compact form, while also protecting the character of the existing community.

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Appendices:

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Appendix A: Resolution #R25-72

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Borough of Tenafly

MAYOR AND COUNCIL

RESOLUTION #R25-72

OFFERED BY: C. Roglieri

SECONDED BY: C. Park

At a Meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on January 21, 2025.

RESOLUTION OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Tenafly, County of Bergen, State of New Jersey (hereinafter, "Tenafly") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the 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 on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Tenafly's Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 68 and a Prospective Need (New Construction) Obligation of 297; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including the Act, or binding court decisions" (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a Structural Conditions Survey ("windshield survey") and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, Tenafly has exercised its right to take advantage of that opportunity to propose a different rehabilitation obligation than that reported by the DCA by conducting a windshield survey; and

WHEREAS, based upon the windshield survey (attached to the Planner's Report attached hereto as Exhibit A), Tenafly has established that its rehabilitation obligation is ten (10); and

WHEREAS, despite errors in the Land Capacity Allocation Factor as identified in the Planner's Report attached as Exhibit A, Tenafly has accepted the Prospective Need Obligation of 297 as reported by the DCA in its October 18, 2024 Report

WHEREAS, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

WHEREAS, Tenafly's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act and the October 18, 2024 DCA Report ; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (NJILGA) has expressed its support for proposed legislation (hereinafter "NJILGA Legislation") would reduce Tenafly's Round 4 Prospective Need to 61 and would give Tenafly "90 days from receipt of revised fair share obligations from the [DCA] to provide amended Housing Element and Fair Share Plans addressing the new number); and

WHEREAS, Tenafly supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the NJILGA Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter "Montvale Litigation") challenging the validity of the Act and other aspects deriving from the Act, including, without limitation, Directive 14-24, issued by the Acting Director of the Administrative Office of the Courts (hereinafter, respectively, "Director" and "AOC"), as further referenced below; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS the court approved a vacant land adjustment (hereinafter, "VLA") and a realistic development potential (hereinafter, "RDP") for Tenafly in Round 3; and

WHEREAS, because there has been no material change in vacant land in Tenafly since the approval of its VLA and RDP, and because Tenafly provided a realistic opportunity for the satisfaction of its RDP approved by the Court in Round 3, Tenafly is entitled to a vacant land adjustment, in Round 4 and a minimal RDP in Round 4 that will be fully addressed and included in the HEFSP it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

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

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

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

WHEREAS, Tenafly seeks a compliance certification with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Governing Body of the Borough of Tenafly, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. For the reasons set forth in this resolution and its attachments, Tenafly commits to a Round 4 Present Need (Rehabilitation) Obligation of ten (10) and a Round 4 Prospective Need (New Construction) obligation of 297, as set forth in the October 18, 2024 DCA Report and in the Exhibits to this Resolution, subject to all reservations of all rights, which specifically include, without limitation, the following:

a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;

b) The right to comply with the NJILGA Legislation if enacted, including the right to adjust its fair share obligations;

c) The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;

d) The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation; and

e) The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and Tenafly's response thereto.

3. Tenafly hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution attaching this resolution.

4. Tenafly hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

CERTIFICATION

The undersigned, Municipal Clerk for the Borough of Tenafly, County of Bergen, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of Tenafly on January 21, 2025.

Omar Stovall, Municipal Clerk

	AYE	NAY	ABSTAIN	ABSENT		AYE	NAY	ABSTAIN	ABSENT
CORSAIR	✓				O'CONNOR	✓			
DAYTON	✓				PARK	✓			
MICHAELS	✓				ROGLIERI	✓			

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL ON JANUARY 21, 2025.

Omar Stovall, MPA, RMC, CMR
Borough Clerk

BURGIS
ASSOCIATES, INC.

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: Edward J. Buzak, Esq.
Surenian, Edwards, Buzak & Nolan LLC
From: Joseph H. Burgis PP, AICP
David Novak PP, AICP
Subject: Borough of Tenafly
Bergen County, New Jersey
Resolution re: Present and Prospective Need Analysis
Date: January 17, 2025
BA#: 4168.04

Introduction

The following Present and Prospective Need Analysis has been prepared for the Borough of Tenafly in Bergen County, New Jersey.

By way of background, P.L.2024, c,2 was enacted on March 20, 2024. This legislation overhauled the Fair Housing Act (FHA) by abolishing the Council on Affordable Housing (COAH) and splitting its duties between the Department of Community Affairs (DCA) and the Administrative Office of the Courts (AOC).

The DCA was designated as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations. These municipal calculations, which were released on October 18, 2024, are advisory only. Each municipality is responsible for setting its own obligation utilizing a similar methodology by January 31, 2025 through the adoption of a binding resolution. The DCA has calculated Present Need of 68 affordable units and a Prospective Need of 297 affordable units for the Borough.

As set forth in the legislation, the methodology to calculate a municipality's prospective fair share obligation consists of three factors: the equalized nonresidential valuation factor; the income capacity factor; and the land capacity factor. These factors are described in greater detail herein.

The purpose of this analysis is to review the DCA's calculation of the Borough of Tenafly's Present Need Obligation and Prospective Need Obligation for the years 2025 to 2035. In summary, and as reflected by the Council Resolution regarding this matter, this analysis finds that the methodology utilized by the DCA to determine the Borough's obligations was appropriately conducted in accordance with the new legislation.

However, and as described in greater detail herein, this analysis uncovered errors with the data that was relied upon by the DCA to calculate the Borough's Prospective Need Obligation. This includes sites and acreage which should not have been included in the determination of the Borough's land capacity factor. Despite these errors, the Borough accepts the Prospective Need Obligation of 297 affordable units for the purposes of this process. Note that the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) at a later date.

Finally, while the DCA calculated a Present Need Obligation of 68 affordable units, the Borough has conducted a Structural Needs Conditions Survey to more accurately identify its indigenous needs. This survey identified that 10 units are in need of rehabilitation.

Section 1: Present Need Obligation

The following section reviews the Borough's Present Need as calculated by the DCA. The DCA calculated a Present Need Obligation of 68 affordable units. The Borough conducted a Structural Conditions Survey to more accurately identify its indigenous needs. This survey identified that 10 units are in need of rehabilitation.

Background Information

As per the adopted legislation, a municipality's Present Need Obligation shall be determined "by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof."

The "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" workbook released by the DCA (herein referred to as the "DCA Workbook" or the "Workbook") noted that the Present Need calculations used three factors to calculate its present need: the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units.

The analysis employed by DCA utilizes data from HUD's Comprehensive Housing Affordability Strategy (CHAS) dataset, which has municipal-level data on the number and percentage of low- and moderate-income households from a special tabulation of the US Census's American Community Survey (ACS) data. For a full explanation of how this data was utilized, see the DCA Workbook.

The DCA determined by the Borough's Present Need number is 68 units.

Analysis

As per NJAC 5:93-5.2, "each municipality shall be provided with the Council's estimate for substandard units occupied by low and moderate income households. This estimate shall be the municipality's indigenous need, unless the municipality or an objector performs the Council's Structural Conditions Survey (see Appendix C, incorporated herein by reference). Where the municipality or objector performs the Structural Conditions Survey, the Council shall review the results of the data collected and shall modify the indigenous need if it determines a modification is warranted."

Appendix C to COAH's Round 2 rules (5:93) sets forth the guidelines for preparation of a Structural Conditions Survey. As set forth therein, the first step in the process is for the Construction Official (or their designee) to conduct an exterior survey to determine the number of substandard units in the municipality. The second step is to estimate the number of substandard units occupied by low and moderate income households. In order to come up with this estimate, Appendix C states that "the Council will rely on census information that is available from the Public Use Micro-Data Sample (PUMS)."

In regard to the first step, the Borough's Construction Official conducted a survey on December 11, 2024. As per that survey, the Construction Official observed 13 structures being in need of repair. See the survey and the explanatory memorandum attached to the end of this memorandum.

The next step is to estimate the number of those surveyed substandard units which are occupied by low and moderate income households. However, in calculating the Round 4 Present Need obligations, the DCA did not rely upon PUMS data for determining the percentage of substandard units occupied by low and moderate income households. Rather, the DCA relied upon HUD's Comprehensive Housing Affordability Strategy (CHAS) dataset for this estimate. Separate percentages were calculated for overcrowded units and units lacking complete plumbing or kitchen facilities.

The entirety of the Present Need calculated for the Borough consisted of overcrowded units. The data employed by the DCA found that 92 units were overcrowded, and it was estimated by the DCA that 74.0% of these units were overcrowded by low- and moderate-income households.

When applying this same percentage to the units identified by the Structural Conditions survey, a total of ten units are in need of rehabilitation.

Section 2: Equalized Nonresidential Valuation Factor

The following section reviews the equalized nonresidential valuation factor calculated by the DCA. The Borough finds that the methodology utilized by the DCA to calculate its nonresidential valuation factor is acceptable. However, as per the Borough's tax assessor, the DCA incorrectly applied the 2024 equalization ratio to the 2023 tax listings. Despite this error, the Borough accepts the equalized nonresidential valuation factor calculated by the DCA.

Basis of Calculation

As per the adopted legislation, a municipality's equalized nonresidential valuation factor shall be determined as follows: "to determine this factor, the changes in nonresidential property valuations in the municipality, since the beginning of the round preceding the round being calculated, shall be calculated using data published by the Division of Local Government Services in the department. For the purposes of such, the beginning of the round of affordable housing obligations preceding the fourth round shall be the beginning of the gap period in 1999. The change in the municipality's nonresidential valuations shall be divided by the regional total change in the nonresidential valuations to determine the municipality's share of the regional change as the equalized nonresidential valuation factor."

Analysis of Calculation

The calculation conducted by the DCA determined that the Borough has a 0.55% share of the region's equalized nonresidential valuation.

Table 1 summarizes the DCA's calculation of the Borough's equalized nonresidential valuations from 1999 and 2023. As shown, the DCA calculated an equalized nonresidential valuation change of $180,073,988 between 1999 and 2025. When divided by the region's total calculated nonresidential valuation change of $32,549,128,394 for that same time period, this results in a regional share of 0.55%.

Table 1: DCA Equalized Nonresidential Valuation Calculation Summary

Year	Non-equalized Nonresidential Valuation	Equalization Ratio	Equalized Nonresidential Valuation
1999	$125,173,500	0.8813	$142,032,792
2023	$ 244,640,100	0.7595	$322,106,781
Difference			*$180,073,989*

Source: DCA Fair Share Housing Obligations for 2025-2035 (Fourth Round) Workbook

The Borough has reviewed the methodology and data utilized by the DCA for this calculation. While the methodology employed by the DCA is appropriate, the Borough finds that the 2023 equalization ratio employed by the DCA is inaccurate. As per the Borough Tax Assessor, the correct 2023 equalization ratio is .8039 (as opposed to 0.7595).

Irrespective of this error, the Borough accepts the DCA's equalized nonresidential valuation factor calculation of 0.55% for the purposes of this process.

Section 3: Income Capacity Factor

The following section reviews the income capacity factor calculated by the DCA. It finds that the data and methodology utilized by the DCA relating to the Borough's income capacity factor are both acceptable.

Basis of Calculation

As per the adopted legislation, a municipality's income capacity factor shall be determined by calculating the average of the following measures: "The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of $100 below the lowest median household income in the region; and the municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of $100 below the lowest median household income in the region, weighted by the number of the households in the municipality."

Analysis of Calculation

The calculation conducted by the DCA determined that the Borough has a 2.11% share of the region's income capacity factor. Table 2 summarizes the methodology utilized by the DCA to determine this share. The Borough has reviewed the data and the methodology utilized by the DCA for this calculation and finds both to be acceptable.

Table 2: Income Capacity Factor

Number of Households	Median household income in the past 12 months (in 2022 inflation-adjusted dollars)*	$100 Below Regional Median HH Income Floor	Diff. from Median Household Income Floor with Household Weight	HH Weighted Income Difference % of Region Total	Diff from Median Household Income Floor	Income Difference % of Region Total	Income Capacity Factor
5,076	$207,652	$51,992	$790,103,160	2.4%	$155,660	1.9%	2.11%

Section 4: Land Capacity Factor

The following section reviews the land capacity factor calculated by the DCA. The Borough finds that the methodology utilized by the DCA to calculate its land capacity factor is acceptable. However, an analysis of the lands identified by the DCA as being "developable" includes several errors. In summary, these errors regard undeveloped segments of developed properties that were identified as developable; undeveloped segments of medians and rights-of-way; and preserved open spaces or otherwise encumbered lots that are not available for development.

Despite these errors, the Borough accepts the land capacity factor calculated by the DCA.

Basis of Calculation

As per the adopted legislation, a municipality's land capacity factor shall be determined by: "estimating the area of developable land in the municipality's boundaries, and regional boundaries, that may accommodate development through the use of the 'land use / land cover data' most recently published by the Department of Environmental Protection, data from the American Community Survey and Comprehensive Housing Affordability Strategy dataset thereof, MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs and weighing such land based on the planning area type in which such land is located. After the weighing factors are applied, the sum of the total developable land area that may accommodate development in the municipality and in the region shall be determined. The municipality's share of its region's developable land shall be its land capacity factor. Developable land that may accommodate development shall be weighted based on the planning area type in which such land is located."

The legislation identifies the primary data sources and weighing factors to utilize in calculating a municipality's land capacity factor. However, unlike the equalized nonresidential valuation factor and the income capacity factor, the legislation did not establish a delineated process to combine the aforementioned data sources into one comprehensive and coherent formula.

The DCA subsequently released a workbook entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (herein referred to as the "DCA Workbook" or the "Workbook") which established that department's interpretation on how to calculate the land capacity factor. In summary, that workbook identified the following steps:

1. First, the DCA divided the weighting regions established by the legislation by municipality.
2. Next, land use/land cover areas were used to identify vacant, developable lands. The workbook identifies the codes and descriptions of the land use/land cover data used in this process. In short, they include: cropland and pastureland; orchards/vineyards/nurseries/horticultural areas; deciduous forest areas; coniferous forest areas; plantations; mixed forest areas; old field areas; phragmites dominate old field areas; deciduous brush/shrubland; coniferous brush/shrubland; mixed deciduous/coniferous brush/shrubland; severe burned upland vegetation; and undifferentiated barren lands.
3. These initial vacant, developable lands were then refined to remove rights-of-way as well as developed properties. For the latter, the DCA utilized MOD-IV tax data and selected underlying tax parcels with property class codes for residential, commercial, industrial, apartment, railroad, and school.
4. Construction permit data was then analyzed to capture more recent development activities that may not have otherwise been reflected by the land use/land cover data or MOD-IV tax data.

5. Other limiting factors were utilized to remove initial vacant, developable lands. These include: open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special area restrictions), steep slopes exceeding 15 percent, and open waters.
6. Due to limitations resulting from inconsistencies between data sources, the resulting mapping included instances of small land areas caused by an incongruous alignment of geospatial layers. To eliminate these "slivers" of leftover land, the DCA eliminated any feature part with an areas of less than 2,500 square feet. This presumed that a 25' by 100' foot area could be a developable property.
7. Finally, the resulting land area for each municipality was summed with the land areas for all other municipalities within each housing region to then determine the municipal percentage of land capacity for the housing region.

Analysis of Calculation

The calculation conducted by the DCA determined that the Borough has 10.796 acres of developable land which accounts for 0.55% share of the region's developable land. Overall, the Borough finds the general methodology utilized by the DCA to calculate its land capacity factor acceptable. However, an analysis of the DCA's resultant mapping discovered the following:

1. Several of the lands identified as "developable" by the DCA represent slivers which "are considered artifacts of error that are common when overlaying polygons and vectors from non-coincident data sources." The DCA initially tried to eliminate these slivers by deleting any feature parts with an area of less than 2,500 square feet. However, several of these artifacts remain. They are typically located on properties which are preserved open space.
2. Other lands identified as "developable" by the DCA are located on properties with development. To eliminate "developable" lands on developable properties, the DCA had removed any lands where the underlying tax parcels had property class codes for residential, commercial, industrial, apartments, railroad, and school. However, the property classifications identified by the DCA failed to account for houses of worship and properties developed with nonprofit facilities.
3. Some lands identified as "developable" by the DCA are located along highway medians as well as within a right-of-way.

Despite these errors, the Borough accepts the land capacity factor calculated by the DCA for the purposes of this process. Irrespective of the land capacity factor analysis, the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) at a later date.

Section 5: Conclusions

This analysis does not find fault with the methodology utilized by DCA in determining municipal affordable housing obligations. However, the analysis did uncover data that was relied upon by the DCA which incorrectly includes sites and acreage which should not have been included in the determination of the Borough's Prospective Need Obligation. Furthermore, as noted by the Borough's tax assessor, the equalization ratio utilized by the DCA to calculate the Borough's 2023 equalized nonresidential valuation was incorrect.

Nevertheless, the Borough accepts the Prospective Need Obligation of 297 affordable units calculated by the DCA. Note that the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) at a later date.

Finally, pursuant to a Structural Conditions Survey conducted by the Borough, its Present Need Obligation should be 10 units.

David Novak, AICP, PP
Professional Planner #6269

EXTERIOR HOUSING SURVEY

MUNICIPALITY Tenafly COUNTY Bergen DATE 12-11-2024

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/ rental/ mixed occupancy	Year Built	MAJOR SYSTEMS (One major system is required to indicate that the structure is in need of repair)				MINOR SYSTEMS (Two minor systems are required to indicate that the structure is in need of repair)			Structure In Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
					Foundation	Weatherization: Siding and Walls	Weatherization: Windows and Doors	Roof and Chimney	Eaves/Soffits/ Gutters/Leader	Rails/Stairs/Steps/Porch	Fire Escape		
114 Hudson Ave	1501/4	1	VACANT	1924		✓	✓		✓			Yes	
17 Wright Place	210/10	1	VACANT	1928		✓	✓					Yes	
289 Tenafly Road	901/47	2	VACANT	1911	✓	✓	✓	✓	✓	✓		Yes	
12 Demott Place	810/15	1	owner occupied	1928		✓	✓	✓		✓		Yes	
165 Westervilt Ave	412/19	1	VACANT	1948			✓	✓	✓	✓		Yes	
13 Moller St	804/7	1	owner occupied	1926		✓	✓	✓	✓	✓		Yes	
15 S Browning Ave	403/3	1	owner occupied	1950		✓	✓	✓	✓	✓		Yes	
448 Knickerbocker	210/26	1	owner occupied	1953		✓	✓	✓	✓			Yes	
446 Tenafly Road	1001/18	1	owner occupied	1925		✓	✓	✓	✓			Yes	
235 RiverEdge Rd	209/16	2	RENTAL	1918		✓	✓	✓	✓	✓		Yes	
533 KnickerBocker Rd	121/17	1	owner occupied	1903		✓	✓		✓	✓		Yes	

I verify that I have conducted this exterior housing survey according to COAH criteria

Signature: Print Name and Title:

Appendix B: Settlement Agreement

DRAFT

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

In the Matter of the Application of the Borough of Tenafly, County of Bergen,
Docket No. BER-L-525-25

WHEREAS, the Borough of Tenafly (the "Borough" or "Tenafly") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 10 units and a Prospective Need of 297 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 12, 2025 ("Adopted HEFSP"); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on September 2, 2025; and

WHEREAS, the Borough and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round;

THEREFORE, the Borough and FSHC agree:

Fair Share Obligations

1. The Borough's Present Need or Rehabilitation Obligation is 10 as adjusted through a structural conditions survey, the Borough's Prior Round Obligation (1987-1999) is 159 as adjusted by a vacant land analysis ("VLA") to a RDP of 67, the Borough's Third Round Obligation (1999-2025) is 501 as adjusted by a VLA to a RDP of 42, and the Borough's Fourth Round Prospective Need (2025-2035) is 297 as adjusted by a VLA to a RDP of 2.

Satisfaction of Fair Share Obligations

2. The Borough will address its Present Need by continuing to administer its Housing Rehabilitation Program and dedicating at least $500,000 from affordable housing trust fund toward that Rehabilitation Program.

3. The Borough's Prior Round Obligation is 67 and has been met with the following mechanisms, with unmet need addressed as set forth in paragraph 5 below:

Plan Component	Affordable Units	Bonus Credits	Total Credits
Accessory Apartments	10	0	10
Arc Group Home	5	5	10
Brightview Tenafly Assisted Living	9	0	9
Tenafly Special Needs Housing	10	10	20
The Plaza at Tenafly	17	0	17
The Crossings at Tenafly	9	1	10
Total	60	16	76

4. The Borough's Third Round RDP is 42 and has been met with the following mechanisms, with unmet need addressed as set forth in paragraph 5 below:

Plan Component	Affordable Units	Bonus Credits	Total Credits
Tenafly Senior Housing[1]	10	0	10
Piermont Road Site	7	0	7
Serpentine Road Site	16	11	27
West Railroad Avenue Site	3	0	3
Total	36	11	47

[1]34 credits extended of which 10 are applied to the 3rd Round and 24 are applied to the 4th Round

5. For the Fourth Round, the Borough prepared a VLA that calculated a Realistic Development Potential (RDP) of 2 units and an unmet need of 295 units. The Borough will address its Fourth Round RDP and Unmet Need through the following mechanisms:

a. RDP. One component shall be utilized to address the entirety of the Borough's RDP obligation.

Plan Component	Status	Affordable Units
Giesi 31 Central Avenue Site	Under Construction	2

b. Unmet Need. After applying the remaining 24 credits from the extension of affordability controls for Tenafly Senior Living, the Borough has a remaining unmet need of 273 affordable units. The Borough will address 25% of this obligation which equates to 68 affordable units. The Borough will partially address this 25% likely to redevelop number through the following mechanisms.

Plan Component	Status	Affordable Units
RRD North Summit Street	Site Plan Approved	17
Adoni West Railroad Avenue Site	Site Plan Approved	6
Dean Drive Site	Proposed	20
33 Engle Street	Proposed (inclusionary, 20% set-aside)	2
West Clinton Avenue Overlay Site	Proposed (inclusionary, 20% set-aside)	3
Block 1311 Overlay Site	Proposed (inclusionary, 20% set-aside)	3
Block 715 Overlay Site	Proposed (inclusionary, 20% set-aside)	3
Block 1707 Overlay Site	Proposed (inclusionary, 20% set-aside)	4
Block 1801 Overlay Site	Proposed(inclusionary, 20% set-aside)	2
Total		60

As to the Dean Drive site, a redevelopment plan for the property was initially adopted on July 18, 2022. This redevelopment plan enabled the redevelopment of the site as a hotel and assisted living/congregate care facility. Ten percent (10%) of the assisted

living/congregate care facility's beds were required to be set-aside as affordable, provided that no fewer than eleven (11) beds were reserved as such. This redevelopment area was designed as an overlay district, thus preserving the underlying zone which permits mixed use development. The Borough will amend this adopted redevelopment plan to permit a multifamily inclusionary development consisting of one hundred (100) total residential units including twenty (20) affordable units.

c. Unmet Need: Prior/Third Round Overlay Sites. To address the remaining 8 affordable units of the 25% likely to develop number, the Borough will increase the density of its Third Round overlay districts as follows. These increased densities result in an additional 8 affordable units than otherwise previously contemplated in the Third Round.

Plan Component	Overlay District	Prior Density (units/acre)	Revised Density (units/acre)	Affordable Units
Harold Street	AHO-3	18	19	7
Riveredge/Tenafly Road	AHO-5	15	18	4
South Summit Street/Riveredge Road	AHO-6	18	18	1
Riveredge Road/W. Railroad Ave	AHO-6	18	18	1
Block 1305	AHO-7	15	19	8
Block 1306 Lot 1.01	AHO-8	15	18	2
Block 1308	AHO-7	15	19	19
Block 1302	AHO-7	15	19	10
Total				52

6. The parties agree that the adoption of the overlay zoning as set forth in Paragraph 5.b. and c. above is sufficient to satisfy the Borough's requirements under N.J.S.A. 52:27D-310.1 to identify sufficient parcels that are likely to redevelop during Round 4 and to adopt realistic zoning to allow for this redevelopment.

7. The Borough shall maintain its existing town-wide mandatory set-aside ordinance and revise if necessary to require a 20 percent set-aside for all for-sale housing and rental housing.

8. The parties agree that: (i) The sites utilized to meet the unmet need component of the Borough's Fair Share Plan are unique, which uniqueness forms the basis for the densities permitted on the sites; (ii) the Borough is a fully developed community as verified in the vacant land analysis which resulted in a 2 unit RDP; (iii) the vacant land analysis and the resulting vacant land adjustment as detailed in the adopted HEFSP was properly undertaken and completed; and (iv) this Mediation Agreement, and its implementation through the updating of the Borough's HEFSP and implementing ordinances and resolutions no later than March 15, 2026 in accordance with this Mediation Agreement, resolves all outstanding disputes and disagreements of the parties with regard to the Borough's HEFSP and the satisfaction of its constitutional obligation in this regard.

Unit Type and Income Distribution Requirements

9. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Borough shall maintain satisfaction with such requirements for the Fourth Round:

    a. Age Restricted Cap. The Borough agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.

    b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits

created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.

d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.

e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.

f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and the Prior Round and Third Round regulations.

10. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:

a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.

b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in UHAC. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.

c. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.

d. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, and Supportive Housing Association.

Process for Approval and Implementation

11. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must

still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:

a. The Borough and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.

b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.

c. The Borough shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph, no later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Borough shall file the information required by Paragraph 11 and any other adopted ordinances and resolutions on eCourts.

d. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication

of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

12. The Borough and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment two weeks prior to adoption:

    a. The Borough will update its HEFSP in accordance with this Agreement and adopt ordinances to implement the zoning set forth in this Agreement.

    b. For the Serpentine Road site, the Borough will provide updated information on (i) site control, (ii) the entity that will administer the units, (iii) pro-forma, (iv) funding and (v) a construction schedule with construction beginning within two years of March 15, 2026.

    c. Tenafly Senior Housing - On November 24, 1981, the Borough and Tenafly Senior Citizens Housing Corp. entered into a contract for the sale of the property located at Block 55, Lot 6 for the construction of a 35 unit senior housing project funded in part by the U.S. Department of Housing and Urban Development. The parties also entered into a 40 year PILOT Agreement for the project which expired on November 24, 2021. In order to keep the units affordable, the parties entered into an Agreement extending the PILOT for another 30 years and requiring the execution of a deed restriction in the form required by UHAC. The Borough will provide a copy of the recorded deed restriction for the Tenafly Senior Housing project by March 15, 2026.

    d. The Borough will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and N.J.A.C. 5:99.

e. The Borough will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. 5:99 before March 15, 2026.

13. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible and each party reserves its respective rights under applicable law in the event of such substantial changes in circumstances affecting the Borough's RDP

14. The Borough's Compliance Certification shall be subject to required ongoing monitoring as required by the statute, including NJSA 52:27D-329.2, 329.4, 313 and NJSA.40:55D-8.4. The Borough shall provide notice to FSHC of any action filed at the midpoint review.

15. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. 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. No

member, official or employee of the municipality 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.

16. No official or employee of FSHC shall have any interest in this Agreement, nor participate in any decision relating to the Agreement, which is prohibited by the New Jersey Non-Profit Corporation Act, N.J.S.A. 15A:1-1 et seq.

On behalf of the Borough of Tenafly:

Mayor Mark Zimma

Date: 1/7/2026

On behalf of Fair Share Housing Center:

Adam M. Gordon, Esq.

Date: December 31, 2025

Borough of Tenafly

MAYOR AND COUNCIL

RESOLUTION #R25-596

OFFERED BY: C. O' Connor

SECONDED BY: C. Dayton

At a Recess Meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on January 6, 2026.

RESOLUTION AUTHORIZING EXECUTION OF MEDIATION AGREEMENT WITH FAIR SHARE HOUSING CENTER REGARDING FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

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 Borough of (the "Borough" or "Tenafly") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 23, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 10 units and a Prospective Need of 297 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on June 12, 2025 on eCourts ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center ("FSHC") having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's Adopted HEFSP on September 2, 2025; and

WHEREAS, representatives of the Borough and FSHC engaged in good faith negotiations regarding the Borough's Adopted HEFSP and, as a result of those negotiations, a Mediation Agreement between the Borough and FSHC has been prepared which resolves the issues raised in the FSHC challenge and which, if approved by the Program, will result in the issuance of a compliance certification to the Borough; and

WHEREAS, the Borough desires to authorize the execution of the Mediation Agreement between the Borough and FSHC.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tenafly, County of Bergen, State of New Jersey, as follows:

1. All the terms and conditions of the Mediation Agreement by and between the Borough of Tenafly and Fair Share Housing Center ("FSHC") dated December 22, 2025, be and the same are hereby approved, ratified and confirmed by the Borough.

2. The Mayor and Clerk are hereby authorized to execute said Mediation Agreement subsequent to the execution by FSHC and, together with other appropriate officers and employees of the Borough, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

3. The Borough hereby authorizes and approves any non-substantive modifications to the Mediation Agreement as may be recommended and approved by the Borough Administrator and the Borough Attorney prior to execution.

4. This Resolution shall take effect immediately.

	AYE	NAY	ABSTAIN	ABSENT		AYE	NAY	ABSTAIN	ABSENT
CORSAIR				✓	O'CONNOR	✓			
DAYTON	✓				PARK			✓	
MICHAELS	✓				ROGLIERI	✓			

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL ON JANUARY 6, 2026.

Omar Stovall, MPA, RMC, CMR
Borough Clerk

DRAFT

EXTERIOR HOUSING SURVEY

MUNICIPALITY Tenafly COUNTY Bergen DATE 12-11-2024

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/ rental/ mixed occupancy	Year Built	MAJOR SYSTEMS (One major system is required to indicate that the structure is in need of repair)				MINOR SYSTEMS (Two minor systems are required to indicate that the structure is in need of repair)			Structure in Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
					Foundation	Weatherization: Siding and Walls	Weatherization: Windows and Doors	Roof and Chimney	Eaves/Soffits/ Gutters/Leader	Rails/Stairs/Steps/Porch	Fire Escape		
114 Hudson Ave	1501/4	1	VACANT	1924		✓	✓		✓			Yes	
17 Wright Place	210/10	1	VACANT	1928		✓	✓					Yes	
289 Tenafly Road	901/47	2	VACANT	1911	✓	✓	✓	✓	✓	✓		Yes	
12 Demott Place	810/15	1	owner occupied	1928		✓	✓	✓		✓		Yes	
165 Westervelt Ave	412/19	1	VACANT	1948			✓	✓	✓	✓		Yes	
13 Moller St	804/7	1	owner occupied	1926		✓	✓	✓	✓	✓		Yes	
15 S Browning Ave	403/3	1	owner occupied	1950		✓	✓	✓	✓	✓		Yes	
448 Knickerbocker	210/26	1	owner occupied	1953		✓	✓	✓	✓			Yes	
446 Tenafly Road	1001/18	1	owner occupied	1925		✓	✓	✓	✓			Yes	
235 River Edge Rd	209/16	2	RENTAL	1918		✓	✓	✓	✓	✓		Yes	
533 Knickerbocker Rd	121/17	1	owner occupied	1903		✓	✓		✓	✓		Yes	

I verify that I have conducted this exterior housing survey according to COAH criteria

Signature: Print Name and Title:

Appendix D: Vacant Land Adjustment

ID	Block	Lot	Location	Acres	Developable Acres	Qualifies for RDP	Comments
1	1006	1	71 COUNTY RD	0.25	0.25	No	Considered together with Block 1006 Lots 2 and 3. Combined area is less than 0.83 acres. Does not qualify for RDP Analysis.
2	1006	2	63 COUNTY RD	0.09	0.09	No	Considered together with Block 1006 Lots 1 and 3. Combined area is less than 0.83 acres. Does not qualify for RDP Analysis.
3	1006	3	30 HIGHWOOD AVE	0.37	0.37	No	Considered together with Block 1006 Lots 1 and 2. Combined area is less than 0.83 acres. Does not qualify for RDP Analysis.
4	1007	18	30 JEFFERSON AVE	0.26	0.26	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
5	101	1	REAR-DAY AVE	0.00	0.05	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
6	102	2	REAR-DAY AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
7	102	3	REAR-DAY AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
8	102	4	REAR-DAY AVE	0.10	0.10	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
9	102	5	REAR-DAY AVE	0.10	0.10	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
10	103	1	REAR-DAY AVE	0.07	0.07	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
11	103	2	REAR-DAY AVE	0.07	0.07	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
12	103	3	REAR-DAY AVE	0.07	0.07	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
13	103	4	REAR-DAY AVE	0.07	0.07	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
14	103	5	REAR-DAY AVE	0.04	0.04	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
15	104	1	REAR-KNICKERBOCKER RD	0.08	0.08	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
16	104	2	REAR-DAY AVE	0.09	0.09	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
17	104	3	REAR-DAY AVE	0.09	0.10	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
18	104	4	REAR-DAY AVE	0.09	0.09	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
19	104	5	REAR-DAY AVE	0.09	0.09	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.

DRAFT

ID	Block	Lot	Location	Acres	Developable Acres	Qualifies for RDP	Comments
20	104	6	REAR-DAY AVE	0.11	0.11	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
21	104	7	REAR-SPRUCE ST	0.07	0.07	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Cresskill Borough. Does not qualify for RDP Analysis.
22	105	4	REAR-HICKORY AVE	0.00	0.02	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
23	105	1	REAR-DAY AVE	0.00	0.00	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
24	1105	23	45 HAROLD ST	0.05	0.05	No	Considered with adjoining Lot 37. Area is less than 0.83 acres. Property is not vacant and was approved for commercial.
25	121	14	KNICKERBOCKER RD	0.00	0.38	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
26	124	3	ESMOND PL	0.07	0.07	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
27	1304	2	PIERMONT RD	0.92	0.92	No	Not included in RDP Analysis. Site is already designated as affordable housing components.
28	1307	6	65 HUDSON AVE	0.12	0.12	No	Considered together with Block 1306 Lot 5. Environmental constraints: C-1 stream buffer. Does not qualify for RDP Analysis.
29	1307	5	42 MADISON AVE	0.00	0.13	No	Considered together with Block 1306 Lot 6. Environmental constraints: C-1 stream buffer. Does not qualify for RDP Analysis.
30	1308	8	81 HUDSON AVE	0.00	0.00	No	Area is less than 0.83 acres. Environmental constraints: C-1 stream buffer. Does not qualify for RDP Analysis.
31	1401	15	N SUMMIT ST	0.19	0.19	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
32	1401	16	N SUMMIT ST	0.15	0.15	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
33	1503	15	63 PARK ST	0.42	0.42	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
34	1401	4	N SUMMIT ST	0.31	0.31	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
35	1601	28	104 COUNTY RD	0.22	0.22	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
36	1710	20	34 KENWOOD RD	0.27	0.27	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
37	1901	16	25 INNESS RD	0.34	0.33	No	Area is less than 0.83 acres. Environmental constraints: steep slopes. Does not qualify for RDP Analysis.
38	2005	15	181 ELM ST	0.23	0.23	No	Area is less than 0.83 acres. Developed . Does not qualify for RDP Analysis.
39	2008	11	REAR-BLISS AVE	0.29	0.20	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Englewood City. Environmental constraints: flood zone.
40	2008	10	REAR-BLISS AVE	0.13	0.14	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Englewood City. Environmental constraints: flood zone.
41	2009	10.04	REAR BLISS	0.00	0.04	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Englewood City. Does not qualify for RDP Analysis.
42	207	26	ESMOND PL	0.01	0.01	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
43	2102	11	134 CHURCHILL RD	1.19	1.19	No	Qualified for 2015 VLA/RDP. Under construction for a single-family dwelling. Does not qualify for RDP Analysis
44	2202	14	63 LEROY ST	0.35	0.35	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.

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ID	Block	Lot	Location	Acres	Developable Acres	Qualifies for RDP	Comments
45	2502	8.03	WILSON RD	0.59	0.43	No	Area is less than 0.83 acres. Utilized as a ROW. Does not qualify for RDP Analysis.
46	2507	28	19 WOODHILL RD	1.79	1.70	No	Developed with a single-family dwelling. Does not qualify for RDP Analysis.
47	2507	8	15 LESLIE PL	0.48	0.47	No	Area is less than 0.83 acres. Environmental constraints: steep slopes. Does not qualify for RDP Analysis.
48	2803	3	68 RIDGE RD	0.92	0.52	No	Environmental constraints: steep slopes. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
49	2803	14	63 RIDGE RD	0.93	0.79	No	Environmental constraints: steep slopes. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
50	2803	12	8 BERKELEY DR	0.93	0.83	No	Environmental constraints: steep slopes. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
51	2803	10	56 BERKELEY DR	0.97	0.57	No	Environmental constraints: steep slopes. Currently under construction for a single-family dwelling. Does not qualify for RDP Analysis.
52	2902	6	49 NELSON PL	0.93	0.83	No	Environmental constraints: steep slopes. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
53	3002	18	63 OXFORD DR	0.94	0.94	No	Developed with a single-family dwelling. Does not qualify for RDP Analysis.
54	301	26	REAR-JEWETT AVE	0.05	0.05	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
55	301	27	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
56	301	29	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
57	301	31	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
58	301	32	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
59	301	33	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
60	301	34	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
61	301	36	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
62	301	37	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
63	301	38	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
64	301	39	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.

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ID	Block	Lot	Location	Acres	Developable Acres	Qualifies for RDP	Comments
65	301	40	REAR-JEWETT AVE	0.06	0.06	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
66	301	41	REAR-JEWETT AVE	0.15	0.15	No	Area is less than 0.83 acres. Developed with a single-family dwelling assessed in Bergenfield Borough. Does not qualify for RDP Analysis.
68	304	21	26 N LYLE AVE	0.30	0.30	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
68	3101	5	132 BUCKINGHAM RD	0.92	0.92	No	Developed with a single-family dwelling. Does not qualify for RDP Analysis.
69	3102	7	80 WOODLAND ST	0.94	0.94	No	Qualified for 2015 VLA/RDP. Currently under construction for a single-family dwelling. Does not qualify for RDP Analysis.
70	407	31	61 NORMAN PL	0.42	0.42	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
71	408	9	15 PLEASANT AVE	0.11	0.11	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
72	602	9.06	11 FORCIER CT	0.36	0.36	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
73	602	9.07	8 FORCIER CT	0.62	0.62	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
74	604	23	63 OAK AVE	0.22	0.22	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
75	704	6	38 LEONARD AVE	0.26	0.26	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
76	707	18	21 OAK AVE	0.40	0.40	No	Area is less than 0.83 acres. Currently under construction for a single-family dwelling. Does not qualify for RDP Analysis.
77	803	18	49 JOYCE RD	0.28	0.26	No	Area is less than 0.83 acres. Environmental constraint: C-1 buffer. Developed with a single-family dwelling.
78	803	20	69 JOYCE RD	0.34	0.34	No	Area is less than 0.83 acres. Currently under construction for a single-family dwelling. Does not qualify for RDP Analysis.
79	804	8	15 MOLLER ST	0.14	0.14	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
80	808	26	72 GEORGE ST	0.17	0.17	No	Area is less than 0.83 acres. Developed with a single-family dwelling. Does not qualify for RDP Analysis.
81	906	2	131 DEAN DR	0.15	0.15	No	Considered together with Block 906 Lots 3 and 4. Not included in RDP Analysis. Sites are already designated as affordable housing components.
82	906	3	129 DEAN DR	0.17	0.18	No	Considered together with Block 906 Lots 2 and 4. Not included in RDP Analysis. Sites are already designated as affordable housing components.
83	906	4	123 DEAN DR	0.49	0.49	No	Considered together with Block 906 Lots 2 and 3. Not included in RDP Analysis. Sites are already designated as affordable housing components.
84	110	4	<Null>	<Null>	0.01	No	Area is less than 0.83 acres. Environmental constraints: steep slopes. Does not qualify for RDP Analysis
85	121	23	21 SUNSET TERR	0.14	0.14	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
86	126	4	121 COLUMBUS DR	0.16	0.17	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
87	204	3	150 SUNSET LN	0.00	0.18	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
88	302	8	43 N BROWNING AVE	0.16	0.18	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.

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ID	Block	Lot	Location	Acres	Developable Acres	Qualifies for RDP	Comments
89	306	17	49 LYLEWOOD DR	0.24	0.24	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
90	308	2	48 LYLEWOOD DR	0.35	0.35	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
91	410	15	21 GREENTREE TERR	0.29	0.29	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
92	414	4	1 PALMER AVE	0.00	0.13	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
93	415	4	52 BURLINGTON RD	0.19	0.19	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
94	902	7	44 NORMAN PL	0.28	0.28	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
95	902	8	42 NORMAN PL	0.28	0.28	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
96	903	12.01	25 GEORGE ST	0.21	0.21	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
97	903	12.02	27 GEORGE ST	0.21	0.21	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
98	1102	25	25 SUNSET LN	0.25	0.25	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
99	1105	37	62 PIERMONT RD	0.20	0.20	No	Considered with adjoining Lot 23. Area is less than 0.83 acres. Property is not vacant and was approved for commercial.
100	1404	19	187 HUDSON AVE	0.50	0.37	No	Area is less than 0.83 acres. Environmental constraints: steep slopes. Does not qualify for RDP Analysis.
101	1501	8	99 PROSPECT TERR	0.52	0.52	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
102	1502	4	138 HUDSON AVE	0.37	0.37	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
103	1505	28	157 HIGHWOOD AVE	0.00	0.48	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
104	1601	12	109 MAGNOLIA AVE	0.00	0.22	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
105	1605	11	65 DEPEYSTER AVE	0.00	0.40	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
106	1710	36	192 ENGLE ST	0.00	0.41	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
107	1809	8	64 CRESTON AVE	0.00	0.20	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
108	2102	5	62 CHURCHILL RD	1.21	0.72	No	Under construction for a single-family dwelling. Does not qualify for RDP Analysis.
109	2304	12	252 E CLINTON AVE	0.78	0.50	No	Area is less than 0.83 acres. Environmental constraints: steep slopes. Does not qualify for RDP Analysis.
110	2305	6	150 LEROY ST	1.10	0.14	No	Under construction for a single-family dwelling. Does not qualify for RDP Analysis.
111	2506	6	54 FOREST RD	0.49	0.49	No	Area is less than 0.83 acres. Does not qualify for RDP Analysis.
112	2507	30	9 WOODHILL RD	1.57	1.57	No	Under construction for a single-family dwelling. Does not qualify for RDP Analysis.
113	2902	19	21 RIDGE RD	0.92	0.92	No	Under construction for a single-family dwelling. Does not qualify for RDP Analysis.

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Appendix E: Ordinance 21-23 re: Tenafly Senior Center

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Borough of Tenafly

ORDINANCE NO. 21-23

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, NEW JERSEY APPROVING AND AUTHORIZING AN AMENDMENT TO THE TAX ABATEMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF TENAFLY AND TENAFLY SENIOR CITIZENS HOUSING CORPORATION PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY KNOWN AS LOT 6 IN BLOCK 55, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF TENAFLY

BE IT ORDAINED by the Borough Council of the Borough of Tenafly that:

Section 1. On November 24, 1981, the Borough and the Housing Corporation entered into a contract for the sale of property then owned by the Borough, known as Lot 6 in Block 55, on which the Housing Corporation constructed a 35-unit senior housing project funded in part by U.S. Department of Housing and Urban Development (the "Project").

Section 2. On November 24, 1981, the Borough and the Housing Corporation (collectively referred to herein as the "Parties") entered into a tax abatement agreement for the payment of annual service charges for the Project (the "Agreement"), the term of which was for forty (40) years and expires on or about November 24, 2021 (the "PILOT") and the PILOT is in an amount equal to 15% of annual gross shelter rent derived from the Project.

Section 3. The Parties have reached an agreement with respect to the terms and conditions of the Agreement relating to the term of the tax abatement for the Project and imposition of a deed restriction on the Project for affordable housing.

Section 4. The Parties are desirous of entering into an amendment to the Agreement which shall, among other things, amend certain terms of the Agreement as set forth herein.

Section 5. Pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the "Long Term Tax Exemption Law", as codified in N.J.S.A. 40A:20-1 et seq.), specifically N.J.S.A. 40A:20-13 and 13.1, the Borough is authorized to provide for tax exemptions for payments in lieu of taxes.

Section 6. Pursuant to and in accordance with the provisions of the Fair Housing Act, N.J.S.A. 52-27D-302, the Borough may require the imposition of deed restrictions on affordable residential units.

Section 7. The Agreement shall be amended to be extend the term for an additional thirty (30) year period commencing on or about November 24, 2021 and expire on or about November 24, 2051 and the PILOT shall remain to be in an amount equal to 15% of annual gross shelter rent derived from the Project.

Section 8. In partial consideration for the extension of the term of the PILOT, the Housing Corporation agrees to the recording of an affordable housing deed restriction on the Project for the term of the PILOT which is thirty (30) years.

Section 9. The Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary including the amendment to the Agreement, in a form substantially consistent with that attached hereto and made part of this Ordinance, subject to final review and approval by the Borough's legal counsel.

Section 10. This ordinance shall take effect upon final passage and publication as required by law.

INTRODUCED: November 23, 2021

ADOPTED: December 14, 2021

ATTEST:

Omar Stovall, MPA, RMC, CMR
Borough Clerk

APPROVED:

Mark Zinna
Mayor

Appendix F: Draft Deed Restriction for Tenafly Senior Housing

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DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY WITH RESTRICTIONS ON RESALE AND REFINANCING

Deed Restriction to Rental Property
With Covenants Restricting Rentals, Conveyance and Improvements.
and Requiring Affirmative Marketing, and
Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ___ day of _____, 20___, by and between the Borough of Tenafly, with offices at 100 Riveredge Road, Borough of Tenafly, New Jersey, and Tenafly Senior Citizens Housing Corporation, a New Jersey Corporation having offices at 355-369 Tenafly Road, Borough of Tenafly, New Jersey, the developer/sponsor/owner (the "Owner") of a residential project containing very-low- and low-income age-restricted rental units (the "Project"):

WHEREAS, the Tenafly Senior Citizens Housing Corporation owns and manages a residential rental Project that consists of thirty-four (34) age-restricted rental units for very-low- and low-income New Jerseyans, which is located at 355-369 Tenafly Road, Borough of Tenafly, New Jersey; and

WHEREAS, on November 24, 1981, the Mayor and Council of the Borough of Tenafly entered into a 40-year longterm tax abatement agreement with the Senior Citizens Housing Corporation that required a payment in lieu of taxes at fifteen percent (15%) of the annual gross shelter rent derived from the Project; and

WHEREAS, the Project received a Section 202 direct grant loan from the federal Department of Housing and Urban Development to run concurrently with the tax abatement; and

WHEREAS, the Borough of Tenafly and Senior Citizens Housing Corporation seek to extend the longterm tax abatement for the Project to ensure its continued affordability; and

WHEREAS, the Borough of Tenafly and Senior Citizens Housing Corporation now execute and record this deed restriction in order to ensure that the Project complies with applicable regulations and laws, including the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, , so that the Project remains affordable and the Borough may claim extension of affordability controls credit for providing thirty-four (34) rental homes to very-low- and low-income New Jerseyans under the Mount Laurel doctrine for an additional period of at least thirty (30) years;

NOW, THEREFORE, the Borough of Tenafly and Senior Citizens Housing Corporation hereto, each binding itself, its successors, affiliates and assigns, accept and agree to the terms detailed below.

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or rights received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located at 355-369 Tenafly Road in the Borough of Tenafly, County of Bergen, New Jersey, and described more specifically as Block 1008, Lot 2, on the Tax Map of the Borough of Tenafly.

There shall be thirty-four (34) age-restricted affordable housing units on-site of the Project, of which at least five (5) shall be very-low-income-units pursuant to the New Jersey Fair Housing Act (affordable to households making 30 percent or less of median income in the housing region), and the remaining twenty-nine (29) shall be low-income units (affordable to households making 50 percent or less of median income).

Of the thirty-four (34) affordable housing units, all are 1-bedroom units.

More specifically, the thirty-four (34) affordable units designated by unit number, bedroom size, and income restriction are listed below:

_____, 1 Bedroom, Very Low
_____, 1 Bedroom, Very Low
_____, 1 Bedroom, Very Low
_____, 1 Bedroom, Very Low
_____, 1 Bedroom, Very Low
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_____, 1 Bedroom, Low

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the date on which the first certified household occupies the unit following affirmative marketing and selection of an income-eligible household in accordance with N.J.A.C. 5:80-26.1, *et seq.*, and shall expire as determined under the Uniform Controls, as defined below.

When the occupant of each restricted unit departs, the unit must thereafter be affirmatively marketed by an experienced Administrative Agent pursuant to N.J.A.C. 5:80-26.15, other applicable law, and the Borough's approved affirmative marketing plan. No municipal residency preference shall be permitted, and each restricted unit must be offered on an equal opportunity basis to very-low- and low-income households in the applicable housing region.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," unless and until the municipality in which the unit is located elects to release the unit from such requirements pursuant to N.J.A.C. 26.11(b). Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least thirty (30) years.

A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*, the "Uniform Controls").

B. The designated affordable units shall be used solely for the purpose of providing rental dwelling units for very-low- and low-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent, which approval shall not be unreasonably withheld or delayed.

C. No improvements may be made to the affordable units that would affect the bedroom layout configuration of any of the affordable units, and any structural improvements to the affordable units must be approved in advance and in writing by the Administrative Agent and the Municipality.

D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low-income housing.

A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.

B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Borough of Tenafly, the Borough's Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

ADMINISTRATIVE AGENT

BY:_____
Administrative Agent

OWNER BY:_____

APPROVED BY BOROUGH OF TENAFLY

BY:_____
Mayor

ACKNOWLEDGEMENTS

STATE OF NEW JERSEY

COUNTY OF _____ SS:

On this the day of , 20__ before me came _____, to me known and known to me to be the Administrative Agent for The Borough of Tenafly who states that (s)he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

_____
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

STATE OF NEW JERSEY

COUNTY OF _____ SS:

On this the day of , 20__ before me came _____, to me known and known to me to be the _____ of the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

_____
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

STATE OF NEW JERSEY

COUNTY OF _____ SS:

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

_____
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

Appendix G: Ordinance 23-25

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Borough of Tenafly

ORDINANCE NO. 23-25

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," CREATING A NEW MF-A-1 MULTI-FAMILY ONE HUNDRED PERCENT AFFORDABLE HOUSING DISTRICT-1

WHEREAS, a revised settlement agreement dated April 17, 2023 was signed between the Borough of Tenafly and the Fair Share Housing Center (FSHC); and

WHEREAS, an Amendment to the 2018 Housing Element and Fair Share Plan (HE&FSP) was prepared to reflect the revised settlement agreement; and

WHEREAS, one of the components identified by the revised settlement agreement and the Amendment to the 2018 HE&FSP is a proposed one hundred percent affordable housing development to be located at Block 715 Lots 11, 12, 13, and 14, which shall consist of sixteen (16) family units; and

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning," Section 35-801.1 entitled "Zone Districts," of the Revised General Ordinances of the Borough of Tenafly is hereby amended by adding the following district.

MF-A-1 Multi-Family 100 Percent Affordable Housing District 1 (35-810D)

SECTION 2. The Zoning Map of the Borough of Tenafly is hereby amended to change the underlying zoning of Block 715 Lots 11, 23, 13, and 14 to the MF-A-1 Multi-Family 100 Percent Affordable Housing District 1.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning," Section 35-810D entitled "Multi-Family 100 Percent Affordable Housing District 1 Development Standards," of the Revised General Ordinances of the Borough of Tenafly is hereby created as follows.

§ 35-810D MULTI-FAMILY 100 PERCENT AFFORDABLE HOUSING DISTRICT 1 DEVELOPMENT STANDARDS.

§ 35-810D.1 Purpose.

The purpose of the MF-A-1 District is to encourage the production of very-low, low- and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting a one hundred percent affordable housing development subject to the following regulations.

§ 35-810D.2 Description.

The MF-A-1 Multi-Family 100 Percent Affordable Housing District 1 shall encompass Block 715 Lots 11, 12, 13, and 14 on the Borough of Tenafly Tax Map.

§ 35-810D.3 Permitted Principal Uses.

The MF-A-1 District shall permit multifamily dwellings which shall consist entirely of affordable housing meeting all of the standards and requirements of: the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable regulations of the New Jersey Council on Affordable Housing ("COAH"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

§ 35-810D.4 Permitted Accessory Uses.

Accessory uses and structures permitted in the MF-A-1 District are those uses and structures which are customarily incidental and subordinate to permitted multifamily use. Accessory uses and structures shall include, but not be limited to, the following:

a. Street furnishings, planters, street lights, and exterior, garden-type, shade structures;

b. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;

c. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots, and;

d. Parking lots serving the development.

§ 35-810D.5 Permitted Conditional Uses.

None.

§ 35-810D.6 Prohibited Uses.

Any use other than those uses specifically permitted above are prohibited.

§ 35-810D.7 Development Standards.

e. Procedures regarding affirmative marketing of very-low, low- and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC and COAH rules or other rules determined appropriate by the court.

f. In accordance with NJSA 52:27D-311(j), the Borough may enter into an agreement with the developer to provide a preference for affordable housing to low and moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c.171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect a municipality's ability to receive credit for the unit from the council, or its successor.

§ 35-810D.9 Design Standards.

a. Façade design.

    1. Buildings with expansive blank walls on any façade are discouraged. Side and rear elevations should receive architectural treatments comparable to front façades.

    2. Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units are encouraged, provided that such are architecturally compatible with the style, materials, colors, and details of the building.

    3. Complementary building colors and materials shall be consistent with the general theme of the development.

b. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

c. Streetscape. Streetscape elements along all frontages shall be encouraged, and may include, but not be limited, to benches and sitting areas, trees, decorative lighting, landscaping, and paving patterns.

d. Landscaping standards.

1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.

2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.

5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.

7. The use of passive systems such as raingardens to offset stormwater discharge shall be utilized to the extent feasible.

SECTION 4. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED: October 24, 2023

ADOPTED: November 20, 2023

ATTEST:

Omar Stovall,
Borough Clerk

APPROVED:

Mark Zinna, Mayor

Appendix H: Planning Board Resolution re: 4.5-5 West Railroad Ave

DRAFT

IN THE MATTER OF THE APPLICATION OF:
4.5-5 WEST RAILROAD AVENUE
BERGEN PRO BUILDERS, LLC
BLOCK 1011, LOT 19
PB# 1-22-04
#R-PB 22-13

Mayor Zinna offered the following Resolution and moved its adoption:

RESOLUTION

WHEREAS, Bergen Pro Builders, LLC, the owner of the property located at 4.5-5 West Railroad Avenue, in the Borough of Tenafly, County of Bergen, State of New Jersey which property is currently designated on the tax assessment map of the Borough of Tenafly as Block 1011, Lot 19, applied to the Planning Board of the Borough of Tenafly through its attorney, Matthew Capizzi, Esq., seeking site plan approval and certain variances, exceptions and waivers as set forth below; and

WHEREAS, the applicant presented proof in the form of an affidavit that it complied with the statutory requirements regarding service of notice of the application and of the public hearing to be held on the within application; and

WHEREAS, the Planning Board conducted public hearings on August 10, 2022, September 28, 2022 and October 26, 2022 during which the applicant presented the following exhibits:

1. Plans titled "Site Plan, Proposed Mixed Use Building, 4.5-5 West Railroad Avenue, Block 1011, Lot 19" prepared by Hubschman Engineering, P.A. dated February 8, 2022, revised July 28, 2022 consisting of four (4) sheets;

2. Plans titled "Addition/Renovation for: Mixed Use Bldg, Block 1011, Lot 19, 4 ½-5 W. Railroad Avenue, Tenafly, NJ" prepared by Chris Blake, Architect, dated February 8, 2022, revised July 28, 2022 containing five (5) sheets;
3. Site Plan Application;
4. Variance Application;
5. Site Plan Checklist;
6. Exhibit A-1 which is a colorized version of sheet 4032-1 of the site plan;
7. Exhibit A-2 which is a colorized version of sheet A-4 of the architectural plan set revised as of July 28, 2022;
8. Exhibit A-3 which is a colorized rendering of the proposed building labeled Option A;
9. Exhibit A-4 which is a colorized rendering of the proposed building labeled Option B;
10. Exhibit A-5 which is a colorized rendering of the proposed building labeled Option C;
11. Exhibit A-6 which is a colorized rendering of the rear elevation of the proposed building;
12. Exhibit A-7 which is a colorized rendering of an alternate front elevation of the proposed building revised as of September 27, 2022, titled "Alternate Front Elevation" labelled A8;
13. Exhibit A-8 which is a color rendering of the proposed building, revised as of October 14, 2022 showing adjacent buildings; and

WHEREAS, the Planning Board received and reviewed the letter report of the Board Engineer, Schwanewede/Hals Engineering, dated May 13, 2022; and

WHEREAS, the Planning Board received and reviewed the memo from the Board Planner, Burgis Associates, Inc., dated May 18, 2022; and

WHEREAS, the Planning Board received and reviewed the memorandum from the Tenafly Police Chief dated August 9, 2022; and

WHEREAS, the Planning Board received and reviewed the memorandum from the Tenafly Fire Official dated August 5, 2022; and

WHEREAS, the Planning Board received and reviewed the letter from the Bergen County Department of Planning and Engineering dated June 16, 2022 indicating Bergen County Planning Board site plan review and approval is not required; and

WHEREAS, the Planning Board received and reviewed email correspondence from Karen Neus, the Chair of the Tenafly Historic Preservation Commission ("HPC"), dated October 26, 2022; and

WHEREAS, the applicant presented the testimony of Michael Hubschman, a professional engineer licensed in the State of New Jersey. Mr. Hubschman described the proposed site plan. He testified that the applicant intends to square off the existing building which would increase the maximum building coverage. There are 11 parking spaces under the building and 2 parking spaces outside of the building. Access to the building is from the front. There are two retail spaces on the first floor in the front of the building proposed at approximately 528 square feet and 588 square feet. The remainder of the first floor is for parking. Applicant proposes 18 residential units. The Tenafly Land Development Regulations ("LDR") requires 34 parking spaces. There are two 2-bedroom units and four 1-bedroom units

proposed on the second floor. There are four 1-bedroom units and two 2-bedroom units proposed on the third floor and four 1-bedroom, one 2-bedroom and one 3-bedroom unit proposed on the fourth floor totaling 18 units. There will be twelve 1-bedroom, five 2-bedroom and one 3-bedroom units. To satisfy the affordable housing ordinance, three of the eighteen units will be set aside as deed restricted and meet the requisite affordability requirements imposed. The affordable housing units will consist of one 1-bedroom, one 2-bedroom and one 3-bedroom unit. Hubschman testified that the building has been designed to be outside of any easements. He explained that there will be signs in the front of the building which will subject to a future application for signage. He acknowledged and agreed that move-ins to the residential units will take place from the rear of the building, not the front. He also acknowledged that the owner will arrange with a private carter for refuse and recyclable pick-up. Mr. Hubschman testified he fully complied with the Hals review letter dated May 13, 2022 and takes no issue with any of the comments contained therein; and

WHEREAS, the applicant presented the testimony of Chris Blake, a licensed architect in the State of New Jersey, who explained that the first floor of the building contains a package room, mechanical room, trash room and two small retail units. Behind that, the rear of the first floor will be for parking under the building. Every floor has a trash receptacle. The third and fourth floors are nearly identical except the fourth floor has a 3-bedroom unit. He testified that the air conditioning units will be located on the rooftop and will be screened and setback so as to not be visible from the street. Blake testified that the proposed project will be a rental apartment and therefore the affordable housing set aside is 15% under the LDR. In response to Board's concerns about the look of the building, Mr. Blake presented three proposed elevations and a rear elevation to give the Board some choices. The Board ultimately settled on what was presented in

Exhibit A-8 where the arches were removed and the building has a less modern look and a more traditional look. He opined it blends in with the streetscape. Blake testified that the proposed building would utilize pre-cast concrete and not stucco on the façade. He also agreed that the applicant would use brick in the front elevation; and

WHEREAS, the applicant presented the testimony of Lou Lugio, who is a licensed professional engineer and was accepted as an expert in traffic and parking. Mr. Lugio testified that the municipal parking lot behind the building, parking lot O has 41 parking spaces. He has conducted several studies of that parking lot and the biggest utilization of that parking lot is only 21 parking spaces. He further testified that apartment units at the size proposed generate one parking space for a 1 or 2-bedroom unit per the Institute of Traffic Engineers ("ITE") Parking Manual and other studies suggests two parking spaces for a 3-bedroom unit. He testified that the ITE Parking Manual is an accepted treatise customarily relied upon by traffic experts. Mr. Lugio indicated that for this development, 34 spaces are required per the RSIS. However, it is Mr. Lugio's opinion that 19 parking spaces are what is needed based upon his review and study of this project. That is one space for the each of the one and two bedroom units and two spaces for the three bedroom unit. The commercial/retail spaces do not have a parking requirement. The applicant proposes 13 parking spaces on-site. Accordingly, there is a shortfall of 6 parking spaces needed. The additional 6 parking spaces will either have to be leased or obtained if the Borough makes a municipal parking lot available for overnight parking. He testified that all parking spaces on-site are to be assigned;

WHEREAS, an opportunity to cross-examine the witnesses and to make statements concerning the application was given to members of the public; and

WHEREAS, having heard all of the testimony and after having examined all the exhibits, the Planning Board of the Borough of Tenafly makes the following findings and conclusions:

1. Appropriate public notice of the holding of the public hearing was given by the Board and appropriate announcements of the giving of such notice was made by the presiding officer of the meeting as required by the Open Public Meetings Act.

2. The applicant complied with statutory requirements by giving notice of the hearing to all neighboring property owners within 200 feet and publishing notice all in accordance with applicable law.

3. The applicant is the owner of the property located at 4.5-5 West Railroad Avenue. The property is located on the westerly side of West Railroad Avenue, 103 feet north of West Clinton Avenue. The rear of the property abuts the Washington Street By-Pass. The property is located in the B-1 Business Zone District.

4. The property is Lot 19 in Block 1011. The lot is irregularly shaped. It has 49.64 feet of frontage and a depth of 158 feet. The lot area is 9,645 square feet. The B-1 Business Zone District requires a minimum of 5,000 square feet.

5. The property contains a vacant movie theater and two retail stores. The applicant seeks site plan approval with variances to renovate and expand the existing building. More specifically, the applicant is proposing to renovate the first floor of the building and add three floors of residential units above the first. The first floor is to contain two retail spaces, a residential lobby, a parking garage for 11 vehicles and a trash room. The second, third and fourth floors will each contain six residential units. The second and third floors will have four 1-

bedroom and two 2-bedroom apartments. The fourth floor will have four 1-bedroom, one 2-bedroom and one 3-bedroom apartment.

6. Pursuant to the LDR, commercial uses are permitted in the B-1 Business Zone District. The commercial/retail use is on the first floor. The commercial use occupies floor area in the existing structure. Under the LDR, Schedule C, there is no off-street parking requirement for uses occupying floor area in existing structures located in the B-1 Zone. Accordingly, there is no parking requirement for the first floor. The proposed residential units require 34 parking spaces to comply with the Residential Site Improvement Standards ("RSIS"). There are 13 parking spaces proposed, 11 garage spaces and 2 spaces in the rear of the building.

7. Make-ready EV parking spaces are required to be provided for multi-family housing developments with more than five units. Accordingly, 15% of the required parking spaces or 5 parking spaces in this case shall be make-ready EV parking spaces. Since make-ready parking spaces count as two spaces towards the required number of parking with a maximum reduction of 10%, the actual parking requirement here is 30 spaces (34 x 10% = 3.4; 33.7 – 3.4 = 30 spaces required). 13 spaces are provided.

8. The Board was satisfied by the testimony of Mr. Lugio that in fact the size of these units and by their location only one parking space per 1 and 2-bedroom unit is needed. Two parking spaces are needed for the 3-bedroom. The Board finds that Mr. Lugio's report and reasoning are sound. Accordingly, the Board finds that a waiver from the RSIS requirement and a variance from the LDR is appropriate by only requiring in this case 19 parking spaces. That leaves a gap of 6 parking spaces since applicant proposes 13 parking spaces on-site. The Board will condition this variance for the number of parking spaces provided the applicant at the time it

applies for building permit demonstrates that it has the ability to make up the six (6) parking spaces set out in the conditions below.

9. The Board is mindful that the Borough is considering allowing overnight parking in some of its municipal parking lots for residential use in the downtown which may or may not come into existence. Alternatively, the applicant may lease parking spaces in accordance with the provisions of the LDR.

10. The application requires the following variances:

A. Maximum building coverage – 40% maximum, 66.64 existing and 70.41% proposed.

B. Maximum building height – 40 feet; 43.9 feet proposed.

C. Maximum number of stories – 3 stories maximum; 4 stories proposed.

D. Rear yard impervious coverage – 75% maximum permitted; 100% proposed.

E. Parking setback to property line – 3 feet minimum required and 0 feet proposed.

11. The Board finds that the maximum building coverage is only slightly increased. Moreover, while the property more than satisfies the minimum lot area required, the actual overall lot area is relatively small and any meaningful development would require relief from the maximum building coverage. Accordingly, due to existing conditions, the Board finds that a variance for the maximum building coverage is appropriate.

12. Similarly, for the rear yard impervious coverage, the Board is of the same mind. This is in the rear of commercial and retail properties. There is very little pervious coverage in the rear. There is not a lot of reason to have pervious in that area. It is primarily used for

loading, unloading and access. Nearly all the properties are 100% covered in the rear yard. Accordingly, variance relief is appropriate due to existing conditions.

13. The variance for parking setback line to the property line is appropriate because the small size of the property would prevent the utilization of the parking spaces if it was not set back and would impede appropriate drive aisles. Accordingly, the size of the property and the existing conditions make it appropriate for variance relief.

14. With regard to the building height, the applicant's architect testified that the existing building is 37 feet and the applicant intends to construct four stories at 43 feet, 9 inches. [to be filled in later].

15. The Board finds that the small size of the lot even though it meets the minimum lot size largely causes the need for the variances. In order to effectively utilize or develop anything on the property given the existing lot size, both building and impervious coverage must be at or near 100%. Also, in order to utilize the property, rear yard setbacks have to be near zero. Given the hardship of developing the property due to the small size of the lot, the Board finds that the variances are appropriate and meet the positive criteria under c(1).

16. Further, the Board finds that the variances do not substantially impair the intent of the Master Plan or the Zoning Ordinance. The variances essentially are continuation of pre-existing conditions and do not exacerbate any conditions to the extent that it causes a substantial detrimental impact. If any condition is exacerbated, it is more than offset by the fact that the building (i) is being upgraded, (ii) will be aesthetically more pleasing and (iii) is being converted to a use that has been one that the Borough has been trying to promote which is the creation of mixed use development in the downtown area by providing residential apartments over first floor commercial use. All of these advance the goals and purposes of the Master Plan and the LDR.

17. The Board expressed concern with the appearance of the building and after some back and forth where the architect presented renderings of the building that were perhaps too modern in the Board's estimation, the final is toned down and the Board is satisfied with the rendering provided in Exhibit A-8 subject to having the applicant having that façade reviewed by HPC. The Board finds that the elevation presented to the Board in Exhibit A-8 is satisfactory and instructs the applicant to present that to the HPC for their review and comment with regard to two discreet items set out in Karen Neus' email as items 3 and 4. That condition is set forth more fully below.

NOW, THEREFORE, be it resolved on this 9th day of November, 2022, that the application of Bergen Pro Builders, LLC for preliminary and final site plan approval be and the same is hereby granted as well as a waiver of all site plan requirements not complied with upon the following terms and conditions:

1. That the applicant file with the Board Engineer and Building Department revised plans in accordance with the applicant's testimony before the Planning Board and as set forth in the Board Engineer's letter report.
2. The applicant shall comply with all applicable laws and regulations regarding the development of the subject premises.
3. The applicant shall comply with the recommendations and comments set forth in the Board Engineer's letter review of May 13, 2022 and as more specifically set forth below.
4. This approval is specifically conditioned upon the following:

A. No signs are approved with this application. Any signs proposed by applicant shall either comply with the sign ordinance or need to return for review by this Board.

B. The applicant shall arrange with a private hauler for refuse and recyclables pick up to the Tenafly DPW's satisfaction prior to issuance of a certificate of occupancy;

C. Applicant shall perform a structural analysis of the culvert on the property which shall be subject to the review and approval of the Board Engineer and Borough Engineer. Any recommendations for the repair and/or maintenance and/or safety of the culvert shall be complied with.

D. All move-ins in connection with the residential units shall be made from the rear of the property, not the front.

E. Concrete bumper or bollards shall be installed to protect the building from parking lot space number 13.

F. The applicant shall comply with the Borough's affordable housing set aside requirements. In furtherance of that, applicant shall impose the required deed restrictions, bedroom mix and any other requirements to comply with the affordable housing set aside ordinance as may be reasonably required by the Board Planner.

G. Applicant to remove the column shown in the ADA handicap parking space.

H. Applicant to provide for hairpin striping of the parking spaces.

I. All parking spaces on site shall be assigned to specific residential units.

J. The applicant is required to present the rendering shown in Exhibit A-8 to the HPC for its review and comment concerning the issues set forth in Items 3 and 4 only in the email from Karen Neus, HPC Chair to the Planning Board secretary dated October 26, 2022. If the applicant cannot come to an agreement with the HPC over its review and comment of those specific items, then the applicant shall come back to this Board which will make the ultimate determination on the façade.

K. Applicant to install three make-ready EV parking spaces on the site.

L. Applicant shall obtain permission from the Mayor and Council for canopies that extend into the municipal right-of-way.

5. The applicant shall post a performance bonds and cash escrow deposits as are determined by the Board Engineer to be necessary pursuant to the zoning ordinance of the Borough of Tenafly and a separate performance bond shall be posted with the Borough Clerk in the form satisfactory to the Board attorney and the Mayor and Council;

6. The applicant shall maintain appropriate liability insurance, during the construction of this project, for personal injury in an amount of $2,000,000.00 and property damage in the amount of $500,000.00, together with necessary workman's compensation insurance. The Borough of Tenafly and its officials shall be named as insureds under the policy.

7. All stipulations and/or agreements made either in writing or on the record by Applicant shall be complied with to the satisfaction of the Board Engineer.

8. Applicant shall comply with all applicable laws and regulations regarding the development of the subject premises.

9. Applicant shall comply with the Borough's development fee ordinance at the time it seeks a construction permit.

10. This approval is conditioned on applicant obtaining all other necessary governmental permits and approvals including but not limited to Bergen County Planning, Bergen County Soil Conservation District approval and Bergen County Utilities Authority approval.

11. The Applicant shall enter into an appropriate developer's agreement with the Borough of Tenafly to ensure compliance with the terms of this Resolution.

12. All construction shall be in compliance with the New Jersey Uniform Construction Code, applicable ordinances of the Borough of Tenafly, regulations of administrative agencies and the laws of the State of New Jersey.

13. The Applicant shall construct this development project in accordance with the plans presented to the Planning Board, which plans were marked into evidence. The final design, details and construction of this project shall be subject to and in accordance with the approval municipal engineer, if necessary, as to various construction matters.

14. The Applicant shall comply with all the requirements of the Soil Erosion and Sediment Control Act. The Applicant shall further submit a record of compliance to the Borough of Tenafly before a certificate of occupancy will be issued.

15. During the construction of this project, the Applicant shall maintain the construction site in a safe condition and shall take appropriate measures to ensure the safety, health and welfare of the public. Furthermore, the Applicant shall provide, if necessary, for the proper maintenance of the adjacent municipal streets on a daily basis to ensure that they are clean from dirt and debris which may accumulate from any excavation and/or construction on the site.

16. The Applicant shall file for zoning and building permits, as applicable, with the Zoning Official and Construction Officer and shall submit revised plans to the building department and Board Engineer for review of those plans for conformity with this approval and the Applicant shall comply with all comments made in conformity with this Resolution of Approval; and it is

FURTHER RESOLVED, that applicant is granted a variance from the parking requirements of the LDR to the extent that thirty (30) parking spaces are required and applicant has demonstrated a need for only nineteen (19) parking spaces but only proposes thirteen (13) parking spaces on-site. The Board hereby grants a parking variance for nineteen (19) parking spaces. Prior to obtaining a building permit, the applicant shall provide evidence of the availability of six (6) additional parking spaces either through a lease of other parking spaces in accordance with the provisions of the LDR or if the Borough makes overnight parking available; and it is

FURTHER RESOLVED, the applicant is granted a variance for building height where the maximum is 40 feet and applicant proposes 43.9 feet and the maximum number of stories is three and the applicant proposes four; and it is

FURTHER RESOLVED, that the applicant is granted a variance from the maximum building coverage to the extent that the maximum building coverage in the LDR is 40% and the applicant proposes 70.41%; and it is

FURTHER RESOLVED, that the applicant is granted a variance from the rear yard impervious coverage where 75% is the maximum permitted and 100% is proposed; and it is

FURTHER RESOLVED, that the applicant is granted a variance from the minimum parking setback to the property line where 3 feet is the minimum required and applicant proposes zero; and it is

FURTHER RESOLVED, that a copy of this Resolution certified by the Secretary to be a true copy be forwarded to the following officials of the Borough officials and governmental agencies, Construction Official, Borough Engineer, Board Engineer, Tax Assessor, Administrative Officer of the Municipal Land Use Law, the attorney for the applicant and any other official or governmental agency as applicable.

SECONDED BY: Mr. Warms

FOR: Mrs. Osborne, Mr. Warms and Mayor Zinna

AGAINST: NONE

Dated: November 9, 2022

I hereby certify that the foregoing Resolution is a true copy of the Resolution which was adopted by the Planning Board of the Borough of Tenafly at a regular meeting held on November 9, 2022.

Amanda Booth, Secretary

Appendix I: Planning Board Resolution re: Giesi 31 Central Ave

DRAFT

IN THE MATTER OF THE APPLICATION OF:
GIESI 31 CENTRAL LLC
BLOCK 1104, LOTS 7 and 8
PB# 1-22-12
R#PB-24-04

Mr. Nevins offered the following Resolution and moved its adoption:

RESOLUTION

WHEREAS, Giesi 31 Central LLC the owner of the property commonly known as 27-31 Central Avenue, in the Borough of Tenafly, County of Bergen and State of New Jersey which property is currently designated on the tax assessment map of the Borough of Tenafly as Block 1104, Lots 7 and 8, applied to the Planning Board of the Borough of Tenafly through its attorney Matthew Capizzi, Esq., seeking preliminary and final site plan approval, soil moving permit and certain variances and waivers as set forth below; and

WHEREAS, the applicant presented proof in the form of an affidavit that it complied with the statutory requirements as to service of notice of the application and of the public hearing to be held on the within application; and

WHEREAS, the Planning Board conducted public hearings on February 22, 2023, July 26, 2023, November 8, 2023 and January 10, 2024 during which the applicant presented the following exhibits:

1. Plans titled "Site Plan for Giesi 31 Central LLC, Lots 7 and 8, Block 1104, 27-31 Central Avenue, Borough of Tenafly, Bergen County, NJ" prepared by Lantelme Kurens and Associates dated December 20, 2022, last revised December 18, 2023 consisting of three (3) sheets;

2. Plans entitled "Proposed Commercial/Residential Building, 27-31 Central Avenue, Tenafly NJ" prepared by Marios Lachanaris Architect LLC dated June 16, 2022, last revised December 18, 2023 consisting of three (3) sheets;
3. Landscape Plan prepared by HKla Landscape Architecture dated June 28, 2022 last revised November 9, 2023 consisting of one (1) sheet;
4. Drainage Calculations prepared by the HyeCraft LLC dated October 17, 2023;
5. Colored rendering of building from West Railroad Avenue;
6. Colored rendering of building from Central Avenue;
7. Exhibit A-1 which is a colorized elevation of the proposed building dated February, 2023
8. Exhibit A-2 which is a colorized rendering of the building revised as of June 15, 2023 reduced from four stories to three stories;
9. Exhibit A-3 which is a landscape plan revised as of June 26, 2023 with color photos;
10. Exhibit A-4 which is a colorized rendering with landscaping revised as of July 25, 2023;
11. Exhibit A-5 which is a colored rendering of the building with landscaping;
12. Exhibit A-6 which is titled "Existing Conditions and Surrounding Neighborhood Characteristics" prepared by Kathryn Gregory PP; and

WHEREAS, the Planning Board received and reviewed the letter reports from the Board Engineer, Schwanewede, Hals & Vince Engineering dated December 7, 2022 (revised December 15, 2022), February 21, 2023, July 24, 2023, August 16, 2023, November 6, 2023 and January 4, 2024; and

WHEREAS, the Planning Board received and reviewed the reports of its planner Burgis Associates, Inc dated December 7, 2022, July 19, 2023, November 2, 2023 and January 2, 2024; and

WHEREAS, the Planning Board received and reviewed the memos of the Tenafly Police Chief, Robert Chamberlain dated February 22, 2023, July 19, 2023 and November 6, 2023; and

WHEREAS, the Planning Board received and reviewed the memos of the Tenafly Fire Official dated February 13, 2023, July 21, 2023 and November 3, 2023; and

WHEREAS, the applicant presented the testimony of Sean McClellan, a licensed professional engineer in the State of New Jersey whose testimony can be summarized as follows:

1. The property currently consists of two lots each with a single-family house on it. Applicant proposes to raze the houses and merge the lots. Applicant then proposes to construct a mixed-use building with 15 residential units on floors 2 through 4 and the first story would have offices. Access to the site is proposed from West Railroad Avenue and Central Avenue. Applicant initially proposed 4 EV charging stations. No signage is proposed.

2. Both existing single-family houses on the property are non-conforming as to use and setbacks. The applicant revised the plans on June 12, 2023 to reduce the number of residential units from 15 to 10. Building coverage conforms at 49.9%. The normal setback on Central Avenue and West Railroad Avenue is 15 feet under the Tenafly Land Development Regulations ("LDR") however 30 feet and 20 feet are required because of the enhanced setbacks due to the width of the right-of-way for each of Central Avenue and West Railroad Avenue. Applicant seeks a variance for minimum distance for parking from the northerly property line. The applicant stipulated that they will have a private hauler pick up garbage and recycling at applicant's expense. They will not seek reimbursement from the Borough; and

WHEREAS, the applicant presented the testimony of Marios Lachanaris, a licensed registered architect in the State of New Jersey, whose testimony can be summarized as follows:

1. Mr. Lachanaris described the proposed building. On the first floor, there is a lobby with 150 square feet and an office of about 585 square feet. Initially, the building was proposed with three floors of five units per floor. The plans were revised as of June 15, 2023. The building was reduced from four stories to three stories. The number of residential units went from 15 to 10. Additionally, applicant proposed 700 square feet of retail or office space and a lobby was proposed at the first floor. The second and third floors would have five residential units each. The height of the building was reduced to 40 feet and the building was given a sloped roof. The revised building is to have a fiber cement siding and the look is more colonial. He testified that the building will be fully sprinklered and rooftop units will be screened. Based upon the reduced number of units, two (2) affordable housing units would be required.

2. Mr. Lachanaris revised the building again on October 20, 2023. He added brick on all four sides of the building and changed the finishes of the building. Three air conditioning units are to be mounted on the roof and all will be screened with horizontal louvers; and

WHEREAS, the applicant presented the testimony of Lou Lugio, a licensed professional engineer who was accepted as an expert in traffic engineering whose testimony can be summarized as follows:

1. Lugio testified that 24 feet is the industry standard for drive aisle width which applicant provides even though the LDR requires a minimum width of 25 feet. He testified that a parking stall which is 9' by 18' is industry standard even though Tenafly requires 9.5' by 18' for commercial parking spaces. He testified that there is 11 feet, 2 inches to 11 feet, 6 inches height for clearance of trucks under the building which he testified was adequate.

2. He testified that from a parking perspective, the proposed use is of low intensity use compared to office or other permitted uses.

3. He testified that the Institute of Transportation Engineers (ITE) Manual provides four trips in both the morning and afternoon peak hours for 10 residential units. By comparison, medical office use would generate 16 morning and 20 afternoon peak trips so residential is a far lower trip generator and less intensive. He testified that this project would have low significance in terms of traffic volumes and there would be no measurable impact on the intersection of West Railroad Avenue and Central Avenue. There is a sight triangle proposed at the corner of Central Avenue and West Railroad Avenue which will enhance visibility.

4. He testified that applicant plans to assign one (1) parking space to each one bedroom and two-bedroom unit and two (2) two parking spaces for each three bedroom unit for a total of 15 assigned spaces for the residential units. The 700 square feet of retail/ office space requires three (3) parking spaces. Applicant proposes a total of 24 parking spaces, so there are 6 extra parking spaces. He stipulated that applicant would make the three non-residential parking spaces 9.5' by 18' feet while the others would remain 9' by 18' in conformance with the Residential Site Improvement Standards ("RSIS"). He also testified that applicant will reduce light intensity under the covered parking garage per the Board Engineer's review letter. Finally, he stipulated that the applicant will slide the building 2 feet closer to Central Avenue to allow for a landscaping buffer on the northerly side of the property; and

WHEREAS, applicant presented the testimony of Paul Keyes, a licensed landscape architect of the State of New Jersey, who testified concerning the landscaping plans that were proposed. His testimony was that applicant would remove all vegetation on the site and start anew with trees and vegetation as set forth in the landscaping plan; and

WHEREAS, applicant presented the testimony of Berge Tombalakian, a licensed professional engineer of the State of New Jersey, who was admitted as an expert in civil engineering with a focus on drainage. He testified concerning the revised drainage plan and the placement of seepage pits on the site; and

WHEREAS, the applicant presented the testimony of Kathryn Gregory, licensed professional planner of the State of New Jersey, whose testimony can be summarized as follows:

1. The application seeks to obtain approval for demolition of the existing improvements on the site and to construct a 3-story mixed-use building with 10 residential units and 24 parking spaces (26 with EV parking credits). This is a reduction from the original proposal by 1 story and 5 units.

2. The front yard setback on Central Avenue is 15 feet under the LDR where 6.2 feet is existing. The setback is enhanced because of the width of Central Avenue to 30 feet. The applicant proposes a 15 foot setback which would normally comply with the ordinance. She testified that the adjacent office building does not have a 30 foot setback and is approximately 6 feet from the right-of-way so therefore it is a better planning alternative to keep it in line with the streetscape. Buildings across the street do not have a 30 foot setback. Further, the setback is actually mitigated by the large width of the right-of-way which makes the building located further from the actual paved street. This is a dramatic improvement from the existing condition.

3. The front yard setback on West Railroad Avenue is 15 feet under the LDR. However, because the large width of West Railroad Avenue, there is enhanced setback requirement of 20 feet. The current building is setback 1.9 feet and the proposed is 15 feet which would normally meet the setback requirement under the LDR. She testified that the adjacent

commercial building does not have a 20 foot setback and the proposal is more in line with the other building and it dramatically improves the setback from the existing condition.

4. Parking is not permitted in the front yard and 5 spaces are proposed in the front yard (2 nearest West Railroad Avenue and 3 nearest Central Avenue). Here, the hardship is that both frontages are encumbered with increased setbacks. This is a common condition in the surrounding area as she testified to several properties on Central Avenue and West Railroad Avenue that have similar conditions. Further, the parking in the front yard allows the required number of parking space to be provided on site and they will be screened by landscaping. Accordingly, she believes this is a better planning alternative to provide more parking.

5. The parking setback to the property line is proposed at 1 foot where 3 feet is required. She testified in her opinion that was de minimus. Further, it will not set a precedent as she testified this is common condition in the surrounding area based on her aerial photographs of the property. She testified that the parking setback is a function of the dimensions required for parking and allows for the required number of parking spaces to be provided on site. She opined that this is a better planning alternative.

6. She testified that the parking stall size of 9.5' x 18' is required for non-residential spaces in Tenafly whereas 9' x 18' is proposed. She testified that the residential standard promulgated by RSIS is 9' x 18' for the residential parking space. She further testified that 9 x 18 is the industry standard and the traffic engineer testified as the adequacy of the proposed width.

7. With regard to the parking aisle, 25 feet is required and 24 feet is proposed. She also testified that that is an industry standard and also standard under RSIS. Further, the traffic engineer testified as to the adequacy of the proposed width.

8. She opined that the positive criteria are satisfied by the promotion of the general welfare and cited particular sections of the MLUL. She also testified in depth about the negative criteria and that, in her opinion, the requested variances will not pose a substantial detriment to the public good, provides for much needed housing and the majority of the variances are small in nature and allow for an improvement to the site and streetscape. She also testified that there is no substantial impairment to the intent and purpose of the zone plan or zoning ordinance as the granting of the bulk variances will not impair the intent or purpose of Tenafly's Master Plan or zoning ordinance. Finally, she testified that the Tenafly Master Plan Reexamination Reports provides that future development and redevelopment in the business area should integrate landscaping and pedestrian amenities along the frontage of sites which this does in furtherance of that goal; and

WHEREAS, all the witnesses were subject to questioning from members of the public and the public was provided an opportunity comment on the application; and

WHEREAS, having heard all of the testimony and after having examined all of the exhibits, the Planning Board of the Borough of Tenafly makes the following findings and conclusions:

1. Appropriate public notice of the holding of the public hearings was given by the Board and appropriate announcements of the giving of such notice was made by the presiding officer of the meeting as required by the Open Public Meetings Act.

2. The applicant complied with statutory requirements by giving notice of the hearing to all neighboring property owners and publishing notice, all as required by applicable law.

3. The applicant is the owner of the property. The property is located at the northwest corner of the intersection of Central Avenue and West Railroad Avenue. The property is located in the B-2 Business Zone District and the AHO-2 Overlay District. The applicant is proposing to develop the property in accordance with the B-2 Zone District requirements.

4. The property consists of Lots 7 and 8 in Block 1104. The lot is rectangular (135 feet wide by 100 feet deep). The lot area is 13,500 square feet which complies with the minimum lot area. It is more than double the required minimum of 5,000 feet. The existing property contains two non-conforming single family dwellings with driveways and a detached garage. All of the existing site improvements are proposed to be removed.

5. The applicant proposes a three-story mixed-use building having a building coverage of 6,732 square feet or 49.9% of the site which complies with the LDR. The first floor contains 700 square feet of office space and a lobby for the residential units. Five (5) residential units are proposed on each of the second and third floors for a total of ten (10) residential units. 24 parking spaces are proposed which includes 2 ADA parking spaces. The parking spaces and drive aisles are partially covered by the residential floors above. Driveways to access the parking area are proposed from Central Avenue and West Railroad Avenue. A new sidewalk is proposed along West Railroad Avenue and Central Avenue as required. New landscaping with shade trees is proposed on the property along the front sides of the building and the west property line. Ceiling mounted lights and building mounted lights are proposed to provide the site lighting. Drainage improvements are proposed to control the stormwater runoff from the building area and parking area. No signage is proposed at this time.

6. In response to comments from the Board and its professionals, the applicant, during the course of the hearings, made several revisions to the plan such as:

- Redesigning the on-site drainage system. The system has been changed from seepage pits to shallow drainage chambers due to the high groundwater table.
- Lowering the building by removing a proposed fourth floor and removing five (5) units.
- Revising the exterior of the building.
- The first floor trash area has been reduced in size.
- The perimeter fencing has been reduced to 4 feet high within the front yard of Central Avenue and West Railroad Avenue.
- Concrete pads for the 2 EV charging stations are shown along the westerly curbline.
- The bicycle rack has been relocated from the West Railroad driveway to the northwest corner of the site.
- The screening for the rooftop HVAC system is shown on the architectural plans.
- The siding for the proposed building has been changed to brick veneer with fiber cement accents.

7. In response to further comments made by the Board and its professionals at the November 8, 2023 hearing, additional changes to the plans were made as follows:

a. The proposed building and site improvements have been moved to the south towards Central Avenue to provide a 3' landscape buffer along the northerly property line. The parking setback variance to the northerly property line has been eliminated.

b. The three (3) southeasterly parking spaces have been increased in size to 9.5' wide by 18' eliminating the design waiver for the commercial parking spaces.

c. A fire hydrant is proposed at the Central Avenue-West Railroad intersection.

d. The proposed gas and electric meters are shown along the southerly side of the building facing West Railroad Avenue.

e. The perimeter fencing is reduced to 4' high within the front yard of Central Avenue and West Railroad Avenue. The change in the fence height is shown on the plans.

f. The proposed driveway layout on the architectural plans has been updated to match the site plan.

g. A walkway has been provided to the bicycle rack in the northwest corner of the site.

h. The landscape plan has been updated to be consistent with the proposed layout.

8. The applicant seeks preliminary and final site plan approval with variances to develop the site as proposed. The following variances are being requested:

A. Front yard setback along Central Avenue – 30 feet required, 13 proposed.

B. Front yard setback along West Railroad Avenue – 20 feet required, 15 feet proposed.

C. Parking in the front yard is not permitted and 5 spaces are proposed (3 on Central Avenue and 2 on West Railroad Avenue).

D. Accessory structure (EV charging station) setback 2 feet off the westerly property line where 10 feet is the minimum required.

9. The following design exceptions are requested:

A. Drive aisle width of 24 feet proposed and 25 feet are required.

10. The minimum front yard setback in the B-2 zone is normally 15 feet. However, because both Central Avenue and West Railroad Avenue have street widths greater than 50 feet, the front yard setback is increased by one-half of the excess over 50 feet. LDR Section 35-802.12. For Central Avenue which is 80 feet wide, that results in an enhanced minimum front yard setback of 30 feet. For West Railroad Avenue which is 60 feet wide, that results in an enhanced minimum front yard setback of 20 feet. These variances can be granted under c(1) as this is a corner lot with two frontages which creates the enhanced setback and causes the hardship.

11. The applicant proposes 24 parking spaces. The proposal requires 23 spaces for the 10 residential units and the general office/retail space on the first floor. In addition, the applicant proposes 4 make ready EV parking spaces. That also results in a two parking space credit so in addition to the 24 spaces provided, applicant is credited with 26 total parking spaces which more than meets the minimum required under the LDR.

12. Five (5) parking spaces are proposed in the front yard. Three are proposed in the front yard of Central Avenue and two are proposed in the front yard of West Railroad Avenue. Despite technically being in the front yard because it is a corner lot, they function much like a rear yard. For the reasons expressed by applicant's planner and recited above, the Board finds that this variance is appropriate.

13. The Board finds that overall the proposed plan is a benefit to the community and it represents an improvement in the zoning and existing conditions. The proposal is an improvement on the current condition which is two older single-family dwellings with detached garages. The current use for single family residential is non-conforming with the zone. The proposed use will be in conformity with the permitted uses in the zone. The existing setbacks are

6.2 feet from Central Avenue and 1.9 feet on West Railroad Avenue. The proposed plan with enhanced setbacks are a benefit. Additionally, the proposed landscaping plan is an aesthetic enhancement over what currently exists which is largely non-existent. The buildings are set back to improve the visual streetscape and enhance the landscaping in front of the building. The rear of the property is protected with a vinyl fence. The application also provides a benefit in that it will provide two (2) units of affordable housing. The application also adds stormwater management to the site where currently none exists. There is little or no green space presently on the property and the application will provide an aesthetically pleasing building and landscaping. The building setbacks, materials and architecture have been enhanced in response to Board comments making it more aesthetically pleasing.

14. The variance for front yard setback is due to the existing conditions and the enhanced setback requirements provided in the LDR and is driven by the exceptional conditions being a corner lot which creates two front yards. The variance for parking in the front yard is also driven by the fact that the property is a corner lot and the property has two frontages necessitating variance relief.

15. The parking to the setback line was originally sought for 1 foot where 3 feet is required. However, the applicant has pulled the curb along the North back and now complies with the setback to the northerly property line. Accordingly no variance is requested for that condition.

16. Applicant originally sought an exemption for the minimum parking space size. The bulk of the parking spaces comply with RSIS regulations. The balance, which are only 3 non-residential parking spaces, were 9' x 18' where 9.5' x 18' are required. However applicant

stipulated to make the three (3) non-residential parking spaces 9.5' x 18' which complies with the LDR.

17. The Board finds overall that there is no substantial detriment to the zone plan or community for the granting of any of the variances. In addition to the reasons expressed above, under c(2) jurisprudence, the benefits of the deviation do not have to relate directly to the variance itself but can also be derived from the compliance with an upgrade to a permitted use in the zone, the improvements made to the property as well as better planning aspects of the development in general, some of which are outlined above. See Pullen v. Township of South Plainfield, 291 N.J.Super. 1, 8 (App. Div. 1996) ("a variance cannot be construed in isolation but must be considered in light of its effect on the development proposal, the neighborhood and the zone plan".)

18. The Board also finds that the exception for the drive aisle width is reasonable in this case. The site is constrained because it is a corner lot with two frontages. The expert traffic engineer testified as to the adequacy of the 24 foot aisle width.

19. All of the foregoing variances and exceptions do not substantially impair the intent and purpose of the Master Plan and the LDR. None of them, either individually or in the aggregate, pose substantial harm or detriment to the surrounding neighborhood or the public good in general. The requested variances and exceptions are largely related to conditions on the site, that being a corner lot with two frontages. The adjoining properties are not residential. The Planning Board finds that the applicant has submitted sufficient and substantial proof for the granting of the site plan, soil moving permit, variances and the exceptions set forth above.

20. This approval is consistent with the purposes of the LDR and Master Plan. This project is substantially in conformity with the Borough's zoning objectives.

NOW, THEREFORE, be it resolved on this 10th day of January, 2024 that the application of Giesi 31 Central LLC for preliminary and final site plan, major soil moving permit, variances and exceptions as set forth below are hereby granted upon the following conditions:

1. That the applicant file with the Board Engineer and Building Department revised plans in accordance with the applicant's testimony before the Planning Board and as set forth in the Board Engineer's letter reports.

2. The applicant shall comply with all applicable laws and resolutions regarding the development of the subject premises.

3. The applicant shall comply with the recommendations and comments set forth in the Board Engineer's letters of December 7, 2022, December 15, 2022, February 21, 2023, July 24, 2023, August 16, 2023, November 6, 2023 and January 4, 2024.

4. Applicant shall comply with the Borough's affordable housing ordinance and provide the number and type of affordable units required by the ordinance and set out in the Board Planner's reports.

5. All stipulations and/or agreements made either in writing or on the record by applicant shall be complied with to the satisfaction of the Board Engineer. Specifically, the applicant stipulated and the Board conditioned the approval on the following, all of which shall be subject to the reasonable approval of the Board Engineer:

a. No signage has been submitted. Accordingly, no signage is hereby approved.

b. Architectural plans shall be revised to match the engineer's site plan set.

c. Applicant shall add notation to the site plan showing where the fence is 6 feet and where it is 4 feet.

d. Site plan shall be revised so that all non-residential parking spaces are 9.5' x 18'.

e. Applicant shall reduce the light intensity under the covered parking garage area to the reasonable satisfaction of the Board Engineer.

f. Applicant shall slide the building two (2) feet closer to Central Avenue to allow for an enhanced landscaping buffer.

g. Parking spaces #16 and #17 shall be assigned to residential tenants.

h. Applicant shall provide five (5) EV parking spaces; one of which shall be a designated handicap space.

i. Applicant shall provide a private trash hauler at applicant's expense for garbage/trash removal and recycling pickup.

6. Submission of traffic signage detail to the Board Engineer for approval.

7. The applicant shall enter into an appropriate Developer Agreement with the Borough of Tenafly to ensure compliance with the terms of this Resolution.

8. All construction shall be in compliance with the New Jersey Uniform Construction Code, applicable ordinances of the Borough of Tenafly, regulations of Administrative Agencies and the laws of the State of New Jersey.

9. The applicant shall construct this development project in accordance with the plans as presented to the Planning Board, which plans were marked into evidence. The final design, details and construction of this project shall be subject to, and in accordance with, the approval of the Municipal Engineer, if necessary, as to various construction matters;

10. The applicant shall comply with all the requirements of the Soil Erosion and Sediment Control Act. The applicant shall further submit a report of compliance to the Borough of Tenafly before a certificate of occupancy will be issued;

11. The applicant shall submit all revised landscaping plans to the Planning Board Engineer for review of those plans for conformity with this approval and applicant shall comply with all the comments made in conformity with this Resolution of Approval.

12. During the construction of this project, the applicant shall maintain the construction site in a safe condition and shall take appropriate measures to ensure the safety, health and welfare of the public. Furthermore, the applicant shall provide, if necessary, for the proper maintenance of the adjacent municipal street on a daily basis to ensure that they are clean from dirt and debris which may accumulate from any excavation and/or construction on the site;

13. The applicant shall post a performance bond, cash or an irrevocable letter of credit in an amount established by the Board Engineer. The performance bond or irrevocable letter of credit is to ensure that all site work shall be completed in accordance with the plans submitted, details of which are to be set forth in the Developer Agreement. An escrow for inspection and legal fees shall be deposited with the Borough, as established by the Board Engineer, subject to increase to the maximum amounts permissible by ordinance, if required, to meet project demands.

14. The applicant shall maintain appropriate liability insurance, during the construction of this project, for personal injury in an amount of $2,000,000.00 and property damage in the amount of $500,000.00, together with necessary workman's compensation insurance. The Borough of Tenafly and its officials shall be named as insureds under the policy. The foregoing shall be more fully set forth in the Developer Agreement.

15. The applicant shall comply with the Borough's Development Fee ordinance at the time it seeks a construction permit to the extent applicable.

16. The applicant shall comply with all conditions and requirements that were set forth in the review letters of any of the municipal officials which are incorporated herein by reference.

17. This approval is conditioned on applicant obtaining all other necessary governmental permits and approvals including but not limited to Bergen County Planning Board, Bergen County Soil Conservation District and Bergen County Utilities Authority approvals.

18. The applicant shall file for zoning and building permits, as applicable, with the Zoning Official and Construction Officer and shall submit revised plans to the building department and Board Engineer for it to review those plans for conformity with this approval and applicant shall comply with all comments made in conformity with this Resolution of Approval; and it is

FURTHER RESOLVED, that a variance for front yard setback along Central Avenue of 13 feet is approved where 30 feet is the minimum; and

FURTHER RESOLVED, that a variance for front yard setback along West Railroad Avenue of 15 feet is approved where 20 feet is the minimum.

FURTHER RESOLVED, that a variance for parking in the front yard is approved where none are permitted, and 5 parking spaces are proposed; and it is

FURTHER RESOLVED, that a variance for accessory structure (EV charging station) setback is approved where 2 feet are proposed along the westerly line and 10 feet are the minimum; and it is

FURTHER RESOLVED, that an exception for minimum drive aisle width is approved where 24 feet is proposed and 25 feet is required; and it is

FURTHER RESOLVED, that a copy of this Resolution, certified by the Secretary to be a true copy, be forwarded to the Construction Official, Board Engineer, Borough Engineer, Zoning Officer, Tax Assessor, Administrative Officer of the Municipal Land Use Law, the attorney for the applicant and any other official or governmental agency as applicable.

SECONDED BY: Mr. Feinberg

FOR: Mrs. Wilmit, Mr. Feinberg, Mr. Nevins, Mrs. Khorozian, Councilman Menon & Mayor Zinna

AGAINST: NONE

Dated: January 10, 2024

I hereby certify that the foregoing Resolution is a true copy of the Resolution which was adopted by the Planning Board of the Borough of Tenafly at a regular meeting held on January 10, 2024.

Amanda Booth, Secretary

Appendix J: Planning Board Resolution re: RRD North Sumit Street

DRAFT

IN THE MATTER OF THE APPLICATION OF:
RRD SUMMIT STREET, LLC
BLOCK 1301, LOTS 2 and 3
PB# 1-22-18
#R-PB23-11

Mr. Warms offered the following Resolution and moved its adoption:

RESOLUTION

WHEREAS, RRD Summit Street, LLC, the contract purchaser of the property commonly known as 121-131 North Summit Street, in the Borough of Tenafly, County of Bergen, State of New Jersey which property is currently designated on the tax assessment map of the Borough of Tenafly as Block 1301, Lots 2 and 3, applied to the Planning Board of the Borough of Tenafly through its attorney, Matthew Capizzi, Esq., seeking preliminary and final site plan approval, soil moving permit and certain variances and waivers as set forth below; and

WHEREAS, the applicant presented proof in the form of an affidavit that it complied with the statutory requirements as to service of notice of the application and of the public hearing to be held on the within application; and

WHEREAS, the Planning Board conducted public hearings on April 26, 2023 and May 24, 2023, during which the applicant presented the following exhibits:

1. Plans titled "The Benjamin, 112 Unit Residential and Retail Development, Lots 2+3, Block 1301, 121 N. Summit Street, Tenafly, New Jersey" prepared by Virgona & Virgona Architects dated November 30, 2022, last revised May 5, 2023 containing four (4) pages;
2. Site Plan titled "Site Plan, 'The Benjamin', Retail and Multifamily Residence, 121-131 N. Summit Street & 145 Piermont Road, Borough of Tenafly, Bergen County, N.J."

prepared by Mark Martins Engineering, LLC dated December 9, 2022, last revised May 10, 2023 consisting of 8 sheets;

3. Traffic and Parking Assessment by Dynamic Traffic dated March 9, 2023, last revised May 10, 2023;
4. Fire Truck Turn Exhibit prepared by Dynamic Traffic dated May 10, 2023;
5. SU-30 Truck Turn Exhibit prepared by Dynamic Traffic dated May 10, 2023;
6. Exhibit A-1 which is a colorized version of Sheet 3 of 8 of the Site Plan;
7. Exhibit A-2 which is a colorized version of Sheet 3 of the Site Plan revised as of May 10, 2023; and

WHEREAS, the Planning Board received and reviewed the letter reports from the Board Engineer, Schwanewede, Hals & Vince Engineering dated April 26, 2023 and May 20, 2023; and

WHEREAS, the Planning Board received and reviewed the reports of its planner, Burgis and Associates, Inc. dated April 26, 2023 and May 19, 2023; and

WHEREAS, the Planning Board received and reviewed the memo of the Tenafly Police Chief, Robert Chamberlain, dated May 23, 2023; and

WHEREAS, the Planning Board received and reviewed the memo of the Tenafly Director of Public Works, Michael Cassidy, dated May 22, 2023; and

WHEREAS, the Planning Board received and reviewed the memo of the Tenafly Fire Official dated April 21, 2023; and

WHEREAS, the applicant presented the testimony of Mark Martins, a licensed professional engineer in the State of New Jersey, whose testimony can be summarized as follows:

1. He explained that the proposal is to raze all the existing improvements on the site and construct three structures with two floors of residential units. The first

floor will have mechanicals, amenities and a retail component and then two floors above that for residential. He testified that all setbacks comply with the SR/B zone. There are three proposed driveway openings. His testimony reviewed all variances being sought as well as design waivers. He testified that the building coverage is proposed at 46.19% where the permitted is 35%. The impervious coverage is being reduced by approximately 20,000 square feet but still requires a variance of 79.57% where 65% is the maximum permitted. He also testified about significant drainage improvements to the property. Post-development will be significantly reduced from the current site runoff. Each building will have its own separate trash room and the trash and recycling pickup has been satisfactorily reviewed by the Tenafly Department of Public Works (DPW). After revised plans were submitted, Mr. Martins testified to changes in the plans driven by comments from the Board and its design professionals; and

WHEREAS, the applicant presented the testimony of Ray Virgona, a licensed registered architect in the State of New Jersey, whose testimony can be summarized as follows:

1. Mr. Virgona described the proposed buildings. He testified that all the mechanical units on the rooftop will be screened from view. Most of the parking is also screened because of the courtyard and the other buildings. He testified that 15% or 17 of the units will be affordable under Tenafly's required set aside ordinance. Each unit will have a through-the-wall heating/air conditioning unit. Each unit will have its own washer and dryer. The majority of the excess coverage is in the rear of the property by the Cresskill border. Thus, from the street, there is very little impact by the excess building coverage. Mr. Virgona came back to describe the revised architectural plans

dated May 5, 2023. He explained that parapet heights were staggered to provide architectural detail along the roofline, a two-way drive aisle was created to allow for greater functionality of the parking lot and added signage to the monument sign for proposed retail uses. He also clarified that bike rack storage is proposed for 42 bikes with 6 racks each holding 7 bikes; and

WHEREAS, the applicant presented the testimony of Lou Luglio, a licensed professional engineer, who was accepted as an expert in traffic engineering, whose testimony can be summarized as follows:

1. He testified that his traffic report was based upon anticipated traffic according to the ITE Manual and actual counts. He testified the plan meets industry standards for turning radii, ingress and egress. He explained that the applicant will assign one parking space to each 1 and 2 bedroom unit for a total of 108 spaces. He also testified that applicant will assign 2 parking spaces for each 3 bedroom units which is 8 spaces. He then testified that the retail space will be assigned 10 parking spaces for a total of 126 assigned parking spaces. He then testified that the remaining 76 parking spaces will be for retail customers and residential visitors because the applicant is providing a total of 202 parking spaces. He also testified that the proposed use is lower in parking and traffic intensity than compared to the existing Benjamin Brothers retail commercial use. Mr. Lugio explained the garbage and recycling pickup procedure and that the DPW Director had agreed that the proposed procedure is satisfactory. He testified that the smaller parking spaces are okay because the turnover is so low; and

WHEREAS, the applicant presented the testimony of Keenan Hughes, a professional planner of the State of New Jersey, whose testimony can be summarized as follows:

1. He described the benefits of the application. He explained that the SR/B zone permits mixed uses as proposed here. He testified that the proposed plan is an improvement on the current conditions as the property is currently 97% covered and now the property will have a reduced impervious coverage, an attractive landscaping plan in the front of the building and an architecturally and aesthetically pleasing mixed use residential and retail buildings. He testified that the three buildings break down the mass of the buildings and provide more light and air than might otherwise be permitted with just a single large building mass. He explained that the three different buildings take up more building coverage than one larger single building. He also explained that one of the benefits of the proposed development include providing 17 affordable housing units. Additionally, he testified that the stormwater management plans represent an improvement where currently none exists. There is no green currently and there will be with this plan. The buildings are aesthetically pleasing and they have varying heights due to the parapets, different materials, setbacks and jogs which make it interesting and architecturally pleasing. The retail is set back so that signs are needed on the monument sign for identification purposes. Mr. Hughes testified that there is really no detriment from a visual perspective as the parking is effectively screened and overall the benefits substantially outweigh any detriments of the application; and

WHEREAS, the Board swore its engineer, David Hals, and its planner, David Novak, who provided the Board with comments concerning the application; and

WHEREAS, all the witnesses were subject to questioning from members from the public and the public was provided an opportunity to comment on the application; and

WHEREAS, having heard all of said testimony and after having examined all of the exhibits, the Planning Board of the Borough of Tenafly makes the following findings and conclusions:

1. Appropriate public notice of the holding of the public hearings was given by the Board and appropriate announcements of the giving of such notice was made by the presiding officer of the meeting as required by the Open Public Meetings Act.

2. The applicant complied with statutory requirements by giving notice of the hearing to all neighboring property owners and publishing notice, all as is required by applicable law.

3. The applicant is the owner of the property. The property is located at the northeasterly side of North Summit Street between Piermont Road and Atwood Avenue. The existing property is the site of the two Benjamin Brothers commercial buildings at 121 and 131 North Summit Street and the commercial building at 145 Piermont Road. The property is Lots 2 and 3 in Block 1301.

4. This application seeks preliminary and final site plan approval with variances to redevelop this site with three (3) three-story mixed use buildings and associated parking. The proposal is to remove all of the existing site improvements. The lot shape is rectangular (500 feet wide by 261 feet deep). The lot area is 130,880 square feet or approximately 3 acres. The site is located in the SR/B Senior Residence/Business District Zone.

5. After hearing comments from the Board, the applicant proposed the following:

   (a) Three (3) three-story mixed use buildings having a total building coverage of 60,456 square feet or 46.19%.

   (b) 112 residential units and 2,470 square feet of retail space in the three buildings;

(c) 203 parking spaces proposed which includes 6 ADA parking spaces. 118 parking spaces are covered or partially covered by the buildings above.

(d) Three driveways are proposed with access from North Summit Street.

(e) New sidewalk is proposed along North Summit Street.

(f) New landscaping is proposed along the front and sides of the property.

(g) Site lighting is provided with ceiling-mounted and pole-mounted lights.

(h) Drainage improvements are proposed to control the storm water runoff from the building and parking area.

6. Three buildings proposed have a total building coverage of 60,456 square feet or 46.19% where 35% is the maximum permitted. The buildings are proposed with a courtyard between the buildings along the northern Summit Street frontage. The buildings are set back from the street and are much closer to the rear property line which abuts the Borough of Cresskill. The buildings have a similar building height with a flat roof and varying height parapets. The exterior of the buildings is proposed with varying steps in the façade, varying building materials and colors.

7. 112 residential units and 2,470 square feet of retail space are proposed within the three buildings.

(a) Building 1 is L shaped and is the westerly building. It has a ground floor consisting of 950 square feet of retail space, a lobby for residential units, elevator, amenity space, trash room, mechanical room and bike storage. The first floor contains 18 residential units, consisting of 9 one-bedroom and 9 two-bedroom units. The second floor contains 18 residential units consisting of 9 one-bedroom and 9 two-bedroom units.

(b) Building 2 is T-shaped and is the rear building. The ground floor consists of 490 square feet of retail space, lobby for residential units, elevator, trash rooms and mechanical rooms. The first floor has 21 residential units consisting of 13 one-bedroom, 6 two-bedroom and 2 three-bedroom units. The second floor has 21 residential units consisting of 13 one-bedroom, 6 two-bedroom and 2 three-bedroom units.

(c) Building 3 is a reverse L-shape and is the easterly building. The ground floor consists of 950 square feet of retail space, lobby for residential units, elevator, amenity space, trash rooms, mechanical rooms and bike storage. The first floor has 17 residential units consisting of 8 one-bedroom and 9 two-bedroom units. The second floor has 17 residential units consisting of 8 one-bedroom and 9 two-bedroom units.

8. Based upon the proposal, the retail space generates a parking requirement of 10 spaces and the residential units generate a requirement of 212 spaces for an overall requirement of 222 spaces.

9. State law requires that for multi-family housing developments, 15% of the required parking spaces shall be make-ready EV spaces (222 spaces x 15% = 33). Each make-ready parking space shall count as two spaces towards the required number of spaces with a maximum reduction of 10% of the total number of spaces (222 x 10% = 22 spaces). The applicant proposes 202 parking spaces plus the 22 parking space credit yields 224 parking spaces provided where 222 parking spaces are required.

10. 202 parking spaces are proposed which includes 7 ADA spaces One of the ADA spaces is designated as an EV space as well.

11. The plans underwent several revisions. The plans were revised on or about April 13, 2023 by the following:

(a) The number of units was reduced by 26 to 112 units within the three buildings.

(b) The proposed building height and number of stories was reduced to three stories and a conforming height of less than 40 feet.

(c) The number of on-site parking spaces was reduced to 203 spaces and the tandem parking spaces were eliminated.

(d) The proposed drainage system was enhanced using underground pipe storage.

12. The plans were later revised in response to Board comments and concerns on or about May 10, 2023. Those revisions included the following:

(a) Truck circulation plans were submitted demonstrating that a fire truck and a single unit vehicle can negotiate the center loop driveways.

(b) A two-way traffic aisle was added through the northern parking row. The aisle is aligned with the westerly drive aisle.

(c) The stair towers for Building 2 were relocated to improve the sight lines at the driveway intersections.

(d) The corners of the trash rooms for Buildings 1 and 3 were chamfered to provide better sight lines at the driveway intersections.

(e) Additional sidewalks were added around the proposed lawn areas of Buildings 1 and 3 to improve pedestrian circulation.

(f) Bicycle storage was added under Buildings 1 and 3.

(g) Parapets were added along portions of the roof creating a varied roofline.

(h) 7 ADA parking spaces are proposed.

(i) The number of on-site parking spaces were reduced to 202 spaces.

(j) Business name plates were added to the monument sign for proposed retail establishments.

13. Three driveways are proposed for access to the site. A two-way driveway on the easterly side of the site provides access to the parking level of the easterly building (Building 3). An ingress driveway and an exit driveway provide access to the courtyard between the buildings. The ingress driveway is west of the Jersey Avenue intersection and the exit driveway is located approximately midway between Jersey Avenue and Piermont Road.

14. The ingress and egress driveways provide a counter clockwise traffic circulation. The ingress driveway provides access to the drive aisle in front of Building 2 and the parking aisle under Building 2.

15. Truck deliveries will be made through driveways around the courtyard area. A loading space is provided along the side of the egress driveway next to Building 2.

16. Five compact parking spaces are proposed. The compact parking spaces are proposed at 8' wide by 18' long and 9' wide by 16.5' long. A design waiver is required from the Residential Site Improvement Standards (RSIS) for the compact spaces.

17. Bicycle storage is provided at the ground level of Buildings 1 and 3. Storage for approximately 42 bicycles is provided.

18. Trash facilities are located on the ground floor of the three buildings. A trash shoot is provided from the residential floors above to the trash room for each building. A trash staging area is proposed at the ground level of Building 3 at the easterly driveway. The applicant was

asked by the Board to confirm that the Tenafly Department of Public Works (DPW) was satisfied with the trash collection procedures. The Tenafly DPW confirmed in a memo to the Board dated May 22, 2023, that the arrangement for the collection of garbage and recycling for this development was acceptable.

19. The existing lots must be consolidated into one single lot.

20. A free-standing monument sign is proposed in the center of the development, 15' back from the curbline of North Summit Street. The proposed sign consists of:

(a) Building name – 28.7 square feet, 5 foot high with 12 inch letters.

(b) Street address – 5.9 square feet below the name sign.

(c) Retail names – 9.9 square feet below the street address.

(d) The total sign area is 44.5 square feet.

A variance is required for the proposed monument sign because a free-standing sign in the SR/B zone is only permitted for a "shopping center".

21. The site lighting is proposed with 15' high pole-mounted lights and ceiling-mounted lights in the garage. The proposed lights along the North Summit Street match the style of the Tenafly lighting standard. The light fixtures must be LED.

22. The stormwater from the proposed building roofs and parking areas is to be collected and piped to on-site underground detention pipes. This will improve the current situation.

23. Applicant submitted a soil moving permit as applicant proposes to move 3,996 cubic yards of soil for the construction of the project. The applicant proposes a cut of 3,996 cubic yards, with fill of 3,665 cubic yards for a net export of 331 cubic yards.

24. A 4' high metal fence is proposed along the beginning of the westerly property line towards the rear where it will meet the taller fence referenced below.

25. A 6' PVC privacy fence is proposed along the east and rear property lines which will be an earth-tone color.

26. Applicant seeks variances for the following:

(a) Maximum building coverage of 46.19% where 35% is the maximum allowed.

(b) Maximum impervious coverage of 79.57% proposed where 65% is the maximum allowed.

(c) Parking in the front yard where 4 ADA spaces are proposed and none are permitted.

(d) Parking space size for the retail/commercial spaces of 171 square feet (9.5' x 18') where 162 square feet (9' x 18') are proposed.

(e) Parking space size for 5 compact spaces of 8' x 18' (4 proposed) and 9' x 16.5' (1 proposed) where RSIS requires 9' x 18'.

(f) Driveway aisle width where 25 feet is required and 24 feet is proposed.

(g) Free-standing monument sign where one is proposed and none are permitted.

27. The Board finds that overall the proposed plan is a benefit to the community and represents an improvement in the zoning and existing conditions. The proposal is an improvement on the current condition which is more than 90% covered and the impervious coverage is now reduced to 79.57% with an attractive landscaping plan along the front of the building. In addition, the buildings are set back from North Summit Street to improve the visual streetscape and enhance

the landscaping in the front of the building. The rear of the property is up against the municipal border with the Borough of Cresskill. The Board also finds that the three buildings are better than one visually as it breaks down the mass and provides more light and air even though it takes up more building coverage than one single large building. The application also provides a benefit in that it will provide 17 units of affordable housing. The application also adds stormwater management to the site where currently none exists. There is currently no green space on the property and this will provide an aesthetically pleasing building and landscaping. The building setbacks, materials, jogs and architecture make it aesthetically pleasing. The retail is set back so it needs the additional signage that is required on the monument sign for identification purposes.

28. All of the foregoing variances and waivers do not substantially impair the intent of the master plan or the zoning ordinance. None of them, either individually or in the aggregate, cause substantial harm or detriment to the surrounding neighborhood. The requested variances and waivers do not adversely impact the adjoining properties. The Board finds that there is no detriment from the visual perspective as the parking is screened. The Board finds that overall there is a benefit to the community which substantially outweighs any detriment caused by the application. The Planning Board finds that the applicant has submitted substantial and sufficient proof for the granting of the site plan and variances and waivers set forth above. This approval is consistent of the purposes of the LDR and the master plan and this project is substantially in conformity with the Borough's zoning objectives. For all the foregoing, the Board finds the proposed variances and site plan are hereby approved subject to the terms and conditions set forth below.

NOW, THEREFORE, be it resolved on this 28th day of June, 2023, that the application of RRD Summit Street, LLC for preliminary and final site plan approval be and the same is hereby granted upon the following conditions:

1. That the applicant file with the Board Engineer and Building Department revised plans in accordance with the applicant's testimony before the Planning Board and as set forth in the Board Engineer's letter report.
2. The applicant shall comply with all applicable laws and resolutions regarding the development of the subject premises.
3. The applicant shall comply with the recommendations and comments set forth in the Board Engineer's letters of April 26, 2023 and May 20, 2023.
4. Applicant shall comply with the Borough's affordable housing ordinance and provide the number and type of affordable units required by the ordinance and set out in the Board Planner's reports.
5. All stipulations and/or agreements made either in writing or on the record by applicant shall be complied with to the satisfaction of the Board Engineer. Specifically, the applicant stipulated and the Board conditioned the approval on the following, all of which shall be subject to the reasonable approval of the Board Engineer:
    a. Applicant to provide an earth tone color on the 6' fencing around the property.
    b. Applicant to add ramps/depressed curbs.
    c. Applicant to add signage for garage height.

d. Applicant to flip the loading dock to the other side of the plan from the left to the right side.

e. Applicant to add a pedestrian walkway.

f. Applicant must provide a full time super for the residential units.

g. Applicant to assign spots to residents per the testimony of its traffic expert, Lou Lugio. He testified that one space will be assigned to 1 and 2 bedroom units for a total of 108 spaces, two spaces will be assigned for each 3 bedroom unit for a total of 8 additional spaces and then ten spaces will be assigned for the retail space. That will leave a total of 76 parking spaces for retail customers and residential visitors.

h. Applicant shall not allow satellite or TV dish to be installed on the exterior of the units.

i. Applicant to utilize trash and recycling procedures as approved by the Tenafly DPW.

6. Submission of traffic signage detail to the Board Engineer for approval.

7. The applicant shall enter into an appropriate Developer Agreement with the Borough of Tenafly to ensure compliance with the terms of this Resolution.

8. All construction shall be in compliance with the New Jersey Uniform Construction Code, applicable ordinances of the Borough of Tenafly, regulations of Administrative Agencies and the laws of the State of New Jersey.

9. The applicant shall construct this development project in accordance with the plans as presented to the Planning Board, which plans were marked into evidence. The final design, details and construction of this project shall be subject to, and in

accordance with, the approval of the Municipal Engineer, if necessary, as to various construction matters;

10. The applicant shall comply with all the requirements of the Soil Erosion and Sediment Control Act. The applicant shall further submit a report of compliance to the Borough of Tenafly before a certificate of occupancy will be issued;

11. The applicant shall submit all revised landscaping plans to the Planning Board Engineer for review of those plans for conformity with this approval and applicant shall comply with all the comments made in conformity with this Resolution of Approval.

12. During the construction of this project, the applicant shall maintain the construction site in a safe condition and shall take appropriate measures to ensure the safety, health and welfare of the public. Furthermore, the applicant shall provide, if necessary, for the proper maintenance of the adjacent municipal street on a daily basis to ensure that they are clean from dirt and debris which may accumulate from any excavation and/or construction on the site;

13. The applicant shall post a performance bond, cash or an irrevocable letter of credit in an amount established by the Board Engineer. The performance bond or irrevocable letter of credit is to ensure that all site work shall be completed in accordance with the plans submitted, details of which are to be set forth in the Developer Agreement. An escrow for inspection and legal fees shall be deposited with the Borough, as established by the Board Engineer, subject to increase to the maximum amounts permissible by ordinance, if required, to meet project demands.

14. The applicant shall maintain appropriate liability insurance, during the construction of this project, for personal injury in an amount of $2,000,000.00 and property damage in the amount of $500,000.00, together with necessary workman's compensation insurance. The Borough of Tenafly and its officials shall be named as insureds under the policy. The foregoing shall be more fully set forth in the Developer Agreement.

15. The applicant shall comply with the Borough's Development Fee ordinance at the time it seeks a construction permit to the extent applicable.

16. The applicant shall comply with all conditions and requirements that were set forth in the review letters of any of the municipal officials which are incorporated herein by reference.

17. This approval is conditioned on applicant obtaining all other necessary governmental permits and approvals including but not limited to Bergen County Planning Board, Bergen County Soil Conservation District and Bergen County Utilities Authority approvals.

18. The applicant shall file for zoning and building permits, as applicable, with the Zoning Official and Construction Officer and shall submit revised plans to the building department and Board Engineer for it to review those plans for conformity with this approval and applicant shall comply with all comments made in conformity with this Resolution of Approval; and it is

FURTHER RESOLVED, that a variance for maximum building coverage of 46.19% is approved where 35% is the maximum; and

FURTHER RESOLVED, that a variance for maximum impervious coverage is approved where 79.57% is proposed and 65% is the maximum; and it is further

FURTHER RESOLVED, that a variance for parking in the front yard is approved where none are permitted and 4 ADA parking spaces are proposed; and it is

FURTHER RESOLVED, that a waiver for minimum parking space size is approved where 162 square feet is proposed and 171 square feet is required; and it is

FURTHER RESOLVED, that a waiver for compact parking space size is approved where 8' x 18' (4 spaces) and 9' x 16.5' (1 space) are proposed and 9' x 18' is required; and it is

FURTHER RESOLVED, that a waiver for minimum drive aisle width is approved where 24 feet is proposed and 25 feet is required; and it is

FURTHER RESOLVED, that a variance for a free-standing monument sign as proposed is hereby approved where none is permitted; and it is

FURTHER RESOLVED, that a copy of this Resolution, certified by the Secretary to be a true copy, be forwarded to the Construction Official, Board Engineer, Borough Engineer, Zoning Officer, Tax Assessor, Administrative Officer of the Municipal Land Use Law, the attorney for the applicant and any other official or governmental agency as applicable.

SECONDED BY: Mr. Nevins

FOR: Mrs. Wilmit, Mr. Warms and Mr. Nevins

AGAINST: None

Dated: June 28, 2023

I hereby certify that the foregoing Resolution is a true copy of the Resolution which was adopted by the Planning Board of the Borough of Tenafly at a regular meeting held on June 28, 2023.

Amanda Booth, Planning Board Secretary

Appendix K: Planning Board Resolution re: Adoni

DRAFT

IN THE MATTER OF THE APPLICATION OF:
ADONI PROPERTY GROUP, LLC
BLOCK 1104, LOT 4
PB# 1-23-05
R#PB24-07

__Mr. Warms____ offered the following Resolution and moved its adoption:

RESOLUTION

WHEREAS, Adoni Property Group, LLC, the applicant for property commonly known as 66 West Railroad Avenue, in the Borough of Tenafly, County of Bergen, State of New Jersey which property is currently designated on the tax assessment map of the Borough of Tenafly as Block 1104, Lot 4, applied to the Planning Board of the Borough of Tenafly through its attorney, Donna M. Jennings, Esq., seeking preliminary and final site plan approval and certain variances and waivers as set forth below; and

WHEREAS, the applicant presented proof in the form of an affidavit that it complied with the statutory requirements regarding service of notice of the application and publication of same; and

WHEREAS, the Planning Board conducted a public hearing on July 24, 2024 during which the applicant presented the following exhibits:

1. Site plans titled "Preliminary/Final Major Site Plan – 66 West Railroad Avenue" prepared by MidAtlantic Engineering Partners, llc dated April 19, 2023, last revised May 7, 2024, consisting of fourteen (14) sheets;
2. Architectural plans titled "Tenafly Mixed Use Apartments, 66 W. Railroad Ave., Tenafly, NJ 07670" prepared by MidAtlantic Architecture + Design dated September 7, 2023 and last revised May 7, 2024 consisting of twelve (12) sheets;

3. Boundary & Topographic Survey prepared by CPL Partnership, LLC dated February 8, 2023 consisting of one (1) sheet;
4. Traffic Impact Assessment for Proposed Mixed-Use Building prepared by Dolan & Dean Consulting Engineers, LLC dated May 23, 2024;
5. Stormwater Management Report for 66 West Railroad Avenue prepared by MidAtlantic Engineering Partners, llc dated August 29, 2023, last revised May 7, 2024;
6. Predevelopment Drainage Area Map prepared by MidAtlantic Engineering Partners, llc dated April 19, 2023, revised March 5, 2024 consisting of three (3) sheets;
7. Exhibit A-1 which is a colored aerial of the existing site;
8. Exhibit A-2 which is a colored version of Sheet 3 of the site plan;
9. Exhibit A-3 which is Sheet 3 of the site plan revised as of July 24, 2024;
10. Exhibit A-4 which is a typical first floor plan from the architectural set revised as of July 24, 2024;
11. Exhibit A-5 which is the garage level plan from the architectural set revised as of July 24, 2024;
12. Exhibit A-6 which consists of two color renderings of the building from the Railroad Avenue perspective;
13. Exhibit A-7 which consists of a color rendering of the building from the Grove Street perspective;
14. Exhibit A-8 which are four (4) photos; two from Grove Street and two (2) from West Railroad Avenue showing what exists at the site today; and

WHEREAS, the Planning Board received and reviewed the letter reports of the Board Engineer, Schwanewede, Hals & Vince Engineering, dated November 13, 2023, November 16, 2023 and June 17, 2024; and

WHEREAS, the Planning Board received and reviewed the letter reports from the Board Planner, Burgis Associates, Inc., dated November 16, 2023 and June 24, 2024; and

WHEREAS, the Planning Board received and reviewed the memorandum from the Tenafly Police Chief, Robert Chamberlain, dated June 14, 2024 and

WHEREAS, the Planning Board received and reviewed the memorandum from the Tenafly Fire Official dated July 15, 2024; and

WHEREAS, the Planning Board received and reviewed the memorandum from the Tenafly Fire Chief dated July 16, 2024; and

WHEREAS, the Planning Board received and reviewed the correspondence from the Department of Planning & Engineering of the County of Bergen regarding site plan exemption from Bergen County review; and

WHEREAS, at the opening of the hearing, counsel for the applicant stipulated on behalf of applicant that it would comply with Items 1, 3 and 4 of the Fire Chief's memo dated July 16, 2024. Specifically, applicant agreed to add a fire hydrant on West Railroad Avenue and to work in conjunction with the Fire Chief and Borough Engineer on the location of that hydrant. Applicant stipulated that the building would be fully sprinklered with stand pipes in the stairways, Applicant also stipulated that EV charging stations would be relocated to the ground level parking area. Further, applicant stipulated the building would be sprinklered to NFPA 13 standard rather than the building code requirement of 13R. Applicant also stipulated to coordinate with the Fire Chief on appropriate fire department connections; and

WHEREAS, the applicant presented the testimony of Zeke Cullen, who was sworn and accepted as an expert in civil engineering. He is employed by MidAtlantic Engineering Partners, llc. Mr. Cullen stated the property is slightly larger than an acre and is a through lot with frontage on West Railroad Avenue and Grove Street. The property is located in the C commercial district and the AHO-2 affordable housing overlay zone. He described the property as currently vacant aside from some dilapidated building remains. Also, a junkyard remains. Applicant proposes to raze all existing improvements and construct a mixed-use building that will have 40 residential units, 6 of which will be affordable. He testified that the building will have green roofs and a subsurface parking garage. Sidewalks are proposed on both Railroad Avenue and Grove Street. The building will have 15% of the units set aside as Affordable Housing Units ("AHU"). Mr. Cullen testified that all the AHU's will have access to the amenities provided in the building. The building is U-shaped. The amenities fill in the U-shape. The area includes a courtyard with landscaping, benches and a park. Cullen testified that three variances are requested. One is for side yard setback of 15 feet where 20 feet is the minimum required when adjoining a residential district. The second is for maximum building coverage of 57.6% where 40% is the maximum. Third, he requested a variance for the location of a pool not being in the rear yard because this is a through lot with no rear yard; and

WHEREAS, Cullen showed the Board sheet 3 of the site plan revised as of July 24, 2024 (Exhibit A-3) which added a curved bump-out and provided a loading zone along West Railroad Avenue which addressed package deliveries, trash pickup as well as residential move-in and outs. The drop off area that is shown is 41 feet by 8 feet. There is also an emergency access out to Grove Street from the pool area. Cullen testified that there will be a generator and HVAC condensers located on the roof. The building complies with the required number of parking

spaces. The plan proposes tandem spaces that are over and above what is required for the parking. The tandem spaces will be assigned to specific residential units. He further testified that the plan complies with the EV parking space requirements and all spaces will be EV ready. He further testified that the EV parking spaces have been relocated closer to the road per the request of the Fire Official. The parking complies with the handicap parking space requirements. He testified that the plan provides for positive drainage away from the site. He further testified that the lowest point of the garage is at 38.5 feet which is 6 inches above the seasonal high water table. He testified that the parking garage, as well as the building, will be fully sprinklered; and

WHEREAS, he further testified the building will have green roofs. The drainage complies with the 2, 10 and 100 year storm drain design guidelines. He testified that the project had received a letter of exemption from the Bergen County Planning Board. Other approvals required are from the New Jersey Department of Environmental Protection, the Bergen County Utilities Authority ("BCUA") and soil erosion. He further described the roof which will have limited access from certain individual units with staircases to the roof so there is no general access to the roof. The building is located outside of the flood hazard area. There are 12 tandem parking spaces provided which are not included in the parking space count which already complies with the Tenafly LDR and the Residential Site Improvement Standards ("RSIS"). He takes no issue with the comments in the Board review letters; and

WHEREAS, the applicant presented the testimony of Robert Larsen of MidAtlantic Architectural + Design, a licensed registered architect and professional planner in the State of New Jersey. He testified that the proposal is a mixed use building with 40 dwelling units and approximately 2,600 square feet of commercial space. He described the typical first floor of the architectural plan set which was revised as of July 24, 2024 (Exhibit A-4). There are several

amenities on the first floor and they are only available to residents of the building. The building consists of a total of 40 residential units of which 34 are market rate units and 6 AHUs. The AHUs comply with the Uniform Housing Affordability Controls ("UHAC") regulations. The building has a cistern to reuse some rain water for irrigation. There is a centralized trash system with a compactor before it goes out. There is no outdoor storage. All units are accessible. The building will be fully sprinklered to a NFPA 13 standard which is the highest level of sprinkling. All residential parking spaces are 9x18 so they comply with RSIS. The plans were modified so that there will be a 25-foot wide drive aisle which complies with the LDR. The commercial parking spaces are 9.5x18 feet which complies with the Tenafly LDR. Accordingly, no waiver or exception for parking space size is required; and

WHEREAS, he presented a garage level plan which was revised as of July 24, 2024 (Exhibit A-5). 12 residential units will have assigned parking spaces for the tandem parking spaces. The larger parking spaces will be noted for the retail users and visitors. He presented colored renderings from each of the Railroad Avenue and the Grove Street perspectives. He testified that the lower parking area is above the ground water table. He further testified that the current plan does not include any specific signs, just proposed locations but any proposed signs would be in conformity with the Tenafly sign ordinance; and

WHEREAS, Larsen further testified that no design waivers are requested as the project complies with the minimum parking space size and the drive aisle width. The location of the EV parking spots has been relocated per the Fire Official's comments to be out from under the building. After some back and forth with the Board, he testified that the applicant will provide 14 EV parking spaces and put them on the upper level of the garage. He testified that all mechanicals on the roof will be screened. He testified that there will be no barbeque grills on the

roof and no structures on the roof. He testified that the applicant would be willing to move the fence in the rear of the property closer to the development rather than along the Grove Street Right-of-Way; and

WHEREAS, Mr. Larsen was also accepted as an expert in planning. He showed the Board pictures of what exists at the site today. The existing site is contaminated and will be remediated as part of the project development. He testified that the side yard setback requested is 15 feet where 20 feet is the minimum when abutting a residential zone. He testified that the minimum side yard in the base zone, the C Commercial district, is 15 feet but that gets extended to 20 feet when it adjoins a residential district as in this case. This application provides a 15 feet side yard setback but the 15 feet is appropriate given the shape of the building, the proposed landscaping and the size of the lot. The side yards will be utilized to provide a landscape buffer on each side. He further testified that there are no negative effects as there are no shadows cast on any single family house. It does not negatively impact light and air and there is only one single family house nearby. The other side has townhouses; and

WHEREAS, he testified that the LDR does not permit a pool in the front yard but because the lot is a through-lot, it has two front yards and therefore cannot satisfy the requirement. However, it has no negative impact on neighbors because it is screened and does not back up onto any other properties; and

WHEREAS, finally he testified that the applicant seeks a variance for maximum building coverage of 57.6% where 40% is the maximum permitted. He stated that this is an area of town intended for affordable housing. The property has an affordable housing overlay but, in this case, the applicant is complying with the base zoning although it is also providing affordable housing. The coverage allows applicant to provide ample parking, ample amenities, affordable

housing units and better size units overall. Under the AHO-2 zone regulations, applicant could only produce two AHU's. This plan provides more AHU's which is a benefit to Tenafly. This replaces an environmentally contaminated site and an eyesore so that the variance for maximum building coverage is supported under both c(1) and c(2) jurisprudence; and

WHEREAS, the applicant offered the testimony of Rianna Kirchhof, who is a licensed professional engineer with Dolan & Dean Consulting Engineers LLC and accepted as an expert in traffic engineering. She answered questions that Board members had concerning the Traffic Impact Study and traffic resulting from the development; and

WHEREAS, all witnesses were subject to questioning from members of the public and the public was provided an opportunity to comment on the application; and

WHEREAS, having heard all of the testimony and after having examined all the exhibits, the Planning Board of the Borough of Tenafly makes the following findings and conclusions:

1. Appropriate public notice of the holding of the public hearing was given by the Board and appropriate announcements of the giving of such notice was made by the presiding officer of the meeting as required by the Open Public Meetings Act.

2. The applicant complied with statutory requirements for giving notice of the hearing of the application including giving public notice by means of a legal advertisement in an appropriate newspaper and mailing notice to all neighboring property owners within 200 feet and/or delivering said notice by personal delivery.

3. The applicant is an affiliate of the owner of the property. The property is commonly known as 66 West Railroad Avenue and is Lot 4 in Block 1104. The property is rectangular in shape with a width of 175 feet and a depth of 270 feet. The lot size is 47,250

square feet. The property is a through lot with frontage on both Grove Street and West Railroad Avenue. The property has been used as a junkyard. It is contaminated and aesthetically unpleasing.

4. The lot is in the C commercial district and the AHO-2 overlay district. The AHO-2 is an overlay zone intended to provide for affordable housing. The applicant here chooses to utilize the C commercial district zoning standards and still provide affordable housing.

5. The applicant seeks preliminary and final site plan approval to construct a three-story mixed use building with 40 residential units, residential amenities and 2,588 square feet of retail space. Dwellings units are a permitted use in the zone but are limited to being above the first floor. The proposed 40 residential units include 6 affordable units with the remaining 34 units being market rate units.

6. On the ground floor, there is 2,588 square feet of retail space. In addition, there is a residential lobby, mailroom, package room, dry cleaning drop-off, administrative office and residential amenities including a fitness center, group instruction space, spa, café/lounge, lounge, golf simulator, movie theater, work from home (WFH) spaces, swimming pool and dog walk. The Board is impressed with the breadth of amenities being offered. The first floor includes 20 residential units and a trash room. The second floor consists of 20 residential units and a trash room. On the rooftop, there is a green roof and ten private roof decks for select units below. Those units have a private staircase to the roof.

7. The LDR requires a total of 90 parking spaces for the development. The EV parking requirement is for 13 spaces (15%) which results in a credit of nine (9) spaces. That results in a net required 81 parking spaces. The applicant is proposing 84 parking spaces so it

satisfies the required number of parking spaces. Beyond that, applicant is proposing 12 tandem spaces which are not counted but physically exist providing additional parking spaces.

8. 84 parking spaces are proposed which include 4 ADA parking spaces. Initially, the parking spaces were not all compliant with the LDR. As the plans were revised, all parking spaces meet RSIS standards and the commercial spaces comply with the LDR minimum parking space size. All proposed parking spaces are located within the building footprint.

9. Ingress and egress to the parking garage is from West Railroad Avenue via originally a single 24-foot wide drive aisle on the northerly side of the property. That driveway width was widened to 25 feet and now complies with the LDR and no exception is requested therefrom.

10. Site amenities include a swimming pool with a courtyard patio, an indoor cabana/lounge area and an area for dog walking.

11. A new sidewalk and granite block curbing is proposed along Grove Street and West Railroad Avenue. Street trees and new landscaping are proposed along the West Railroad Avenue frontage and landscaping throughout the site.

12. Drainage improvements are proposed to control the stormwater runoff from the building, outdoor patio and swimming pool area. Most importantly, the applicant's engineer testified that the lowest level of the underground parking is 6 inches above the seasonal high water table.

13. The applicant seeks a variance for minimum side yard setback. The C commercial district typically requires a 15 foot minimum side yard which this building provides on both sides. However, when a property adjoins a residential district, an enhanced side yard of 20 feet is required. The property to the north is a residential property in the AHO-2 Affordable

Housing Overlay #2 district. Accordingly, a 20 foot side yard buffer is required to the residential district on the north side. The applicant proposes a very healthy landscaping plan to provide an appropriate buffer from the adjacent property to the north. There is also a dog run area with a K-9 grass surface proposed. There is a townhome development to the north which has ample vegetation on its southerly boundary so the Board is satisfied that there is appropriate screening and light and air between the two properties. The Board is satisfied that given the shape and size of this property being a rectangle, the building is appropriately designed for development purposes and the side yard is reasonable and there are no negative impacts associated with it.

14. The applicant seeks a variance for maximum building coverage of 57.6% where the zone only permits a maximum of 40%. The coverage allows for ample parking on site, amenities and better sized units overall. The parking is within the building so there is no additional impervious coverage resulting from surface parking. Further, the proposal provides 6 AHU's. The application would also remediate an environmentally contaminated property and replace an existing eyesore. The Board finds the planner's testimony to be credible on these points. So, the benefits outweigh any detriments and the variance can be granted under c(2) criteria.

15. The applicant requested a variance for the location of the swimming pool. However, the Board engineer advised the Planning Board that the LDR provision requiring pools be located in the rear yard of a lot only applies to residential properties. Since this is not a residential property, it does not apply. Accordingly, the Board determined that no variance for the location of the pool is required since LDR Section 35-808.1.d(1) applies only to "residential districts" and the property is in the C commercial district. Thus, although requested by the applicant, no variance is granted as no variance is needed.

16. The applicant took no exception to the comments provided on the Schwanewede Hals and Vince comment letter dated June 17, 2024.

17. The building provides for stormwater management where currently there is none. The stormwater from the proposed building roof and parking areas is to be collected and piped on site to underground detention pipes. This will improve the current situation.

18. Applicant did not submit a soil moving permit in connection with this application. A major soil moving permit is required and must be submitted as a condition of approval.

19. The Board finds that overall the proposed plan is a benefit to the community and represents an improvement in the zoning and existing conditions. The proposal is an improvement from the current condition which is environmentally contaminated and an eyesore. The proposal is an aesthetically pleasing building with attractive landscaping. The Board find that the proposal is an impressive building that provides many amenities with nice units. Further, the proposal includes 6 AHUs, adds stormwater management to a site where none currently exists and remediates an environmentally constrained site. This will greatly improve the visual streetscape along both Railroad Avenue and Grove Street. The Board finds that this development is well designed and will be a benefit to the community.

20. All of the foregoing variances do not substantially impair the intent of the Master Plan or Zoning Ordinance. The exceptions that were originally called out are not needed as the application was revised to comply with all LDR design criteria. As for the variances, none of them, either individually or in the aggregate, cause substantial harm or detriment to the surrounding neighborhood or zone plan. The requested variances do not adversely impact the adjoining properties. The Board finds that there is no detriment from a visual perspective as the parking is underground and there is no sea of cars. The Board finds that overall there is a benefit

to the community which substantially outweighs any detriment caused by the application. In addition to the reasons expressed above, under c(2) jurisprudence, the benefits of the deviation do not have to relate directly to the variance itself but can also be derived from the compliance with the upgrade to a permitted use in the zone, the improvements made to the property as well as the better planning aspects of the development in general which are outlined above. See Pullen v. Tp. of South Plainfield, 291 N.J.Super. 1, 8 (App. Div. 1996) ("a variance cannot be considered in isolation, but must be considered in light of its effect on the development proposal, the neighborhood, and the zoning plan"). The Board finds that the applicant has submitted substantial and sufficient proof for the granting of the site plan and variances set forth above. This approval is consistent with the purposes of the LDR and the Master Plan and this project is substantially in conformity with the Borough's objectives. For all the foregoing, the Board finds that the proposed variances and site plan are hereby approved subject to the terms and conditions set forth below.

NOW, THEREFORE, be it resolved on this 28th day of August, 2024, that the application of Adoni Property Group, LLC for preliminary and final site plan approval be and the same is hereby granted upon the following conditions:

1. That the applicant file with the Board Engineer and Building Department revised plans in accordance with the applicant's testimony before the Planning Board and as set forth in the Board Engineer's letter report.
2. The applicant shall comply with all applicable laws and resolutions regarding the development of the subject premises.

3. The applicant shall comply with the recommendations and comments set forth in the Board Engineer's letters of November 13, 2023, November 16, 2023 and June 7, 2024.

4. Applicant shall comply with the Borough's affordable housing ordinance and provide the number and type of affordable units required by the ordinance and set out in the Board Planner's reports.

5. All stipulations and/or agreements made either in writing or on the record by applicant shall be complied with to the satisfaction of the Board Engineer. Specifically, the applicant stipulated and the Board conditioned the approval on the following, all of which shall be subject to the reasonable approval of the Board Engineer:

   a. Applicant to apply for Major Soil Moving Permit.

   b. Applicant to add sidewalk extension along West Railroad Avenue, south of the site.

   c. Applicant to relocate all EV charging stations closer to the entrance to the garage.

   d. Applicant to ensure all rooftop mechanicals shall be screened so as not to be visible from the street.

   e. Applicant to provide 14 EV charging stations, the location to be determined in consultation with the Board Engineer and Fire Chief.

   f. Applicant to assign tandem parking spots to specific residents per the testimony of its architect/planner, Robert Larsen.

g. Applicant to move the rear fence along the Grove Street Right-of-Way closer to the development.

h. The building and garage shall be fully sprinklered to the NFPA13 standard rather than the lower 13R standard.

i. Locate and install standpipes in conjunction with Fire Chief recommendations.

j. Install fire hydrant in front, to the satisfaction of the Fire Chief.

k. Meet with Fire Chief to discuss location of fire department connections.

l. Landscaping and retaining wall details along Grove Street to be coordinated with Board Engineer.

m. Insert parking space dimensions on the architectural plan set.

n. Extend the 25 feet drive aisle width to the street through the driveway.

o. Applicant to coordinate placement of gate to rear pool entrance with the Board Engineer.

p. Revise the plans to reflect all changes.

6. Submission of traffic signage detail to the Board Engineer for approval.

7. The applicant shall enter into an appropriate Developer Agreement with the Borough of Tenafly to ensure compliance with the terms of this Resolution.

8. All construction shall be in compliance with the New Jersey Uniform Construction Code, applicable ordinances of the Borough of Tenafly, regulations of Administrative Agencies and the laws of the State of New Jersey.

9. The applicant shall construct this development project in accordance with the plans as presented to the Planning Board, which plans were marked into evidence.

The final design, details and construction of this project shall be subject to, and in accordance with, the approval of the Municipal Engineer, if necessary, as to various construction matters;

10. The applicant shall comply with all the requirements of the Soil Erosion and Sediment Control Act. The applicant shall further submit a report of compliance to the Borough of Tenafly before a certificate of occupancy will be issued;

11. The applicant shall submit all revised landscaping plans to the Planning Board Engineer for review of those plans for conformity with this approval and applicant shall comply with all the comments made in conformity with this Resolution of Approval.

12. During the construction of this project, the applicant shall maintain the construction site in a safe condition and shall take appropriate measures to ensure the safety, health and welfare of the public. Furthermore, the applicant shall provide, if necessary, for the proper maintenance of the adjacent municipal street on a daily basis to ensure that they are clean from dirt and debris which may accumulate from any excavation and/or construction on the site;

13. The applicant shall post a performance bond, cash or an irrevocable letter of credit in an amount established by the Board Engineer. The performance bond or irrevocable letter of credit is to ensure that all site work shall be completed in accordance with the plans submitted, details of which are to be set forth in the Developer Agreement. An escrow for inspection and legal fees shall be deposited with the Borough, as established by the Board Engineer, subject to increase to the

maximum amounts permissible by ordinance, if required, to meet project demands.

14. The applicant shall maintain appropriate liability insurance, during the construction of this project, for personal injury in an amount of $2,000,000.00 and property damage in the amount of $500,000.00, together with necessary workman's compensation insurance. The Borough of Tenafly and its officials shall be named as insureds under the policy. The foregoing shall be more fully set forth in the Developer Agreement.

15. The applicant shall comply with the Borough's Development Fee ordinance at the time it seeks a construction permit to the extent applicable.

16. The applicant shall comply with all conditions and requirements that were set forth in the review letters of any of the municipal officials which are incorporated herein by reference.

17. This approval is conditioned on applicant obtaining all other necessary governmental permits and approvals including but not limited to Bergen County Planning Board, Bergen County Soil Conservation District, Bergen County Utilities Authority and New Jersey Department of Environmental Protection.

18. The applicant shall file for zoning and building permits, as applicable, with the Zoning Official and Construction Officer and shall submit revised plans to the building department and Board Engineer for it to review those plans for conformity with this approval and applicant shall comply with all comments made in conformity with this Resolution of Approval; and it is

FURTHER RESOLVED, that a variance for minimum side yard setback of 15 feet is approved where 20 feet is required;

FURTHER RESOLVED, that a variance for maximum building coverage is approved where 57.6% is proposed and 40% is the maximum; and it is further

FURTHER RESOLVED, that a copy of this Resolution, certified by the Secretary to be a true copy, be forwarded to the Construction Official, Board Engineer, Borough Engineer, Zoning Officer, Tax Assessor, Administrative Officer of the Municipal Land Use Law, the attorney for the applicant and any other official or governmental agency as applicable.

SECONDED BY: Mr. Nevins

FOR: Mr. Warms, Mr. Nevins, Councilman Menon and Mayor Zinna

AGAINST: NONE

Dated: August 28, 2024

I hereby certify that the foregoing Resolution is a true copy of the Resolution which was adopted by the Planning Board of the Borough of Tenafly at a regular meeting held on August 28, 2024.

Amanda Booth, Planning Board Secretary

Note: It is intended that a redevelopment plan and accompanying ordinance will be prepared for the Dean Drive Site.

In the absence of such, a draft ordinance for an overlay zone has been prepared.

DRAFT

Borough of Tenafly

ORDINANCE NO. 26-XX

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," TO CREATE A NEW DEAN DRIVE MULTIFAMILY OVERLAY DISTRICT

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.1 entitled "Zone Districts" is hereby amended by adding the following new zoning district.

DDMFO Dean Drive Multifamily Overlay District (Section 35-810E.)

SECTION 2. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.3 entitled "Zoning Map" is hereby amended to place Block 906 Lots 1, 2, 3, and 4 into the Dean Drive Multifamily Overlay District. The underlying zoning shall remain in place.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-810E. is hereby created as follows.

§ 35-810E Dean Drive Multifamily Overlay District

§ 35-810E.1 Purpose.

The purpose of the Dean Drive Multifamily Overlay District is to encourage an additional opportunity for the production of very-low, low-, and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development in conjunction with the existing hotel subject to the following regulations. The district is also intended to serve as an attractive gateway feature into the Borough's downtown.

§ 35-810E.2 Description.

The Dean Drive Multifamily Overlay District shall encompass Block 906 Lots 1, 2, 3, and 4 on the Borough of Tenafly Tax Map.

§ 35-810E.3 Permitted Principal Uses.

The Dean Drive Multifamily Overlay District shall permit the following uses:

a. Multifamily uses in conjunction with the existing hotel.

§ 35-810E.4 Permitted Accessory Uses.

Accessory uses and structures permitted in the Dean Drive Multifamily Overlay District are those uses and structures which are customarily incidental and subordinate to permitted multifamily use. Accessory uses and structures shall include, but not be limited to, the following:

a. Street furnishings, planters, street lights, and exterior, garden-type, shade structures;

b. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;

c. Clubhouses;

d. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots, and;

e. Parking lots and private garages serving the development.

§ 35-810E.5 Permitted Conditional Uses.

None.

§ 35-810E.6 Prohibited Uses.

Any use than those uses specifically permitted above are prohibited. The development of multifamily uses on site shall require the hotel to remain.

§ 35-810E.7 Development Standards.

The following development standards apply to the Dean Drive Multifamily Overlay District.

a. Minimum Tract Area. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one (1) development application showing the proposed development for the entire district.

b. Maximum Density: 22.3 units per acre, which shall result in no more than one hundred (100) residential units.

c. Minimum Setbacks for Principal Buildings

    1. From Dean Drive Right-Of-Way: Ten (10) feet.
    2. From East Clinton Avenue Right-Of-Way: Fifty (50) feet.
    3. From Westerly Tract Area Boundary Line: Twenty (20) feet.
    4. From Southerly Tract Area Boundary Line: Seventy (70) feet

d. Maximum Building Coverage: Forty percent (40%).

e. Maximum Impervious Coverage: Fifty-five percent (55%), except that the maximum impervious coverage may be increased to sixty-five percent (65%) provided the stormwater runoff from all new vehicle surface areas is treated with green Infrastructure measures in accordance with the NJ Stormwater BMP Manual. Green roof areas as defined by the New Jersey Stormwater BMP Manual shall be excluded from the calculation of impervious coverage.

f. Maximum Building Height: 6 stories above grade/65 feet. The height exceptions established by Section 35-802.13 shall be permitted.

g. Any solid waste storage shall be located to the side or rear of a building, or within a parking area, and shall be screened from view from any rights-of-way and viewsheds to the greatest extent feasible. Internal refuse areas for solid waste storage are permitted.

h. The standards set forth in this section shall apply to the entirety of the overlay district, and shall not be applied individually to any existing or future subdivided lots located therein.

§ 35-810E.8 Affordable Housing Standards.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units regardless of whether said units are for sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

b. All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

c. Bedroom distribution of very-low, low-, and moderate-income housing units. The bedroom distribution of very-low, low-, and moderate-income units for affordable units constructed in the Dean Drive Multifamily Overlay District shall be as follows:

    1. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.

    2. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.

    3. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.

d. Very-low, low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

e. Procedures regarding affirmative marketing of very-low, low-, and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC rules or other rules determined appropriate by the court.

§ 35-810E.9 Design Standards.

a. Architectural Design.

1. The architectural design shall reflect the historical nature of the Borough to the greatest extent feasible.

2. The material and design of building façades and structure façades shall relate to one another to the greatest extent possible in order to promote a visually cohesive environment.

3. All building façades shall be made with similar materials.

4. Fenestration, articulation, and other architectural treatments shall be provided on each building façade to the extent practical.

5. The upper story façade planes of any multifamily building facing Dean Drive shall be no more than sixty (60) feet in length without at least a three (3) foot offset.

6. All building details shall reinforce pedestrian scale through the use of features such as windows, doors, porches, columns and balconies.

7. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color should be provided to add interest to the buildings.

8. Building materials may include brick, stone, cast stone, metal, clay, porcelain, ceramic, tile, resin panels and glass, wood and fiber cement siding or other material as approved by the reviewing authority. Lighter, earth-toned materials are preferred.

b. Building Entrances

1. Building entrances should be easily identifiable.

2. Pedestrian building entries within the front facade should be clearly visible and highlighted through such means as projecting bays, columns, canopies, overhangs, porches, and stoops.

c. Doors and Windows:

1. Windows should align vertically from floor to floor and the pattern of window openings should relate to a building's vertical bay pattern.

2. All windows should have dimensionality so as to create shadows and texture within the building façade.

3. At a minimum, all windows should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged.

4. Upper-story windows should be vertically proportioned. Windows may be clustered in pairs and triples to create larger, horizontally proportioned expanses of windows.

d. Roof-line Emphasis.

1. Any pitched roof-line should be emphasized with deep eaves or overhangs, cross gables, and/or dormer windows.

2. The shape of roof-lines should coordinate with and reinforce the variation in bay massing and can be utilized to screen mechanical equipment.

e. Landscaping.

1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.

2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.

5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.

7. The use of passive systems such as raingardens to offset stormwater discharge shall be utilized to the extent feasible.

8. Landscaping near the brook shall utilize native vegetation and shall be in accordance with New Jersey Department of Environmental Protection (NJDEP) regulations.

f. Lighting.

1. Colonial light fixtures shall be provided along street frontages in accordance with the Borough streetscape standards.

2. All lighting in connection with building exteriors, interior walks, and off-street parking shall be so arranged and shielded as to reflect the light downward away from all adjoining residential buildings and zones to the greatest extent feasible.

3. On-site lighting shall be designed to direct light and glare only onto the premises.

g. Stormwater and Drainage.

1. The municipal drainage system in Dean Drive along the frontage of the site shall be improved to the satisfaction of the Board Engineer.

2. As a condition of approval, approvals from any and all outside agencies shall be obtained, including from the New Jersey Department of Environmental Protection.

3. The stormwater drainage system for the entire site must be designed in accordance with the more restrictive of the NJDEP Stormwater regulations or the Municipal Stormwater regulations and in addition a

detention/retention system for the site must be provided and sized for the volume of a 2" rainfall over the building roof area.

§ 35-812E.10 Parking Standards.

a. Parking for uses within the Dean Drive Multifamily Overlay District may be located in any front, side, or rear yard area subject to the regulations established in this section.

b. Parking for multifamily uses shall be in compliance with the Residential Site Improvement Standards (RSIS).

c. Parking for the hotel shall be as follows:

    1. One and one-tenth (1.1) space shall be provided for each guest bedroom.

    2. One space shall be provided for each one hundred (100) square feet of banquet/restaurant space.

d. Pervious Pavement: Pervious pavement is encouraged within at-grade parking areas to the greatest extent feasible.

e. Sidewalks shall be designed with ADA compliant corners.

f. Parking and Traffic Study

    1. A traffic study shall be provided, which shall include an analysis of the intersection of Dean Drive and East Clinton Avenue. The developer shall contribute its pro rata share for off-tract improvements in accordance with N.J.S.A. 40:55D-42 toward the cost of improvements for this intersection if recommended by the Borough or the Bergen County Planning Board.

    2. A parking management plan shall be provided in accordance with the provisions of Section 35-804.5 regarding off-site parking.

§ 35-812E.11 Signage Standards.

a. One (1) attached sign shall be permitted per street frontage.

    1. The sign may be attached flat against the building wall or any retaining wall.

    2. The maximum area of any such sign shall be twenty-five (25) square feet.

3. The maximum letter height shall be 1'6", provided that logos may have a height of 2'7".

4. Signs may be illuminated.

5. The maximum mounting height may not exceed thirty (30) feet.

b. Address Signs.

1. In addition to the attached signs, one (1) address sign may be permitted on the front façade of the multifamily building.

2. The maximum area of such signs shall be four (4) square feet.

3. The maximum letter height shall be 1' 4".

4. The maximum mounting height may not exceed thirty (30) feet.

c. The existing attached signage on the hotel shall be permitted.

SECTION 4. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof. Note that it is not the intent of this section to eliminate the underlying zoning which shall remain in effect.

SECTION 6. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED:
ADOPTED:

ATTEST: APPROVED:

_____	_____
Omar Stovall, Borough Clerk	Mark Zinna, Mayor

Appendix M: Adopted MF-I-2 Ordinance

DRAFT

Borough of Tenafly

ORDINANCE NO. 25-25

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," TO CREATE A NEW MF-I-2 DISTRICT

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.1 entitled "Zone Districts" is hereby amended by adding the following new zoning district after the MF-I Residence District.

MF-I-2 Multi-Family Inclusionary Housing District 2

SECTION 2. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.3 entitled "Zoning Map" is hereby amended to change the zoning designation of Block 2006 Lot 7 from the R-7.5 Residence District to the MF-I-2 Multi-Family Inclusionary Housing District 2.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-810A entitled "(RESERVED)" is hereby eliminated in its entirety and replaced with the following.

§ 35-810A MF-I-2 MULTI-FAMILY INCLUSIONARY HOUSING DISTRICT 2

§ 35-810A.1 Purpose.

The purpose of the MF-I-2 District is to encourage the production of very-low, low-, and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.

§ 35-810A.2 Description.

The MF-I-2 Multi-Family Inclusionary Housing District Two shall encompass Block 2006 Lot 7 on the Borough of Tenafly Tax Map.

§ 35-810A.3 Permitted Principal Uses.

The MF-I-2 District shall permit multifamily uses including townhouse dwellings.

§ 35-810A.4 Permitted Accessory Uses.

Accessory uses and structures permitted in the MF-I-2 District are those uses and structures which are customarily incidental and subordinate to permitted multifamily use. Accessory uses and structures shall include, but not be limited to, the following:

a. Street furnishings, planters, street lights, and exterior, garden-type, shade structures;

b. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;

c. Clubhouses;

d. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots, and;

e. Parking lots and private garages serving the development.

§ 35-810A.5 Permitted Conditional Uses.

None.

§ 35-810A.6 Prohibited Uses.

Any use than those uses specifically permitted above are prohibited.

§ 35-810A.7 Development Standards.

The following development standards apply to the MF-I-2 District.

Standard	
Minimum area	30,000 square feet
Maximum density	12 units per acre
Maximum stories/height	2.5/30
Minimum front yard	25 feet
Minimum side yard	10 feet
Minimum rear yard	20 feet
Maximum floor area ratio (FAR)	46%
Maximum building coverage	30%
Maximum impervious coverage	70%

§ 35-810A.8 Affordable Housing Standards.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units regardless of whether said units are for sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

b. All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

c. Bedroom distribution of very-low, low-, and moderate-income housing units. The bedroom distribution of very-low, low-, and moderate-income units for affordable units constructed in the MF-I-2 District shall be as follows:

    1. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.

    2. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.

    3. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.

d. Very-low, low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

e. Procedures regarding affirmative marketing of very-low, low-, and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC rules or other rules determined appropriate by the court.

§ 35-810A.9 Design Standards.

a. Facade design

    1. To be inserted later

b. Materials. Exterior building materials shall be classified as either primary, secondary, or accent materials. The facade shall be designed in accordance with the following:

    1. To be inserted later.

c. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be screened.

d. Bedrooms may not be located in any basement or cellar. No portion of any basement or cellar may be converted to a bedroom.

e. Landscaping standards.

    1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.

    2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.

5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.

7. The use of passive systems such as raingardens to offset stormwater discharge shall be utilized to the extent feasible.

8. Water conservation measures such as drip irrigation and soil moisture-sensing irrigation systems shall be used where practicable.

SECTION 4. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED: September 2, 2025

ADOPTED: September 16, 2025

ATTEST:

Omar Stovall,
Borough Clerk

APPROVED:

Mark Zinna, Mayor

Appendix N: Adopted AHO-9 Ordinance

DRAFT

Borough of Tenafly

ORDINANCE NO. 26-01

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," TO CREATE A NEW AHO-9 AFFORDABLE HOUSING OVERLAY ZONE DISTRICT

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.1 entitled "Zone Districts" is hereby amended by adding the following new zoning district after the AHO-8 Affordable Housing Overlay Zone District, No. 8

AHO-9 Affordable Housing Overlay Zone District, No. 9 (Section 35-812G)

SECTION 2. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.3 entitled "Zoning Map" is hereby amended to place Block 904 Lots 3, 4, 5, and 6 into the AHO-9 Affordable Housing Overlay Zone District, No. 9. The underlying B-2 Business District shall remain in place.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-812G is hereby created as follows.

§ 35-812G AHO-9 Affordable Housing Overlay Zone District, No. 9

§ 35-812G.1 Purpose.

The purpose of the AHO-9 Affordable Housing Overlay Zone District, No. 9 is to encourage an additional opportunity for the production of very-low, low-, and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations. The district is also intended to permit a small-scale commercial use fronting along West Clinton Avenue which will serve to complement the Borough's downtown.

§ 35-812G.2 Description.

The AHO-9 Overlay District shall encompass Block 904 Lots 3, 4, 5, and 6 on the Borough of Tenafly Tax Map.

§ 35-812G.3 Permitted Principal Uses.

The AHO-9 Overlay District shall permit the following uses:

a. Multifamily uses including townhouse dwellings.

b. Retail stores and shops; personal service establishments; business and professional offices; restaurants, bars, taverns, delicatessens, lunch counters, and fast food establishments without a drive-through; professional studios; and health clubs. Any such use shall front West Clinton Avenue.

§ 35-812G.4 Permitted Accessory Uses.

Accessory uses and structures permitted in the AHO-9 Overlay District are those uses and structures which are customarily incidental and subordinate to permitted multifamily use and limited commercial use. Accessory uses and structures shall include, but not be limited to, the following:

a. Street furnishings, planters, street lights, and exterior, garden-type, shade structures;

b. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;

c. Clubhouses;

d. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots, and;

e. Parking lots and private garages serving the development.

§ 35-812G.5 Permitted Conditional Uses.

None.

§ 35-812G.6 Prohibited Uses.

Any use than those uses specifically permitted above are prohibited**.**

§ 35-812G.7 Development Standards.

The following development standards apply to the AHO-9 Overlay District.

Standard	
Minimum tract size	The entirety of the AHO-9 Overlay District which shall be planned and developed in a comprehensive manner.
Maximum residential density	13.5 units per acre as measured by the district boundary line, resulting in no more than 13 total units
Maximum stories/height[1]	3 stories/40 feet
Maximum building coverage	50% as measured by the district boundary line
Maximum impervious coverage	75% as measured by the district boundary line
Setbacks: Residential Development[2]	
Minimum front yard	20 feet
Minimum side yard	10 feet
Minimum rear yard	10 feet
Setbacks: Nonresidential Development	
Minimum front yard	0 feet
Minimum side yard	5 feet
Minimum rear yard	20 feet

1 The height limitation shall not apply to the erection of architectural features or chimneys, vents, elevator enclosures, stairway heads, cooling towers, water tanks, or similar appurtenances occupying in the aggregate less than 15% of the area of the roof on which they are located, provided that architectural features complement the overall design of the building and appurtenances are adequately screened.
2 Bay windows, Juliet balconies, covered entry porches, roof overhangs, and/or similar architectural features may project into a required yard by no more than 5 feet.

§ 35-812G.8 Affordable Housing Standards.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units regardless of whether said units are for

sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

b. All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

c. Bedroom distribution of very-low, low-, and moderate-income housing units. The bedroom distribution of very-low, low-, and moderate-income units for affordable units constructed in the AHO-9 Overlay District shall be as follows:

1. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.

2. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.

3. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.

d. Very-low, low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

e. Procedures regarding affirmative marketing of very-low, low-, and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC rules or other rules determined appropriate by the court.

§ 35-812G.9 Design Standards.

a. Facade design

1. Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments which are complementary to the front facade.

2. Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings are encouraged, provided that such are architecturally compatible with the style, materials, colors and details of the building.

3. Complementary building colors and materials shall be consistent with the general theme of the development.

b. Exterior-mounted mechanical and electrical equipment shall be placed behind the rear wall of the buildings or, if roof-mounted, shall be screened from public view.

c. Basements and cellars shall not be permitted.

d. Commercial design standards.

1. A commercial building shall be provided, which shall front and be primarily oriented toward West Clinton Avenue.

2. The minimum footprint area of the commercial building shall be 1,500 square feet including covered outdoor entries or seating areas.

e. Landscaping standards.

1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.

2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The

selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.

5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.

7. The use of passive systems such as raingardens, landscaped areas, and/or planters to offset stormwater discharge shall be utilized to the extent feasible.

8. Water conservation measures such as drip irrigation and soil moisture-sensing irrigation systems shall be used where practicable.

9. An open space area of approximately 1,500 SF in area shall be located at the intersection of West Clinton Avenue and Franklin Street, the design of which shall be approved by the board of jurisdiction. The open space area shall include landscaping and walkways.

f. Walls and fences located along the municipal drainage ditch may each have a height of six (6) feet.

§ 35-812G.10 Parking Standards.

a. Nonresidential uses permitted in the district shall require one parking space per 500 square feet of gross floor area.

b. Guest parking for townhouse dwellings may be provided within individual, private driveways.

SECTION 4. Severability Clause. If any article, section, subsection, sentence,

clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof. Note that it is not the intent of this section to eliminate the underlying B-2 District which shall remain in effect.

SECTION 6. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED: January 13, 2026

ADOPTED:

ATTEST:

_____
Omar Stovall, MPA, RMC, CMR
Borough Clerk

APPROVED:

_____
Mark Zinna, Mayor

Appendix O: Draft AHO-11 Ordinance

DRAFT

Borough of Tenafly

ORDINANCE NO. 26-XX

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," TO CREATE A NEW AHO-11 DISTRICT

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-801.1 entitled "Zone Districts" is hereby amended by adding the following new zoning district.

AHO-11 Affordable Housing Overlay Zone District, No. 11

SECTION 2. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 35-805.13 entitled "Zoning Map" is hereby amended to place Block 1311 Lots 7, 8, 9, and 10, Block 715 Lots 15 and 16, Block 1707 Lots 1 and 9, and Block 1801 Lot 1 into the AHO-11 Affordable Housing Overlay Zone District, No. 11. The underlying zoning districts shall remain in place.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812I. is hereby created as follows.

§ 35-812I AHO-11 Affordable Housing Overlay Zone District, No. 11

§ 35-812I.1 Purpose.

The purpose of the AHO-11 Affordable Housing Overlay Zone District, No. 11 is to encourage an additional opportunity for the production of very-low, low-, and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.

§ 35-812I.2 Description.

The AHO-11 Overlay District shall encompass Block 1311 Lots 7, 8, 9, and 10, Block 715 Lots 15 and 16, Block 1707 Lots 1 and 9, and Block 1801 Lot 1 on the Borough of Tenafly Tax Map.

§ 35-812I.3 Permitted Principal Uses.

The AHO-11 Overlay District shall permit multifamily uses.

§ 35-812I.4 Permitted Accessory Uses.

Accessory uses and structures permitted in the AHO-11 Overlay District are those uses and structures which are customarily incidental and subordinate to permitted multifamily and commercial use. Accessory uses and structures shall include, but not be limited to, the following:

a. Street furnishings, planters, street lights, and exterior, garden-type, shade structures;

b. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;

c. Clubhouses;

d. Recreational facilities such as swimming pools, tennis courts, jogging paths, dog runs, and play lots, and;

e. Parking lots and private garages serving the development.

§ 35-812I.5 Permitted Conditional Uses.

None.

§ 35-812I.6 Prohibited Uses.

Any use other than those uses specifically permitted above are prohibited.

§ 35-812I.7 Development Standards.

The following development standards apply to the AHO-11 Overlay District.

Standard	
Minimum area	15,000 square feet
Maximum residential density	20 units per acre
Maximum stories/height[1]	3 stories/35 feet
Minimum front yard	0 feet
Minimum side yard	0 feet; 13 feet if provided
Minimum rear yard	0 feet; 13 feet if provided
Minimum parking setback from property lines	
Front yard	10 feet
Side and rear yard	3 feet
Minimum parking setback from buildings	10 feet
Minimum landscape buffer	None
Maximum impervious coverage	85%
Maximum building coverage	40%
Minimum accessory building setback	5 feet
Parking	Compliance with RSIS

§ 35-812I.8 Affordable Housing Standards.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low-, and moderate-income units regardless of whether they are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate unit

b. All very-low, low- and moderate-income housing units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").

c. Bedroom distribution of very-low, low-, and moderate-income housing units. The bedroom distribution of very-low, low-, and moderate-income units for affordable units constructed in the AHO-11 Overlay District shall be as follows:

    1. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.

2. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.

3. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.

d. Very-low, low- and moderate-income unit split. At least 50% of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low income households, defined as households earning 30% or less of the regional median income by household size.

e. Procedures regarding affirmative marketing of very-low, low-, and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC rules or other rules determined appropriate by the court.

§ 35-812I.9 Design Standards.

a. Facade design

1. For every 30 feet of building length, there shall be a plane-break along the facade comprised of at least 12 inches in depth by five feet in length. The offset shall extend from grade to the highest story.

2. Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.

3. Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings are encouraged, provided that such are architecturally compatible with the style, materials, colors and details of the building.

4. Complementary building colors and materials shall be consistent with the general theme of the development.

5. Horizontal articulation. Each facade should be designed to have a delineated floor line between street level and the upper floors. This delineation may be in the form of, but not limited to, a belt course, a lintel, a cornice line, or similar trim features and elements.

b. Materials. Exterior building materials shall be classified as either primary, secondary, or accent materials. The facade shall be designed in accordance with the following:

    1. The primary material shall cover at least 60% of the facade of the building.

    2. Secondary materials shall cover not more than 40% of the facade.

c. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be screened.

d. Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building.

e. Streetscape. Streetscape elements along all frontages shall be encouraged, and may include, but not be limited to, benches and sitting areas, trees, decorative lighting, landscaping, and paving patterns.

f. Landscaping standards.

    1. A landscape plan prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Architects, or other qualified individual, shall be submitted with any plan for development.

    2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as fencing, shrubbery, lawn areas, ground cover, existing vegetation, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas.

    3. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

4. Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.

5. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

6. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides, and reduce irrigation.

7. The use of passive systems such as raingardens, landscaped areas, and/or planters to offset stormwater discharge shall be utilized to the extent feasible.

8. Water conservation measures such as drip irrigation and soil moisture-sensing irrigation systems shall be used where practicable.

SECTION 4. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED:
ADOPTED:

ATTEST: APPROVED:

_____ _____

Omar Stovall, Borough Clerk Mark Zinna, Mayor

Appendix P: Third Round Overlay Site Ordinance Amendment

DRAFT

Borough of Tenafly

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 35 ENTITLED "LAND DEVELOPMENT REGULATIONS," ARTICLE VIII ENTITLED "ZONING REGULATIONS," TO AMEND THE MAXIMUM PERMITTED DENSITIES OF AFFORDABLE HOUSING OVERLAY ZONE DISTRICTS

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

SECTION 1. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812A entitled "Affordable Housing Overlay Zone District, No. 3 Development Standards," Subsection 35-812A.7 entitled "Development Standards," is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck-through~~.

Maximum Density	~~18~~ 19 units per acre

SECTION 2. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812A entitled "Affordable Housing Overlay Zone District, No. 3 Development Standards," Subsection 35-812A.8 entitled "Affordable Housing Standards," Item a is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck-through~~.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units ~~if they are for sale, or 15% of total number of units shall be set-aside for very-low, low- and moderate-income units if they are for rent~~ regardless of whether said units are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.

SECTION 3. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812C entitled "Affordable Housing Overlay Zone District, No. 5 Development Standards," Subsection 35-812C.7 entitled "Development Standards," is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck-through~~.

Maximum Density	~~15~~ 18 units per acre

SECTION 4. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812C entitled "Affordable Housing Overlay Zone District, No. 5 Development Standards," Subsection 35-812C.8 entitled "Affordable Housing Standards," Item a is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units ~~if they are for sale, or 15% of total number of units shall be set-aside for very-low, low- and moderate-income units if they are for rent~~ regardless of whether said units are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.

SECTION 5. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812D entitled "Affordable Housing Overlay Zone District, No. 6 Development Standards," Subsection 35-812D.8 entitled "Affordable Housing Standards," Item a is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units ~~if they are for sale, or 15% of total number of units shall be set-aside for very-low, low- and moderate-income units if they are for rent~~ regardless of whether said units are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.

SECTION 6. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812E entitled "Affordable Housing Overlay Zone District, No. 7 Development Standards," Subsection 35-812E.7 entitled "Development Standards," is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

Maximum Density	~~15~~ 19 units per acre

SECTION 7. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812E entitled "Affordable Housing Overlay Zone District, No. 7 Development Standards," Subsection 35-812E.8 entitled "Affordable Housing Standards," Item a is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units ~~if they are for sale, or 15% of total number of units shall be set-aside for very-low, low- and moderate-income units if they are for rent~~ regardless of whether said units are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.

SECTION 8. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812F entitled "Affordable Housing Overlay Zone District, No. 8 Development Standards," Subsection 35-812F.7 entitled "Development Standards," is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

Maximum Density	~~15~~ 18 units per acre

SECTION 9. Chapter 35 entitled "Land Development Regulations," Article VIII entitled "Zoning Regulations," Section 812F entitled "Affordable Housing Overlay Zone District, No. 8 Development Standards," Subsection 35-812F.8 entitled "Affordable Housing Standards," Item a is hereby amended as follows. Added text is underlined, and text to be eliminated is struck-through.

a. A minimum of 20% of the total number of units shall be set-aside for very-low, low- and moderate-income units ~~if they are for sale, or 15% of total number of units shall be set-aside for very-low, low- and moderate-income units if they are for rent~~ regardless of whether said units are for sale or for rent. All affordable units are to be constructed on-site and integrated among buildings throughout the development so that such buildings contain a mix of affordable and market rate units.

SECTION 10. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 11. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior

ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 12. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED:
ADOPTED:

ATTEST:	APPROVED:
_____	_____
Omar Stovall, Borough Clerk	Mark Zinna, Mayor

Appendix Q: Spending Plan

DRAFT

Borough of Tenafly
Bergen County, New Jersey
Spending Plan

June 2025 - Updated

1. Introduction

The Borough of Tenafly has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:99). A development fee ordinance creating a dedicated revenue source for affordable housing was approved through a Judgment of Compliance on July 2, 2003 and adopted by the municipality. An amended development fee ordinance was subsequently adopted on March 12, 2019 by Ordinance 19-05.

As of March 31, 2025, the Borough of Tenafly has a balance of $4,935,753.77. 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 the Valley National Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99, as described in the sections that follow.

2. Revenues for Fourth Round

It is anticipated that, during the period of Fourth Round substantive certification, the Borough of Tenafly will add an additional $5,983,380.50 to its affordable housing trust fund. To calculate this projection of anticipated revenue, the Borough considered the following.

(a) Development Fees

It is anticipated that the Borough of Tenafly will collect an average of $522,670.97 per year in development fees for its Affordable Housing Trust Fund during the Fourth Round. As such, the Borough anticipates that a total of $5,226,709.73 in development fees will be generated between July 1, 2025 through June 30, 2035.

(b) Payment in Lieu (PIL) or Other Funds

The Borough of Tenafly does not currently anticipate the contribution of any payments in lieu or other funds towards the municipal affordable housing trust fund during the period of the Fourth Round.

(c) Projected Interest

Based upon a current interest rate of 4.07%, the Borough of Tenafly anticipates that the projected revenue in the municipal affordable housing trust fund will generate approximately $233,999.79 in total interest between July 1, 2025 through June 30, 2035.

Table 1: Projected Revenues

Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
a. Development Fees	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$522,670.97	$5,749,380.70
b. PIL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0.00
c. Interest	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$21,272.71	$233,999.79
Total	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$543,943.68	$5,983,380.50

** For the purposes of projecting revenue, our office utilized the Borough's average development fee receipts. Over the past ten years, the Borough received a total of $5,226,709.73 in development fees. This results in an average of $522,670.97 over the course of ten years. In addition, we estimated the projected interest based upon the present interest rate of 4.07%.*

In sum, the Borough projects a total of $5,983,380.50 in revenue to be collected between July 1, 2025 through June 30, 2035. This projected amount, when added to the Borough's current trust fund balance of $4,935,753.77, results in a total anticipated trust fund balance of $10,919,134.27 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

3. Administrative Mechanism to Collect and Distribute Funds

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

(a) Collection of Development Fee Revenues

Collection of development fee revenues shall be consistent with the Borough of Tenafly's ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of Development Fee Revenues

The administration of Tenafly's development fee spending plan will be undertaken by the governing body and the Borough's treasurer. First, the governing body will approve the expenditure of development fee revenues. The governing body will then review the request for consistency with the spending plan. If consistent with the plan, the governing body will adopt a resolution authorizing the use and release of trust fund monies. Upon approval of the governing body resolution, the Borough treasurer will be authorized to release the funds.

4. Description of Anticipated Use of Affordable Housing Funds

The Borough anticipates its affordable housing funds to be utilized as follows:

(a) Rehabilitation

Pursuant to a Structural Conditions Survey conducted by the Borough, Tenafly has a rehabilitation need of ten (10) units. In order to address this obligation, the Borough intends to continue its rehabilitation program.

Municipalities are required to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of substantive certification of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. As such, the Borough is required to set aside at least $33,333 for the first year following substantive certification, and an additional $16,666.67 each subsequent year following substantive certification until its rehabilitation share is met.

Nevertheless, in order to better meet the needs of its residents, the Borough will dedicate $500,000 to fund its rehabilitation program. The Borough will set aside $166,666.66 for the first year of substantive certification, and an additional $83,333 each subsequent year following substantive certification until its rehabilitation share is met.

(b) New Construction

The Borough does not currently have any plans to allocate additional funding for new construction.

(c) Affordability Assistance

Pursuant to N.J.A.C. 5:99-2.5, the Borough will commit to spend a portion of the revenues collected from development fees towards affordability assistance to very-low, low-, and moderate-income households. One-third of that amount must be dedicated to very low-income households. However, development fees collected to finance a rehabilitation program or new construction project are exempt from this requirement.

As of March 31, 2025, the Borough has allocated a total of $3,352,933.08 toward housing activities. Furthermore, the Borough will reserve an additional $500,000 toward future rehabilitation activities. Therefore, the Borough will dedicate thirty percent (30%) of its development fee revenues, less its housing activity (both existing and proposed), towards its affordability assistance program.

The Borough projects that approximately $3,210,965.99 will be available from the affordable housing trust fund for this purpose through 2035, one-third of which is required to be dedicated for very-low income households. The Borough's affordability assistance program will include down payment assistance, special condominium assessment assistance, emergency repair assistance, emergency/hardship mortgage payment assistance, and rental assistance.

(d) Administrative Expenses

Per N.J.A.C. 5:99, no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough projects that a maximum of $2,185,079.53 of housing trust funds will be permitted to be used for administrative purposes through 2035. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. A rehabilitation program.
3. An affirmative marketing program.
4. An affordability assistance program.

Table 2: Administrative Expenses

Actual development fees and interest through 03/31/2025		$8,572,772.54
Projected development fees and interest 2025-2035	+	$5,983,380.50
Payments-in-lieu of construction and other deposits through 03/31/2025	+	$290,080.48
Less RCA expenditures through 03/31/2025	-	$175,000.00
Total	=	$14,671,233.52
Calculate 20 percent	x .20 =	$2,934,246.70
Less admin expenditures through 03/31/2025	-	$749,167.17
PROJECTED MAXIMUM available for administrative expenses 7/1/2025 through 6/30/2035	=	$2,185,079.53

(e) Expenditure Schedule

The Borough of Tenafly intends to use affordable housing trust fund revenues for the creation of housing units. Where applicable, the creation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Table 3: Expenditure Schedule

Projects/Programs	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$45,454.55	$500,000.00
New Construction	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Affordability Assistance	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$291,906.00	$3,210,965.99
Administration	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$198,643.59	$2,185,079.53
Total	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$536,004.14	$5,896,045.52

5. Excess of 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 Tenafly will handle the shortfall of funds through adopting a resolution with an intent to bond.

In the event of excess funds, or in the event that the amount spent on administration is less than projected, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be reserved for additional affordable housing activity including emergent opportunities. An emergent opportunity is defined as "a circumstance that has arisen whereby affordable housing will be able to produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of compliance certification."

6. Summary

The Borough of Tenafly intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99. consistent with the housing programs outlined in its HE&FSP.

The Borough of Tenafly has a balance of $4,935,753.77 as of March 31, 2025, and anticipates an additional $5,983,380.50 in revenues through 2035 for a total projected balance of $10,919,134.27 .

The Borough will dedicate $500,000 towards its rehabilitation program, $3,210,965.99 to render units more affordable, and $2,185,079.53 to administrative costs. Any shortfall of funds will be offset by a resolution to bond. The Borough will dedicate any excess funds or remaining balance toward emergent opportunities which is defined as "a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of compliance certification."

Table 4: Spending Plan Summary

Balance as of March 31, 2025		$4,935,753.77
PROJECTED REVENUE 2025-2035		
Development fees	+	$5,749,380.70
Payments in lieu of construction	+	$0.00
Other funds	+	$0.00
Interest	+	$233,999.79
TOTAL PROJECTED REVENUE	=	$5,983,380.50
PROJECTED EXPENDITURES 2025-2035		
		$500,000.00
Funds used for New Construction	-	$0.00
Affordability Assistance	-	$3,210,965.99
Administration	-	$2,185,079.53
TOTAL PROJECTED EXPENDITURES	=	$5,896,045.52
EXCESS FUNDS OR REMAINING BALANCE RESERVED FOR EMERGENT OPPORTUNITIES	-	$87,334.98
REMAINING BALANCE	=	$0.00

Appendix R: Adopted Mandatory Set-Aside Ordinance

DRAFT

Borough of Tenafly

ORDINANCE NO. 25-24

AN ORDINANCE AMENDING CHAPTER 35 "LAND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED, by the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey as follows:

SECTION 1. Chapter 35, "Land Development Regulations", Article XIV, "Mandatory Affordable Housing Set-Aside," Section 35-1401, "Purpose," of the Revised Ordinances of the Borough of Tenafly is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold** to read as follows:

§ 35-1401 PURPOSE.

a. Except as otherwise regulated in this chapter, any development application proposing five or more new dwelling units shall be required to set aside 20% of said lots or units **[that are for-sale or 15% of said lots or units that are for-rent]** for affordable housing**, regardless of whether said units are for-sale or for-rent**.

b. This requirement shall apply for all new multi-family residential development of five or more units that **are permissible or** become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan.

c. 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 the Borough of Tenafly to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

d. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

SECTION 2. Chapter 35, "Land Development Regulations", Article XI, "Affordable Housing Provisions," Section 35-1103, "Applicability," of the Revised Ordinances of the

Borough of Tenafly is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold** to read as follows:

a. Mandatory Set-Aside.

1. Except as otherwise regulated in this chapter, any development application proposing five or more new dwelling units shall be required to set aside 20% of said lots or units **[if they are for-sale or 15% of said lots or units if they are for-rent]** for affordable housing**, regardless of whether said units are for-sale or for-rent**.

2. 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 the Borough of Tenafly to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Article.

3. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.

4. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

SECTION 3. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 4. Repealer. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. Effective Date. This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED: August 18, 2025

ADOPTED: September 2, 2025

ATTEST:

Omar Stovall,
Borough Clerk

APPROVED:

Mark Zinna, Mayor

Appendix S: Affordable Housing Provisions
Note: Updated ordinance to be proved when template is completed.

DRAFT

Borough of Tenafly, NJ
Thursday, May 1, 2025

Chapter 35. Land Development Regulations

Article XI. Affordable Housing Ordinance Provisions

[Prior history includes Ord. No. 02-21]

§ 35-1101. PURPOSE.

[Ord. No. 2018-24]
The purpose of this Article is to provide for and regulate affordable housing in the Borough.

§ 35-1102. DEFINITIONS.

[Ord. No. 2018-24]
The following terms when used in this Article shall have the meanings given in this section:

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 designated by the Borough to administer affordable units in accordance with this Article, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE
Means, a sales price or rent level that is within the means of a very-low household as defined as households earning 30% or less of the regional median income by household size, low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 HOUSING DEVELOPMENT
Means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's affordable housing obligation, and includes,

but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Means any mechanism in a municipal Housing Element and 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 approved for crediting by the Court and/or funded through an affordable housing trust fund.

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 wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age 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.

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.).

ALTERNATIVE LIVING ARRANGEMENT

Means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of 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 that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

Means a household that has been certified by an Administrative Agent as a, very-low income household, low-income household or moderate- income household.

COAH

Means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

DCA

Means the State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

Means a housing unit with health and safety code violations that requires 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 included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

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

INCLUSIONARY DEVELOPMENT

Means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

Means a household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

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 and load bearing structural systems.

MARKET-RATE UNITS

Means housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

Means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

Means a household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

MODERATE-INCOME UNIT

Means a restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE

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

RANDOM SELECTION PROCESS

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

REGIONAL ASSET LIMIT

Means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

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

RENT

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

RESTRICTED UNIT

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

UHAC

Means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26-1, et seq.

VERY LOW-INCOME HOUSEHOLD

Means a household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

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 purposes of a rehabilitation program.

§ 35-1103. APPLICABILITY.

[Ord. No. 2018-24]

a. The provisions of this Article 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 Tenafly pursuant to the Borough's 2018 Third Round Housing Element and Fair Share Plan.

b. Moreover, the provisions of this Article shall apply to all developments that contain very low-, low-, and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units, and also including projects that may be funded with Low Income Housing Tax Credit financing, which shall comply with the income and bedroom distribution requirements of this Article.

c. Mandatory Set-Aside.

1. Except as otherwise regulated in this chapter, any development application proposing five or more new dwelling units shall be required to set aside 20% of said lots or units if they are for-sale or 15% of said lots or units if they are for-rent for affordable housing.

2. 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 the Borough of Tenafly to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid

compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Article.

3. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.

§ 35-1104. ALTERNATIVE LIVING ARRANGEMENTS.

[Ord. No. 2018-24]

a. 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:

   1. 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;

   2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

b. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

c. 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.

§ 35-1105. PHASING SCHEDULE FOR INCLUSIONARY ZONING.

[Ord. No. 2018-24]
In inclusionary developments the following schedule shall be followed:

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

§ 35-1106. NEW CONSTRUCTION.

[Ord. No. 2018-24]

a. Low/moderate Split and Bedroom Distribution of Affordable Housing Units:

   1. The fair share obligation shall be divided equally between very low-, low-, or 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% of all restricted rental units shall be very low-income units (affordable to a household earning 30% 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.

2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be very low or low-income units.

3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

   (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total very low-, low-, or moderate-income units;

   (b) At least 30% of all very low-, low-, or moderate-income units shall be two bedroom units;

   (c) At least 20% of all very low-, low- or moderate-income units shall be three bedroom units; and

   (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very low-, low-, or moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

b. Accessibility Requirements.

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and the following:

2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

   (a) An adaptable toilet and bathing facility on the first floor; and

   (b) An adaptable kitchen on the first floor; and

   (c) An interior accessible route of travel on the first floor; and

   (d) 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

   (e) If not all of the foregoing requirements in b2(a) through b2(d) 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 b2(a) through b2(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

   (f) 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.

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

c. Design.

1. In inclusionary developments, to the extent possible, very low-, low-, or moderate-income units shall be integrated with the market units.

2. In inclusionary developments, very low-, low-, or moderate-income units shall have access to all of the same common elements and facilities as the market units.

d. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30% or less of the regional median household income, with such very low income units counted toward the low income housing requirement.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four and one-half person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% 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% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§ 35-1107. UTILITIES.

[Ord. No. 2018-24]

a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

b. 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 eight program.

§ 35-1108. OCCUPANCY STANDARDS.

[Ord. No. 2018-24]
In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

a. Provide an occupant for each bedroom;

b. Provide children of different sexes with separate bedrooms;

c. Provide separate bedrooms for parents and children; and

d. Prevent more than two persons from occupying a single bedroom.

§ 35-1109. CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS.

[Ord. No. 2018-24]

a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Article for a period of at least 30 years, until the Borough of Tenafly takes action to release the unit from such requirements; prior to such action, 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.

b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

d. At the time of the initial sale of the unit, the initial 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 restrictions set forth in this Article, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

e. The affordability controls set forth in this Article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 35-1110. PRICE RESTRICTIONS FOR RESTRICTED OWNERSHIP UNITS, HOMEOWNER ASSOCIATION FEES AND RESALE PRICES.

[Ord. No. 2018-24]
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. See Section 13.

§ 35-1111. (RESERVED)

§ 35-1112. BUYER INCOME ELIGIBILITY.

[Ord. No. 2018-24]

a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

b. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, 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.

c. 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.

d. 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% of the household's eligible monthly income.

§ 35-1113. LIMITATIONS ON INDEBTEDNESS SECURED BY OWNERSHIP UNIT; SUBORDINATION.

[Ord. No. 2018-24]

a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

b. With the exception of First Purchase Money Mortgages, 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% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 35-1114. CAPITAL IMPROVEMENTS TO OWNERSHIP UNITS.

[Ord. No. 2018-24]

a. 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.

b. 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 made a condition of the unit resale provided the price, which shall be subject to ten-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.

§ 35-1115. CONTROL PERIODS FOR RESTRICTED RENTAL UNITS.

[Ord. No. 2018-24]

a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Article for a period of at least 30 years, until Tenafly takes action to release the unit from such requirements. Prior to such action, 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.

b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

c. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

    1. Sublease or assignment of the lease of the unit;

    2. Sale or other voluntary transfer of the ownership of the unit; or

    3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 35-1116. RENT RESTRICTIONS FOR RENTAL UNITS; LEASES.

[Ord. No. 2018-24]

a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

c. Application fees (including the charge for any credit check) shall not exceed 5% 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 Article.

d. 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 Article.

§ 35-1117. TENANT INCOME ELIGIBILITY.

[Ord. No. 2018-24]

a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

   1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.

   2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.

   3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.

b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% 40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

   1. The household currently pays more than 35% 40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

   2. The household has consistently paid more than 35% 40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

   3. The household is currently in substandard or overcrowded living conditions;

   4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

   5. The household documents 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.

c. The applicant shall file documentation sufficient to establish the existence of the circumstances in a1 through b5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 35-1118. ADMINISTRATIVE AGENT.

[Ord. No. 2018-24]
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 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 of Tenafly 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. 5:80-26.1 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;

6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Tenafly 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 Tenafly: Fair Share Housing Center, the New Jersey State Conference of the NAACP, Bergen County NAACP, Jersey City NAACP, Paterson NAACP, Passaic NAACP, Hoboken NAACP, the Latino Action Network, the Bergen County Housing Authority, Northeast New Jersey Legal Services, Bergen Urban League, Garden State Episcopal CDC, Mount Olive Baptist Church, Urban League Affordable Housing & CDC, Bergen County Housing Coalition, Fair Housing Council of Northern New Jersey, New Jersey Community Development, Advance Housing, Paterson Habitat for Humanity, Family Promise of Bergen County, Saint Paul's Community Develop Corp., Supportive Housing Associates of New Jersey, Islamic Center of New Jersey, and Monarch Housing Associates.

c. 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 Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;

4. Communicating with lenders regarding foreclosures; and

5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

d. Resales and Re-rentals:

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 re-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.

e. 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 Article;

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. Making determinations on requests by owners of restricted units for hardship waivers.

f. Enforcement:

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 acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

3. Posting annually, in all rental properties (including two-family homes), 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; and

6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

g. Additional Responsibilities:

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2. 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 Article.

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

§ 35-1119. AFFIRMATIVE MARKETING REQUIREMENTS.

[Ord. No. 2018-24]

a. The Borough of Tenafly shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

b. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.

c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties.

d. 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.

e. 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.

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

g. 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.

h. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Tenafly, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, Bergen County NAACP, Jersey City NAACP, Paterson NAACP, Passaic NAACP, Hoboken NAACP, the Latino Action Network, the Bergen County Housing Authority, Northeast New Jersey Legal Services, Bergen Urban League, Garden State Episcopal CDC, Mount Olive Baptist Church, Urban League Affordable Housing & CDC, Bergen County Housing Coalition, Fair Housing Council of Northern New Jersey, New Jersey Community Development, Advance Housing, Paterson Habitat for Humanity, Family Promise of Bergen County, Saint Paul's Community Develop Corp., Supportive Housing Associates of New Jersey, Islamic Center of New Jersey, and Monarch Housing Associates.

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

§ 35-1120. ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS.

[Ord. No. 2018-24]

a. Upon the occurrence of a breach of any of the regulations governing an 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale or rental in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(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:

   1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged 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:

(a) 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 a continuation of the initial offense;

(b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment to the Borough of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

2. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very low-, low- or 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the very low-, low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, 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.

(c) 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 very low-, low- or 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. An Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the very low-, low- or 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 very low-, low- or 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.

(e) Failure of the very low-, low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the very low-, low- or moderate income unit as permitted by the regulations governing affordable housing units.

(f) 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.

§ 35-1121. APPEALS.

[Ord. No. 2018-24]
Appeals from all decisions of an Administrative Agent pursuant to this Article shall be filed in writing with the Court.

Appendix T: Development Fee Ordinance
Note: Updated ordinance to be proved when template is completed.

DRAFT

Borough of Tenafly, NJ
Thursday, May 1, 2025

Chapter 35. Land Development Regulations

Article VI. Fees

§ 35-606. DEVELOPMENT FEES FOR AFFORDABLE HOUSING.

[Ord. No. 08-29; Ord. No. 11-16; amended 3-12-2019 by Ord. No. 19-05]
[1] *Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 00-22 and 06-28.*

§ 35-606.1. Purpose.

a. In Holmdel Builders Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 ("the Act"), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.

b. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring, and enforcement of municipal affordable housing trust funds and corresponding spending plans.

c. Pursuant to In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, 440 N.J. Super. 220 (App. Div. 2015), the Appellate Division transferred jurisdiction over affordable housing trust funds and spending plans to the 15 Mount Laurel Judges designated to hear declaratory judgment actions regarding compliance with affordable housing obligations. Municipalities that have a COAH-approved or a court-approved spending plan may retain fees collected from nonresidential development.

d. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Section 8, and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7). Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

e. Basic requirements.

   1. This section shall not be effective until approved by COAH or any agency having jurisdiction over affordable housing matters or by the courts of the State of New Jersey.

   2. The Borough of Tenafly shall not spend development fees until COAH or any agency having jurisdiction over affordable housing matters or the courts of the State of New Jersey have approved a plan for spending such fees.

f. Definitions. The following terms, as used in this section, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

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% affordable development.

COUNCIL ON AFFORDABLE HOUSING

The New Jersey Council on Affordable Housing established under the Fair Share Housing Act.

DEMOLISHED

Any act or process that renders more than 50% of a structure or building unsafe for human occupancy or use shall be considered demolished for the purposes of this section.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Funds paid by any person for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE

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 N.J.S.A. 54:1-35c).

GREEN BUILDING STRATEGIES

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.

LIVING SPACE

All internal areas of a dwelling with a floor-to-ceiling height of greater than six feet, exclusive of garages which are not to be considered as living space.

NATURAL DISASTER

A catastrophic event, such as a hurricane, flood, earthquake, volcanic eruption, landslide, blizzard, or other natural phenomena that causes extensive human casualties, property damage, or both.

§ 35-606.2. Residential Development Fees.

a. Imposed fees.

1. For all residential developments, residential developers shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d variance") has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

   Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units, and the specified higher percentage up to 6% of the equalized assessed value for the two

additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible exactions, ineligible exactions, and exemptions for residential development.

1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

2. Developments that have received preliminary or final site plan approval prior to the initial adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more-intense use, is demolished and replaced, or is expanded, except that expansion of an existing residential structure which increases the living space by less than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

4. A dwelling that is constructed as a replacement for a dwelling that was demolished as a result of a fire, flood or natural disaster shall be exempt from paying a development fee. The dwelling that is constructed as a replacement dwelling must be constructed on the same site as the dwelling that was demolished as a result of a natural disaster.

§ 35-606.3. Nonresidential Development Fees.

a. Imposed fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 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 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

§ 35-606.4. Eligible Exactions, Ineligible Exactions, and Exemptions for Nonresidential Development.

a. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.

b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations, and repairs.

c. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

d. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

e. 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 as a lien against the real property of the owner.

§ 35-606.5. Collection Procedures.

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

b. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a 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 final assessments as per the instructions provided in Form N-RDF.

c. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

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

e. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee, and thereafter notify the developer of the amount of the fee.

g. Should the Borough fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection **b** of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

h. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i. Appeal of development fees.

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge 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. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 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.

§ 35-606.6. Affordable Housing Trust Fund.

a. There is hereby created a separate, interest-bearing Housing Trust Fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

   1. Payments in lieu of on-site construction of affordable units;

   2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

   3. Rental income from municipally operated units;

   4. Repayments from affordable housing program loans;

   5. Recapture funds;

   6. Proceeds from the sale of affordable units; and

   7. Any other funds collected in connection with the Borough's affordable housing program.

c. Within seven days from the opening of the trust fund account, the Borough shall provide COAH or any agency having jurisdiction over affordable housing matters or the courts of the State of New Jersey with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH or the agency having jurisdiction, to permit COAH or the agency having jurisdiction to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.

d. All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH or any agency having jurisdiction over affordable housing matters or by the courts of the State of New Jersey.

§ 35-606.7. Use of Funds.

a. The expenditure of all funds shall conform to a spending plan approved by COAH or any agency having jurisdiction over affordable housing matters or by the courts of the State of New Jersey. Funds deposited in the Affordable Housing Trust Fund may be used for any approved activity to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of

affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.

b. Funds shall not be expended to reimburse the Borough for past housing activities.

c. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

    1. Affordability assistance programs may include downpayment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

    2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the Municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

    3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d. The Borough 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.

e. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements of COAH or any agency having jurisdiction over affordable housing matters or the courts of the State of New Jersey. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§ 35-606.8. Monitoring.

The Borough shall complete and return to COAH or any agency having jurisdiction over affordable housing matters or to the courts of the State of New Jersey all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or any agency having jurisdiction over affordable housing matters or by the courts of the State of New Jersey. All monitoring reports shall be completed on forms designed by COAH or the agency having jurisdiction.

§ 35-606.9. Ongoing Collection of Fees.

The ability for the Borough to impose, collect, and expend development fees shall expire with its substantive certification or Judgment of Compliance and Repose on the date of expiration of substantive certification or Judgment of Compliance and Repose unless the Borough has filed an adopted Housing Element and Fair Share Plan with COAH or any agency having jurisdiction over affordable housing matters or the courts of the State of New Jersey, has petitioned for substantive certification or a Judgment of Compliance and Repose, and has received the approval of COAH or any agency having jurisdiction or the courts of the State of New Jersey of its Development Fee Ordinance. If the Borough fails to renew its ability to impose and collect development fees prior to the date of expiration of substantive certification or Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or Judgment of Compliance and Repose, nor shall the Borough retroactively impose a development fee on such a development. The Borough will not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

Appendix U: Rehab Manual
Note: Updated manual to be proved when template is completed.

DRAFT

BOROUGH OF TENAFLY

TENAFLY HOUSING REHABILITATION PROGRAM (THRP)

OPERATING MANUAL

OCTOBER 2018

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INTRODUCTION

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of Tenafly Borough's Affordable Housing Rehabilitation Program. It will serve as a guide to the Program staff and clients.

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 rehabilitation process. It describes the eligibility requirements for participation in the Program, Program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall Program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the Program.

A. Purpose of the Tenafly Housing Rehabilitation Program

The purpose of the Tenafly Housing Rehabilitation Program is to fulfill the rehabilitation portion of the Fair Housing obligations of Tenafly Borough under the NJ Fair Housing Act and the Borough's Housing Element and Fair Share Plan as submitted to and approved by the Superior Court.

B. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation Program or rent an affordable unit 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 609-292-4605 or 973-648-2700 or online at http://www.nj.gov/oag/dcr/localcontact.html

SECTION I. ELIGIBLE PARTICIPANTS

A. Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard (requiring repair or replacement of at least one, State-defined major system). Priority is given to owner-occupants of multi-family properties who are, themselves, low or moderate-income households. Mobile home units will also be eligible under special procedures outlined in this manual.

If a structure contains two (2) or more units and an owner, who applies for Program assistance and is income eligible, occupies one of the units, funding may be provided for the rehabilitation of the owner's unit but not the other unit(s) if income-eligible households do not occupy those units or the owner chooses not to include those units in the Program. If the rehabilitation of the owner's unit includes items that benefit the unit(s) of the non-certified tenants, (such as the roof, a furnace serving both units, an electric service serving both units, a common entranceway to both units, etc.) then the owner would have to agree to pay a proportional share of the cost of those repairs privately and in advance of the commencement of work.

If a structure contains two (2) or more units and an owner, who is not income eligible, occupies one unit, funding may be provided for the rehabilitation of the rest of the units if income-eligible tenant households occupy those units and the owner chooses to include those units in the Program. If the rehabilitation of the rental units includes items that benefit the unit of the non-certified owner or other non-certified tenants, (such as the roof, a furnace serving both units, an electric service serving both units, a common entranceway to both units, etc.) then the owner would have to agree to pay a proportional share of the cost of those repairs privately and in advance of the commencement of work.

If a structure contains two (2) or more units and the owner is directly related to all of the tenants and those tenants have legal tenancy rights to their apartments for at least ten (10) years, and the owner and family tenant households are all found to be income eligible, then Program funding may be provided for the rehabilitation of all of the units.

Rent plus utilities in assisted rental units must not exceed current State guidelines for affordable rental units in Bergen County.

B. Income Limits for Participation

The occupants of the units assisted under the rehabilitation Program must have incomes that fall within the income guidelines established for Bergen County by the Court. These limits are revised annually as figures become available and the current income limits can be found in Appendix A.

C. Program Target Area

This is a municipal-wide program. The rehabilitation property can be located anywhere within Tenafly Borough.

D. Certification of Substandard Property

Current or incipient property maintenance code violations will be determined by an inspection conducted by the Program Inspector. Substandard units are those units requiring repair or replacement of at least one (1) major system. A major system is any one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating and Central Air Conditioning unit(s)
4. Electrical
5. Sanitary plumbing
6. Load bearing systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement, energy-efficient, double pane, windows and doors)

E. Ineligible Properties

The municipality may disqualify properties requiring excessive repairs to meet property maintenance standards. If the estimated or lowest quoted cost of repairs exceeds the maximum Program loan available (including hardship) or the applicant does not have the means to cover all of the repairs required to meet property maintenance standards, then the municipality may exclude the property from the Program.

Additionally, if a property does not require a minimum of $10,000 in rehabilitation work, the municipality may exclude the property from the Program.

SECTION II. AVAILABLE BENEFITS

A. Program Financing

Up to $25,000 per unit may be available for improvements to eligible owner-occupied and renter-occupied units, including mobile homes. A Program loan must include the repair or replacement of one of the home's major systems defined in Section I-D, above. Program rehabilitation loans will be 0% interest, deferred payment loans with no monthly payments. The loan principal is to be repaid only when the home is sold or title transferred.

If an owner-occupied or assisted rental housing unit is sold or title transferred for any reason within the 10-year period following the final inspection and Release of Funds for its rehabilitation project, the principal amount of the loan, plus an administrative fee of $2,000, shall be repaid by the borrower and used by the Borough to rehabilitate another housing unit. Repayment of the loan may be avoided if the unit is sold or title transferred to a low or moderate-income household (including a family member) at an affordable price pursuant to N.J.A.C. 5:97-9 and the procedures listed below under affordability controls and the buyer completes the standard income eligibility process, for a fee to be determined by the Borough, and executes a new Note and Mortgage loan repayment obligation.

B. Emergency Assistance Parameters

Owners of units with code deficiencies that present a health or safety threat to their occupants as certified by the Borough Construction Official or Health Official may receive expedited treatment under this Program. The applicant requiring emergency assistance may be served immediately, regardless of their place on the Waiting List. Income eligibility guidelines will be observed, but the development of contractor quotes may be expedited by having a single contractor familiar with the Program present at the initial property inspection and, with the client's permission, allowing for the emergency work to be contracted for on a single quote basis.

Program Affordability Controls

Ten-year controls on affordability on both owner-occupied units and rental units are required by the State and will be reflected in the appropriate Program documents.

Owner income will not be reexamined at any time after Program completion. Renter income needs to meet State income guidelines at time of lease of an affordable unit.

Owners who pass title to their property for a nominal $1.00 fee to a related household who, before closing, agrees to submit the required documentation to demonstrate Program income eligibility and whose income is determined to make them eligible for Tenafly Housing Rehabilitation Program assistance, need not repay the loan if the now income-eligible household accepting title also executes a new Program Note and Mortgage accepting liability for the existing Program lien, allowing the Borough to agree to postpone collecting the loan and allow the new affordable owner to assume the deferred payment loan and postpone payment until that person passes title to the next owner. The Borough will assess the new owner a fee for the required income eligibility assessment.

C. Owner-occupied Affordability Controls

On owner-occupied units, the controls on affordability will be in the form of a lien filed on the property's deed.

Additional condition for assisted mobile homes - In order to prevent the movement or relocation of a mobile home without prior consent of the THRP during the period of affordability controls, each mobile home assisted by the THRP that has a trailer hitch will receive a locking mechanism on the home's trailer hitch. Information on how to have the lock removed will be engraved on the lock. At the end of the affordability control period, a representative of the Borough will remove the lock.

D. Renter-occupied Affordability Controls

For rental units, the controls on affordability shall be in the form of a deed restriction and will also include a lien. If a rental unit is vacant during rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed. Rents in rehabilitated units may increase annually based on the rent increase limits approved by the Court. It shall be required that the initial rent-up and/or the re-rental(s) of assisted affordable rental units during the term of renter-occupied affordability controls be done through the Borough or its designated Program Administrative Agent. The Administrative Agent will implement the Affirmative Fair Marketing, maintain the pool of interested tenants, conduct the lotteries to determine priority, complete applicant income certifications, assign waiting list households to units that become available based on household size, and assign the maximum rent allowable for the assigned client tenant.

SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

Housing Rehabilitation funds may be used only for repair or replacement of building systems necessary to bring a unit into compliance with the municipal property maintenance code, as well as any other repairs of incipient property maintenance code violations of major systems, as well as related cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

A major system is any one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating and air conditioning units
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement, energy-efficient, double pane, windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement (including decks whose steps provide a safety exit from the house to the ground)
- Porch repair
- Wall surface repair
- Painting
- Carpet or flooring replacement
- Exterior rain carrying system repair
- Handicap accessibility improvements, interior and exterior

None of the Housing Rehabilitation funds may be used for remodeling or upgrading the home of a client. Eligible work includes only the repair or replacement of existing elements in the home or apartment.

B. Ineligible Improvements

Work not eligible for Program funding includes, but is not limited to, higher than mid-grade improvements, improvements which are strictly cosmetic, custom tile work, remodeling, alterations, additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (decks, patios, detached garage, shed, barn, etc.), furnishings, pools, sidewalks, driveways and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this Program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall not be considered complete before the date of final approval pursuant to the Uniform Construction Code.

Improvements approved under the Program shall be based on the cost of mid-grade fixtures, appliances and materials. No upgrades from this standard shall be allowed.

D. Certification of Standard

All work done in a participating unit must be in compliance with the standards of the property maintenance code. The Program Inspector certifies that structures repaired with rehabilitation funds are free of any code violations.

SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the Housing Rehabilitation Program may submit preliminary applications to the Program staff. Preliminary applications are available at the following locations:

Municipal website - http://www.tenaflynj.org
Municipal Building - 100 Riveredge Road
Tenafly Public Library - 100 Riveredge Road

Preapplicants will be added to the Program Waiting List in the chronological order in which they are received and applicants will be invited into the Program, sufficient funding being available, in that same order.

When the turn of an applicant on the Waiting List is reached, a full loan application package will be mailed to the applicant. Program staff will assist clients in completing the required loan application documentation. Applicants for rental rehabilitation funding must provide evidence of the income eligibility of the occupants of the units (if occupied).

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners eighteen (18) years of age or older in the household must submit appropriate documentation to document the household income, as further described below. Client data confidentiality will be maintained at all stages of the Program.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that all mortgage(s) payments are current and that mortgage principal outstanding is not currently greater than the value of the property.
- Proof that property taxes and all municipal utility bills are paid current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If, after review of the income documentation submitted, an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or any tenants' income exceeds the adopted income limits. An applicant may also be ineligible if it is determined that the outstanding mortgage debt on the property exceeds the current value of the property.

After the submission of all required loan application documents has substantiated that the occupant is income-eligible, an Eligibility Certification letter will be sent to the client.

Eligibility will remain valid for six (6) months. If the client has not signed a contract for rehabilitation within six (6) months of the date of the letter certifying eligibility, the client will be required to reapply for certification. Under extenuating circumstances and where requested in writing, a waiver may be granted by the Program to extend a client's eligibility period.

C. Housing Inspection/Substandard Certification

Once determined eligible, the Program staff will make an appointment to inspect the entire residential property with the owner.

The Program Inspector will inspect the house, take photographs, and certify that at least one (1) major system is substandard in each unit to be rehabilitated. All other required and eligible repairs would be identified.

If, after review of the property documentation submitted and the inspection report and/or work Writeup, a client's property is determined to be ineligible, the Program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Property does not need sufficient repairs to meet eligibility requirements.
- Property is in such disrepair that the Program cannot bring it up to code standard.
- Total mortgage debt on the property exceeds the current value of the property.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is in foreclosure.

The owner of any property requiring structural repairs must secure and pay for Borough-approved engineering and/or architectural plans for the structural repairs required. The Program will not be responsible for analyzing, designing or authorizing structural repairs to a property. Failure to provide the Program with Borough-approved engineering and/or architectural plans for the structural repairs required may make the property ineligible for the Program.

If, after completing the inspection, a client's property is determined to be eligible, the Program Inspector will then complete the Initial Writeup.

D. Initial Writeup

The Program staff will next prepare an Initial Writeup and cost estimate. This Initial Writeup will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifications on the work methods and materials to be used. The Program staff will submit the Initial Writeup to the property owner for their review and required written approval. Changes to the Initial Writeup can be requested by the homeowner and made by the Program prior to the Homeowner providing written approval. Once a homeowner provides the required written approval of an Initial Writeup, no further changes to the case Writeup can be made.

Only required repairs to units occupied by income eligible households will be funded through the Housing Rehabilitation Program.

E. Contractor Quoting Procedures

After the unit and the unit occupant have been certified as eligible, and the owner has provided written approval of the Initial Writeup, the Program staff will solicit competitive quotes from at least two (2) general home improvement contractors. The Program staff will then review these quotes and inform the homeowner of the results. The contractor submitting the lowest responsible quote shall then be selected for the job. If the property owner wishes to use a contractor other than the lowest responsible quoter, the Program shall set the Program loan at the price of the low quote and the property owner shall pay the difference between the lower quote price and the quote price of the selected contractor. The payment of any Homeowner share must occur prior to the commencement of work.

If the low quote is higher than the $25,000 maximum Program loan amount, the homeowner can choose to either eliminate non-essential items from the Writeup that brings the low quote to or below the $25,000 maximum or pay any excess amount over the $25,000 from their own resources. The payment of any Homeowner share must occur prior to the commencement of work.

Homeowners will be notified starting early in the income certification process that they are welcome to contact general contractors of their choice who would be willing to work within the Program guidelines to submit a quote on their job. It shall be a policy of the Program to encourage the participation of all interested qualified home improvement general contractors, especially local contractors. However the Program must pre-approve a contractor prior to their being invited to submit a quote.

F. Contract Signing/Pre-Construction Conference

The Contractor Agreement will be prepared by the Program staff, as well as the Note, Mortgage and Deferred Loan Agreement covering all the required terms and conditions. The Program staff will then call a Contract Signing/Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), Mortgage and Mortgage Note, and Deferred Loan Agreement (owners of rental units will also sign the restrictive covenants called for under the Program). Loans to owners of mobile homes will be secured by a New Jersey Department of Motor Vehicles lien. The property owner, Program staff representative, and contractor will execute the appropriate documents and copies will be provided to the homeowner, as appropriate. A staff member will outline project procedures to which property owner and contractor must adhere. The Contractor Agreement will generally authorize that the work be totally completed within ninety (90) days from the contract execution date.

G. Progress Inspections

The Program staff will respond to owner or contractor issues raised during the course of construction including making inspections, as needed, to monitor the progress of property improvements and resolve disputes. It is the contractor's responsibility to obtain all necessary construction permits in compliance with New Jersey Uninform Construction Code (NJ UCC), to notify the Building Inspector before closing up walls on plumbing and electrical improvements, and to schedule and pass all required final NJ UCC inspections prior to the final inspection by the Program Inspector. It is the owner's responsibility to notify the Program promptly if there are any unresolved issues with the contractor.

H. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the Program Inspector will consult with the contractor and homeowner and, once all three (3) parties are in agreement on scope of additional work and price, approve a change order for the work to be done, along with the homeowner. Additionally, if the additional cost is to be paid by a larger Program loan, new loan documents will be executed reflecting the increase. At no time can the total maximum loan amount exceed $25,000.

I. Payment Schedule

The contract will generally allow for only one (1) lump sum payment to the contractor at the completion and final inspection of the project. Partial payments may be approved under conditions that would be fair to both the contractor and the homeowner.

The contractor will submit a payment request to Program Staff along with all final NJ UCC final approvals. The Program Inspector and the client will sign a Release of Funds (payment approval) following a final inspection if both the client and Program Inspector are satisfied with the work performed and all final NJ UCC municipal inspections have been completed. The municipality will then release payment to the contractor.

J. Conflict Resolution

If a client does not approve a payment that the Program Inspector has approved, the decision of the Program Inspector will be binding on both the client and the contractor, as will have been indicted in the Program documents signed by the Homeowner.

K. Final Inspection

Upon notification by the contractor that all work is complete, a final inspection shall be conducted and photographs taken. The contractor shall be present at the final inspection to agree to any final punch list items that may remain. Where punch list items are identified, a subsequent Final Inspection will be required.

L. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant (for rental projects) and the Program Mortgage with the County Clerk. In the case of mobile homes, the Program will forward a NJ Department of Motor Vehicles lien application along with the home's original title. The NJDMV will create a new title that lists the Program as a lien holder on the title.

M. File Closing - Client Confidentiality

After the final payment is made and all necessary documents are recorded, the client's file will be closed by the Program staff. All client files will be held by the Program Coordinator until the municipality requests that they be transferred to the Borough Affordable Housing Office. Client confidentiality will be maintained at all stages of the Program.

SECTION V. PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION

A. Complete Household Income Eligibility Determination Forms

The Program staff shall require each member of an applicant household who is eighteen (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 eighteen (18) years of age or older:

- Four (4) most recent consecutive pay stubs, including bonuses, overtime or tips, or a certified letter from each employer stating the present annual income figure or if self-employed, a current certified business Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three (3) years.
- A letter or appropriate reporting form verifying benefits such as:
  - Social Security or SSI – Current award letter or computer print out letter
  - Unemployment – verification of Unemployment Benefits
  - Welfare -TANF- (Temporary Assistance for Needy Families) current award letter
  - Disability - Worker's compensation letter
  - Pension income (monthly or annually) – a pension letter or recent statement
- A letter or appropriate documentation form verifying any other regular sources of income claimed by the applicant, such as family transfers, alimony or child support.
- Current reports of savings and checking accounts (bank statement and passbook copies) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds. For brokerage accounts – most recent statements.
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Signed Federal and State tax returns for each of the preceding three (3) tax years and proof of ownership share of profits.
- 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.

All required documentation must be submitted no later than forty-five (45) days from the date that the full loan application packet is mailed to the applicant. After forty-five (45) days, the applicant's loan application will be put on a "hold" status. Applicants wishing to complete their loan applications after the 45-day period expires will be reconsidered on a case-by-case basis, available funding considered. A waiver of the 45-day rule may be considered upon application by the client.

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.

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 (Temporary Assistance for Needy Families)
8. 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-2%) 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 and reasonable property management expenses as reported to the Internal Revenue Service.
13. 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 weekly/monthly gross income of the applicant is used to project that income over the next twelve (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, reported to the IRS as a dependent, who is enrolled in a degree-seeking program for twelve (12) or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

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 Program Coordinator should determine the imputed interest from the value of the property. The Program Coordinator 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.

NOTE: There is no asset test for a rehabilitation program.

SECTION VI. CONTRACTOR RELATED PROCEDURES

A. Contractor Selection

Contractors must apply to the Program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three (3) recent general contracting jobs. If the contractor is listed on any online sites that allow for client feedback, those sites may also be consulted. Any contractor found to have poor workmanship or poor customer relations skills will be removed from the pre-approved contractors list. Contractors must carry workmen's compensation coverage and liability insurance of at least $500,000 per occurrence per the current NJ Contractor's Registration Act. Only licensed tradesmen will be permitted to perform specialty subcontractor work such as plumbing, heating and electrical. A NJ Home Improvement Contractors registration is required.

B. Number of Proposals Required

Quotes will be received from a minimum of two (2) pre-approved general contractors. Property owners may not select contractors who have not been pre-approved. The approved work Writeup will be submitted to the selected contractors by the Program staff. The contract will be awarded to the lowest quoter. If the property owner wishes to use a contractor other than the lowest responsible quoter, the Program shall set the Program loan at the price of the low quote and the property owner shall pay the difference between the lower quote price and the quote price of the selected contractor. The payment of any Homeowner share must occur prior to the commencement of work.

SECTION VII. MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Client

The Program staff will maintain paper and/or digital 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:

- Preapplication Form
- Tenant Information Form (Rental Units Only)
- Copy of property deed and insurance certification
- Income verification materials
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

B. Files of clients approved for the Program will also contain the following additional documentation:

- Housing Inspection Report and Initial Writeup
- Property owner approval of Initial Writeup
- Approved Initial Writeup, Closing Writeup with prices, Final Writeup with final prices
- Client Contractor Agreement
- Mortgage, Note and Deferred Loan Agreement
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion

Individual case files will be maintained throughout the process and submitted to the municipality upon termination of the Program.

C. Rehabilitation Log

A rehabilitation log will be maintained by the Program staff that depicts the status of all applications in progress.

D. Monitoring

For each unit, the following information must be retained to be reported annually:

- Street Address
- Case No.
- Block/Lot/Unit Number
- Owner/Renter
- Income: Low or Moderate
- Final Inspection Date
- Funds Expended on Hard Costs
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of affordability controls (yrs.)
- Affordability controls removed

SECTION VIII. PROGRAM MARKETING

For the term of the Program, the municipality may include flyers once a year with the tax bills, water bills, municipal newsletter or other regular municipal mailing to all property owners. Municipal email lists may also be used. Program information will be available at the municipal building, at the municipal library, and on the municipal website.

SECTION IX. RENTAL PROCEDURES

Once rental units are rehabilitated and ready for occupancy, or at turnover, the units are subject to the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5-80:26.1 et. seq. or whatever administrative guidelines for affordable rental units that the State may enact to replace those currently in force

A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation Program or rent a unit 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 609-292-4605 or 973-648-2700 or online at http://www.nj.gov/oag/dcr/localcontact.html

B. Overview of the Affordable Housing Administration Process for Rental Units

- 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 a nonprofit agency, State agency or consultant that may administer the rehabilitation Program within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent 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 will accept these returned pre-applications for a specific period of time, for example, thirty (30) to ninety (90) days. At the end of this time period, these applications will be segregated by bedroom size eligibility and each bedroom-size pool will be prioritized through a random selection lottery.
- The Administrative Agent informally pre-qualifies applicants in the applicant pool for income eligibility based on self-reported data.
- When a low or moderate-income unit of a certain bedroom size becomes available, the Administrative Agent will interview the applicant households next on the appropriate prioritized list and proceed with the income qualification process. The verification documentation will be the same as is required for an owner occupied unit. (Section V)
- The Administrative Agent must notify applicant households in writing of certification or denial within twenty (20) days of the determination.
- Certified households that are approved for a rental affordable housing unit will sign Appendix K of UHAC and any other applicable documents, which are held in the applicant file. Applicants then make an appointment with the leasing agent. Applicant households seeking rental units proceed with a credit check, which is generally conducted by the developer, affordable housing sponsor or landlord. 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 in to the affordable rental unit.

C. 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 Affordable Housing Attorney, where appropriate (see the section Responsibilities of the Municipal Affordable Housing 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 monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report. Any requests for additional information or corrections will be directed to the Municipal Housing Liaison.

Provide Administrative Agent Services, unless those services are contracted out. The responsibilities for providing administrative agent 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 is to establish and enforce affordability controls and ensure that units in their portfolio are rented to income eligible households. Administrative Agents must:

Secure written acknowledgement from all owners 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. 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, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent, and the developer, affordable housing sponsor or owner this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs may also be delegated to the developer, but this must be established by ordinance and be a condition of approval of the Planning Board or Zoning Board.

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 an adequate 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 certificate acknowledging the rights and requirements of renting an affordable unit, in the form of Appendix K of UHAC.

Establish and maintain effective communication with property managers and landlords. Property managers and landlords 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 property managers and landlords of any changes to the Administrative Agent's contact information or business hours.

Property managers and landlords should be instructed to immediately contact the Administrative Agent:

- Immediately upon learning that an affordable rental unit will be vacated.
- For review and approval of annual rental increases.

Provide annual notification of maximum rents. Each year when new income limits are adopted, 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 Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Appendix J and K of UHAC.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

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

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

RESPONSIBILITIES OF THE MUNICIPAL AFFORDABLE HOUSING ATTORNEY

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

- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls.

RESPONSIBILITIES OF OWNERS OF RENTAL UNITS

Open and direct communication between the owners of rental units, the Municipal Housing Liaison and the Administrative Agent 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 units are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all necessary information to complete the annual reporting.

RESPONSIBILITIES OF LANDLORDS AND PROPERTY MANAGERS

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

D. Affirmative Marketing

OVERVIEW OF THE REQUIREMENTS OF AN AFFIRMATIVE MARKETING PLAN

All affordable units, both initial rent-ups and the re-rental of vacant affordable rental units, are required to be affirmatively marketed using the municipality's Affirmative Marketing Plan. (See Appendix PP) 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.

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 for initial rent-up and re-rental of affordable units must contain the following information for each affordable housing opportunity:

- The location of and directions to the units
- A range of prices for the housing units
- The bedroom size(s) 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
- Application fees, if any

REGIONAL PREFERENCE

Tenafly Borough has by ordinance provided that households that live or work in NJ Affordable Housing Region 1 comprised of the following counties - Bergen, Hudson, Passaic and Sussex - shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

IMPLEMENTATION OF THE AFFIRMATIVE MARKETING PLAN

The affirmative marketing process for the initial rental of affordable units shall begin at least four (4) months prior to expected occupancy. In implementing the marketing program, the municipality shall undertake all of the strategies outlined in the municipality's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been rented. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

The affirmative marketing process for the re-rental of vacant affordable units shall be an ongoing process, with advertising occurring any time the waiting list of applicants falls below what is determined to be sufficient applicants to satisfy a one-year demand for vacated affordable units.

An adequate applicant pool will be maintained by the municipality or Administrative Agent for re-rentals.

When a re-rental affordable unit becomes available, applicants will be selected from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above.

The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)** below.

E. Random Selection & Applicant Pool(s)

INITIAL RANDOMIZATION

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

After advertising is implemented, applications are accepted for up to thirty (30) days.

At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).

Households are informed of the date, time and location of the lottery and invited to attend. A municipal representative should also be invited to attend the lottery

A prioritized applicant pool is created by listing applicants in the order selected.

Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit).

Applications, by required bedroom size, are reviewed for income-eligibility in accordance with their lottery pool priority until all units of a given bedroom number have been occupied. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.

If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed. Two (2) years of turnover is a recommended standard.

When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

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 (2) 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 of their current unit 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.

F. Application Fees

The Borough may decide, from time to time, to require a fee for submitting an application for affordable rental housing.

G. 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 (35%) of the verified household income (40 percent (40%) for age-restricted units) 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 (35%) (40 percent (40%) 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 (35%) (40 percent (40%) 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.

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 Local Planning Services website and is available from the Administrative Agent.

H. 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 allowed to complete the certification process via telephone, email and mail. 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 eighteen (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 (2) 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.

I. 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 (80%) 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.

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

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

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.

J. 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 fails to verify attendance in a credit counseling program when required to do so by the Program rules.
10. The applicant does not respond to periodic update inquiry in a timely fashion.
11. The applicant fails to sign the Compliance Certification, Certificate for Applicant, Lease Document, as may be required.
12. The applicant, once approved, fails to sign the lease in a timely manner.
13. 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 (6) months applies in most situations where the applicant has been withdrawn for poor credit and two (2) years where the applicant has been withdrawn for fraud, 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 sixty (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.

K. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Borough Municipal Housing Liaison. 100 Riveredge Ave., Tenafly NJ 07670. The Borough Municipal Housing Liaison's written decision, which shall be made within thirty (30) days of receipt of an appeal, shall be final.

L. Determining Affordable Rents

To determine the initial rents the Administrative Agent uses the DCA calculators located at DCA Local Planning Service website.

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 sales prices and rents are based on the 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 Determined 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.

Split Between Low- and Moderate-income Rental Units. At least 50 percent (50%) of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13 percent (13%) of the affordable units within each bedroom distribution must be affordable to households earning no more than 30 percent (30%) of the regional median income. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent (52%) of the regional median income. At least one rent for each bedroom type must be offered for both low-income and moderate-income units. Calculation of the affordability average is available on the DCA Local Planning Service's website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent (60%) of the regional median income.

M. Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy according to the Annual Regional Income Limits Chart. 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 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 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.

N. Application Fees for Affordable Rental Units

Application fees, if any, will be set by the Borough and communicated to applicants through the Affirmative Marketing Program and to applicants directly in their application packets.

O. Violations, Defaults and Remedies

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner of a rental development, 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 a rental development, 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.

P. Maintenance of Records for Rental Program

The following

	UP-TO-DATE OPERATING MANUAL	Comments
☐	Income Limits	
☐	Sample Forms and Letters	
	AFFIRMATIVE MARKETING	
☐	Copies of Display Ads	
☐	Copies of PSA Requests	
☐	Copies of Marketing Requests	
	RANDOM SELECTION	
☐	Log of Applications Received	
☐	Log of Random Selection Results	
☐	Database of Referrals	
	MAINTENANCE OF RECORDS	
	Files To Be Maintained on Every Client	
☐	Preliminary Application.	
☐	Application Form.	
☐	Tenant Information Form	
☐	Income Verification	
☐	Letter of Certification of Eligibility or	
☐	Letter of Determination of Ineligibility	
	Files To Be Maintained on Every Rental Unit	
☐	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 tenants, pertinent correspondence	
☐	Copy of lease	
☐	Appendix K	
	Files To Be Maintained on Every Property	
☐	Deed	
☐	Appendices J and K	

SECTION X. SUBORDINATION OF PROGRAM MORTGAGES

It will be the policy of the Tenafly Housing Rehabilitation Program to consider subordination of Program mortgages to homeowner refinancing initiatives if the criteria in this section are met and all procedures in this section are followed. There will be a $400 non-refundable Subordination application fee be paid at the time of application.

When a homeowner who is participating in the Program is attempting to refinance his or her home or to obtain a mortgage equity loan or Reverse Mortgage using their property as collateral and the financing source requires that the THRP mortgage be subordinated to the new mortgage, the following procedures will be followed:

Approval Criteria:

1. After refinancing with a fixed amount mortgage, the total amount of mortgage debt is less than 85 percent (85%) of the current appraised value of the property as determined and documented by the financial institution providing the new financing.

2. After refinancing with a reverse mortgage, the total amount of net equity projected to be available in the property when the youngest borrower reaches ninety (90) years of age, as tabulated on an amortization schedule that assumes an average 1.5% annual average property value increase, to be at least double the outstanding amount of the debt to the Borough under the Program.

3. Property tax payments and any other municipal liens on the property are current.

Approval procedures:

1. The Borough Municipal Housing Liaison or their designee receives a completed Borough application for subordination approval from the homeowner that reaffirms the owner's obligation to repay the THRP Program loan to the Borough (date and amount of loan), and includes a check for the Subordination Application fee(s), and includes the following attachments:

a. Letter from the new source of financing offering the new financing to the homeowner, including the amount of the new loan and all terms of said financing.

b. A draft of the specific subordination documentation language acceptable to the lender, for Borough review and approval that they wish the Borough to execute and record. (The proposed closing documents for the new financing must explicitly include adequate language recognizing that junior liens are permissible and will not cause a default.)

c. Documentation that all taxes and utilities are paid current

d. A current appraisal of property or such other measure of current value as has been utilized by the new source of financing in making their determination to offer their financing.

2. The Borough Municipal Housing Liaison or their designee receives at least ten (10) days written notice of closing including a copy of proposed closing statement.

3. The Borough Municipal Housing Liaison or their designee either forwards the executed subordination documentation to the Homeowner or participates in the closing with said documentation. The Program lists itself as the party to whom the recorded Subordination documentation is returned after recording.

4. Homeowner presents Borough Municipal Housing Liaison with proof that closing has occurred and that the subordination documentation has been recorded.

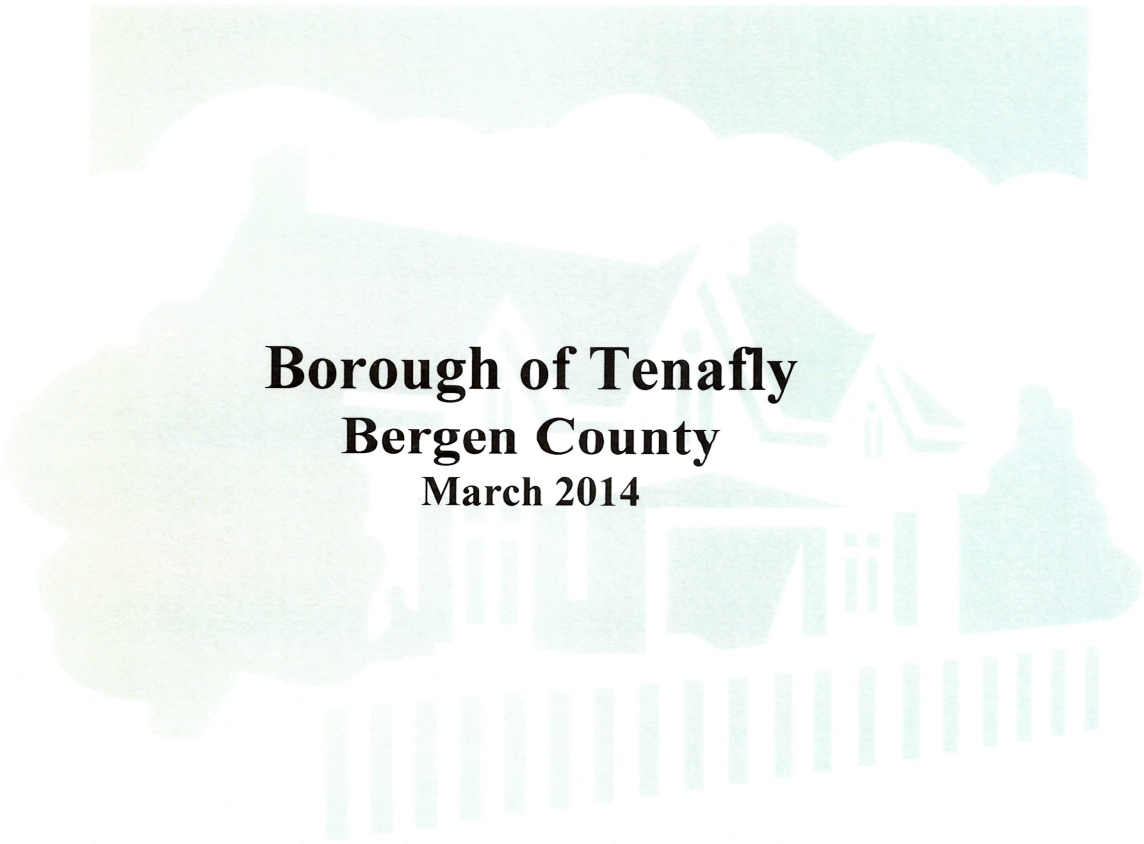
Subordination Application Fee Schedule as of 11-2018:

1. Subordination Application Fee	$400.00
2. Subordination Recording Fee	$200.00
Total Subordination Application Fees:	$600.00

Appendix V: Sales Operating Manual

DRAFT

Affordable Sales Program Operating Manual



Borough of Tenafly
Bergen County
March 2014

FOR-SALE OPERATING MANUAL CHECKLIST
Minimum Standards

At a minimum the For-sale Operating Manual must clearly describe the procedures and policies for the following:

	Affordable Housing Program & Opportunities
☐	Identify where Housing Element and Fair Share Plan can be viewed.
☐	Identify local Affordable Housing Programs & Affordability Assistance Programs
☐	Include overview of local for-sale and resale process
	Affirmative Marketing
☐	Approved Affirmative Marketing Plan included
☐	How will new units be marketed?
☐	How will resales be marketed?
☐	Will there be a regional preference?
☐	Who will implement marketing new units and resales?
☐	Prepare sample marketing materials, including a sample display ad and Public Service Announcement
☐	**Random Selection & Pre-applicant Pool**
☐	What level of verification will be completed before the lottery process – pre-application or full applications?
☐	Will the pool of pre-applicants be randomized each time a unit is available?
☐	Will there be categories of pre-applicant pools?
☐	**Matching Households to Available Units**
☐	How will households be matched to available units? Will there be categories of pre-applicant pools?
☐	**Household Certification**
☐	Standards for reviewing applicant household eligibility and certifying applicant households, including how long applicant has to submit required documents
☐	Verification documentation required
☐	Eligible Income/Ineligible Income
☐	Maximum Monthly Payment
☐	Housing Counseling
☐	Basis for Dismissing Applications
☐	Appeals
☐	**Determining Affordable Sales Prices**
☐	Development Considerations and Compliance Issues
☐	Determining Maximum Initial Sales Prices
☐	Determining Resale Prices
☐	Establish resale procedures
☐	**Waivers and Exemptions**
☐	Identify Hardship Waivers
☐	Identify Income Waiver
☐	Identify Exempt Transactions
☐	**Application Fees**
☐	**Violations, Defaults and Remedies**
☐	**Maintenance of Records**
☐	List documents to be filed
☐	Monitoring information required

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A. COAH Annual Illustrative Sale Prices By Housing Region
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I. INTRODUCTION

This Operating Manual has been prepared by the Borough to assist in the administration of for-sale units in the Borough of Tenafly Affordable Housing Program. It will serve as a guide to the program staff.

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 sale process and in the resale 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 laws[1], the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.[2], the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96[3] and 5:97[4]and the affordable housing regulations of the Borough of Tenafly (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.

A. WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. COAH considers housing "affordable" if the household pays approximately 28% 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.

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[1] http://www.hud.gov/offices/fheo/FHLaws/index.cfm

[2] http://www.nj.gov/dca/affiliates/coah/regulations/uhac.html

[3] http://www.nj.gov/dca/affiliates/coah/regulations/thirdroundregs/596.pdf

[4]http://www.nj.gov/dca/affiliates/coah/regulations/thirdroundregs/597.pdf

B. 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. COAH has included a new category for very low-income households for certain affordable housing projects, households which are classified as earning less than 30 percent of area median income. Municipalities are not required to provide affordable sale housing to very low-income households.

The 6 COAH housing regions are as follows. The Borough of Tenafly is in Region 1.

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

According to COAH guidelines, a pre-applicant does not have to currently live in the region in which the pre-applicant is interested in applying for an affordable unit. A pre-applicant's income qualification is determined by the Region Income Limits for where the pre-applicant wants to live. COAH does, however, allow a municipality to adopt a regional preference for pre-applicants for its affordable units. The Borough of Tenafly has opted for giving a regional preference to pre-applicants from Region 1 for Borough affordable sales units.

C. LOCAL AFFORDABLE SALES HOUSING PROGRAMS AND OPPORTUNITIES

The following affordable sales housing programs and opportunities are available in the Borough of Tenafly:

The Plaza at Tenafly, located at 111 Piermont Rd., (Piermont Rd & Prospect Ter.) in Tenafly, was built to include 17 affordable, for-sale, 1, 2 and 3 bedroom units - 8 low-income for-sale affordable units and 9 moderate-income for-sale units. None of these are age-restricted units.

The Crossings, located on Hemlock Lane and Cobblestone Way in Tenafly, was built to include 9 affordable, for-sale, 1, 2 and 3 bedroom units - 4 low-income affordable sales units and 5 moderate-income sales units. None of these are age-restricted units.

A copy of the Borough of Tenafly Housing Element and Fair Share Plan is available at the office of the Tenafly Borough Clerk, 100 Riveredge Rd., Tenafly, NJ 07670.

D. OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

Affordable housing is administered by a wide variety of organizations and agencies. COAH does not administer affordable housing but links to affordable housing resources can be found on COAH's website at http://www.nj.gov/dca/services/lps/hss/.

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 COAH'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 pre-applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at http://www.nj.gov/dca/services/lps/hss/admin_files/muniliaisons.pdf.

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 http://www.nj.gov/njhrc/.

The New Jersey Guide to Affordable Housing, which can be found at http://www.state.nj.us/dca/divisions/codes/publications/guide.html, 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.

Pre-applicants who do not have access to the Internet or cannot obtain help from a source with internet connection, may call 211, the Health & Human Services line, for assistance

E. 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 discrimination hotline at 1-866-405-3050 or http://www.state.nj.us/lps/dcr/index.html.

F. 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 sales housing and where appropriate directs pre-applicants to the Administrative Agent(s) for the affordable sales projects in the municipality. These Administrative Agents may be developers, nonprofit agencies, State agencies or consultants that may administer an affordable sales project or projects within the municipality. The municipal Housing Liaison may also distribute pre-application forms for the various affordable housing projects.

- A duly appointed Administrative Agent implements the municipality's Affirmative Marketing Plan for each affordable sales project.

- For a given project, the Administrative Agent 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, the developer or the affordable housing sponsor will accept these returned pre-applications for a specific period of time, as established in the municipality's Affirmative Marketing Plan. At the end of this time period, all applications will go to the Administrative Agent where these pre-applications will be randomly selected, through a lottery, to create a pool of prioritized pre-applicants.

- When a unit becomes available, the Administrative Agent invites the highest priority pre-applicant for a unit of that size and income level (low or moderate) to submit the necessary income certification documentation. At that point the pre-applicant becomes an "applicant". The applicant has a set time limit to respond or lose his or her place in the line of prioritized applicants. The Administrative Agent sends either a rejection letter to those over income or a Certification to those who document their income-eligibility.

- Applicant households seeking for-sale units must also obtain a mortgage pre-approval.

- The Administrative Agent must notify applicant households in writing of certification or denial within 20 days of the determination. Income eligible applicants must respond by executing the required certifications (Disclosure Statement - Appendix J) and returning them to the Administrative Agent.

- Certified households that are approved for a for-sale affordable housing unit will secure a mortgage and close on the unit within 90 days from Certification and, where applicable, obtain homeownership counseling. The Administrative Agent will pass along available information about banks currently making mortgage loans on deed-restricted properties and provide prospective lenders with project-specific information, as requested by the certified buyer.

- The Administrative Agent will prepare the following closing documents for each sale: an affordable housing deed-restricted Deed, a Recapture Mortgage and Recapture Mortgage Note, and may attend the closing for each unit.

- The filing and recording of documents is the responsibility of the buyer's attorney, but the Administrative Agent may also elect to file the documents. Affordable homebuyers

may not receive an "Authorization to Move In" and occupy the unit until all closing documents are filed and recorded, and returned to the Administrative Agent for inclusion in the file.

- The certified household moves into the affordable ownership unit.

- Annually, the Administrative Agent shall send a mailing to the Owner of the affordable unit reminding them of the rights and requirements of owning an affordable unit.

G. OVERVIEW OF THE AFFORDABLE UNIT RESALE PROCESS

When an Owner of a restricted unit wishes to sell, the sale must be processed through the Administrative Agent. At the initial date of purchase, the Owner executes a Certification regarding his or her understanding of this strict requirement.

- Typically, the resale process begins when an Owner inquires about the maximum resale price (MRP) of their unit. At that time the Administrative Agent provides the Seller with a "Notice of Intent to Sell" form and the written "Resale Procedures for Owners Wishing to Sell an Affordable Unit".

- The Owner/Seller returns the completed "Notice of Intent to Sell" form to the Administrative Agent.

- The Administrative Agent reviews the unit and any eligible capital improvements, and calculates the MRP. The MRP is calculated by using COAH's Resale Price Calculator, which is based on COAH's Annual Regional Income Limits Chart. The Administrative Agent returns the Notice of Intent to Sell form with the Maximum Resale Price inserted and initialed.

- The Administrative Agent, following the municipality's Affirmative Marketing Plan, either uses the current pre-applicant pool, which is based on a previous affirmative marketing process, or affirmatively markets the unit and conducts random selection if there is no current pre-applicant pool.

- From the prioritized waiting list of pre-applicant households, the first household that match the bedroom size and income level of the available unit is sent a "Housing Opportunity Letter" and "Application for Certification" (including a list of required documentation) to complete. The invited applicant is also given an overview of the rules setting out the timeframe within which they must close on the affordable unit or forfeit their place to a subsequent priority applicant. The framework for obtaining an extension on the purchase period by the invited applicant is also explained. The applicant household is invited to view the unit.

- The invited applicant household completes the income certification application and is either certified or rejected. Ineligible households are noticed in writing and removed from the applicant pool. Certified applicants have 90 days to close on the resale unit from the date of certification or forfeit their priority to the next applicant family in the applicant pool.

- Certification is contingent upon the applicant obtaining a mortgage pre-approval based on the MRP within 2 weeks of notification and submitting that letter to the Administrative Agent with contact information for the applicant's mortgage lender. Certification is also contingent upon the prospective buyer also executing the required certifications (Disclosure Statement - Appendix J).

- The certified household is invited to view the unit again and has ten days in which to negotiate a mutually acceptable offer based upon the MRP.

- The Owner/Seller and the certified interested household (now Buyer) execute a "Contract of Sale." The Administrative Agent ensures that the Deed, Recapture Mortgage, and Recapture Mortgage Note are submitted as part of the closing package to the attorney responsible for the closing or other closing agent.

- The Administrative Agent may attend the closing.

- The filing and recording of documents is the responsibility of the buyer's attorney, but the Administrative Agent may also elect to file the documents. Affordable home buyers may not receive an "Authorization to Move In" and occupy the unit until all closing documents are filed and recorded, and returned to the Administrative Agent for inclusion in the file

- Annually, the Administrative Agent shall send a mailing to the Owner of the affordable unit reminding them of the rights and requirements of owning an affordable unit.

II. ROLES AND RESPONSIBILITIES

A. Roles and Responsibilities of the Municipal Housing Liaison

The Tenafly 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 or Municipal Affordable Housing 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 pre-applicants for affordable housing 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, the contact information for the Administrative Agent and preapplication forms for each municipal affordable housing project.

Compile, verify and submit required input to the COAH Tracking and Monitoring (CTM) System and any COAH annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately added to the Municipality's records in the COAH Tracking and Monitoring (CTM) System and included in an annual COAH monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data, enter it into the CTM and consolidate it into the annual report to COAH. Any requests from COAH 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 affordable unit or series of units is in the planning process, the Municipal Housing Liaison should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality and COAH. 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 COAH-related local ordinances -- that have already been adopted by the municipality.

Collection and review of basic legal documents of all affordable projects - It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with COAH and UHAC regulations, before they are recorded and submitted to DCA for approval.

Secure written acknowledgement from all developers, affordable housing sponsors and owners 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.

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.**

B. Responsibilities of an Administrative Agent

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

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.

Create and maintain a computerized project database. The Administrative Agent will create and maintain a computerized project database that contains all key information about each pre-applicant, invited applicant and each affordable unit in the project. This database is in addition to any and all paper documentation required which will be kept in an order set of project files.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. It may be established that advertising costs be paid for by the developer, but this must be established by ordinance and a condition of approval of the Planning Board or Zoning Board.

Accept pre-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 pre-applicants with pre-applications, provide additional information on available units and accept completed pre-applications.

Conduct random selection of pre-applicants for sale and resale 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 pre-applicant households. This includes reaching out to households in the pre-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 pre-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 owning an affordable unit, in the form of Appendix J of UHAC, as applicable.

Establish and maintain effective communication with owners and property managers. Owners and property managers 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 and property managers 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 unit.

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

- If they are considering or have decided to sell their home.
- In the event they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.
- If they are seeking an increase in the sales price of their unit due to capital improvements.
- If they are seeking a Hardship Waiver to allow them to rent their unit.

Preserve affordability controls during the sale of restricted units. Immediately upon being notified of an Owner's intent to sell their property, an Administrative Agent should inform the Owner of the Owner's role in the marketing and sale of the home. An Administrative Agent is responsible for extinguishing the affordability controls with the Seller and re-establishing them with the Buyer. An Administrative Agent is responsible for providing closing attorneys/agents with the appropriate legal instruments.

Ensure cancellations of Recapture Mortgages are effectuated. It is the Administrative Agent's responsibility to ensure that Recapture Mortgages are cancelled at the conclusion of the control period when the Recapture Mortgage is satisfied. If the Recapture Mortgage is being cancelled due to a sale of the property during the control period, then the Administrative Agent may wish to cancel the original Recapture Mortgage only after the Recapture Mortgage with the new Owner has been recorded.

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 unit.

Ensure unit has Continuing Certificate of Occupancy at final transfer. To help ensure a healthy and safe living environment for all families, an Administrative Agent is responsible for obtaining an inspection or a certified statement from the local Building Inspector at the first sale after the expiration of the minimum affordability control period.

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 Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Disclosure Statement (Appendix J).

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney or affordable housing attorney on legal matters that threaten the durability of the affordability controls.

COAH Tracking and Monitoring (CTM) System data and annual COAH reports. Provide data to the Municipal Housing Liaison needed to update the municipality's COAH Tracking and Monitoring (CTM) System, as well as annual activity reports to Municipal Housing Liaison for use in the annual COAH 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.

C. 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 COAH 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.

D. Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or 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 COAH-related local ordinances -- that have already been adopted by the municipality.

As provided for by ordinance and made a condition of the approval of the planning board or zoning board of adjustment, the developer will be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer 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.

The Developer will maintain communication with the Municipal Housing Liaison and Administrative Agent throughout the initial sales phase of the project, alerting all to interactions with Certified buyers, any problems noted, projected closings, distribution of closing documents to review at least one week in advance of closings, and distribution of recorded sales documents.

E. Responsibilities of an Owner of an Affordable Unit

Owners should read annual mailings from the Administrative Agent, and cooperate with any and all requests for information from either the Municipal Housing Liaison or the Administrative Agent.

The Owner may sell the unit only to a household that has been approved in advance and in writing by the Administrative Agent. No sale of the unit shall be lawful unless approved in

advance and in writing by the Administrative Agent. No sale shall be for a consideration greater than the maximum resale price, as determined by the Administrative Agent.

When an Owner wishes to sell an affordable unit, it is the Owner's responsibility to notify the Administrative Agent and to execute a "Notice of Intent to Sell". If a potential, certified Buyer makes an offer of the maximum resale price of an affordable unit, then the Owner is obligated to enter into a sales contract with that Buyer for the sale of that unit or withdraw the "Notice of Intent to Sell".

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family.

The Owner shall at all times maintain the unit as his or her principal place of residence, defined as residing at the unit at least 260 days out of each calendar year.

An Owner shall make no improvements to the unit that would effect its bedroom configuration or to increase the maximum permitted resale price, except for improvements approved in advance and in writing by the Administrative Agent.

The Owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, when they become due and before penalties accrue.

The Owner shall pay all charges of any utility authority when they become due and before penalties accrue.

The Owner shall not permit any lien, except those approved by the Administrative Agent, to attach and remain on the property.

The Owner must have approval of the Administrative Agent if they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.

In the event that any first mortgagee or other creditor of an Owner of a low- and moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the Owner of a low- and moderate-income unit, the Owner shall notify the Administrative Agent in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.

An Owner shall notify the Administrative Agent within 10 days, in writing, of any default in the performance by the Owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.

III. AFFIRMATIVE MARKETING

A. Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Borough of Tenafly's Affirmative Marketing Plan. The Borough's 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 *Borough of Tenafly's* Affirmative Marketing Plan can be found in the Appendix.

Every 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.

- Require the listing all affordable housing units in the Borough on the New Jersey Housing Resource Center at www.njhousing.gov.

The Borough requires that the costs of advertising affordable units are to be a developer's responsibility. Such a requirement will be a condition of the municipal planning board or zoning board approval and required by ordinance.

After the completion of any round of Affirmative Regional Marketing, the cost of the required display advertisements will be divided among the developers of the projects for which pre-applicants were sought based on the percentage of affordable units each Developer has available at that time.

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

- The address of the project and development name, if any
- The number of units, including number of sale units

- A listing of each affordable sales unit, including the price of each of the sale units, the targeted income level of that unit, the number of bedrooms and the gross square footage of the unit.
- The name and contact information of the Municipal Housing Liaison, Administrative Agent or property manager
- 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 will contain the following information for each affordable housing opportunity:

- The location of and directions to the units
- A range of prices for the housing units
- The bedroom size(s) of the units
- The maximum income permitted to qualify for the housing units
- The locations of applications for the housing units and the business hours when interested households may obtain an application for a housing unit at that location
- The Internet address where applications may be downloaded.
- Application fees, if any
- Last date applications will be accepted
- Contact number of the Municipal Housing Liaison, Administrative Agent, or property manager
- A statement concerning the availability of credit, budget and/or homeownership counseling services
- A statement concerning regional preference.
- The following statement. "Visit www.njhousing.gov for more affordable housing opportunities."

B. Regional Preference

The Borough of Tenafly has by ordinance provided that households that live or work in COAH Housing Region 1 comprised of the following counties [Bergen, Hudson, Passaic and Sussex] shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Municipalities that wish to give preference to pre-applicant households that live or work in their housing region must state this preference in the form of an ordinance. This preference is not limited to families that live or work in the Borough. It is given equally, as required by COAH, to all households that live or work in the Borough's housing region.

C. Implementation of the Affirmative Marketing Plan

The affirmative marketing process to attract pre-applicants for affordable sales units shall initiated by the Administrative Agent or Municipal Housing Liaison at least four months prior to expected occupancy. In implementing the marketing program, the Municipality or its Administrative Agent shall undertake all of the strategies outlined in the Borough of Tenafly Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until enough pre-applicants have come forward for all of the units to be sold. (At least 5 pre-applicants per available unit.) Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

An applicant pool will be maintained by the Municipality or its Administrative Agent sufficient to provide each project for re-sales with buyers over a projected 2-year period. (At least 5 pre-applicants per projected available unit)

When a resale affordable unit becomes available, the applicants will be selected from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above.

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

D. Affirmative Marketing by a Developer or Affordable Housing Sponsor

If the municipality allows a developer or affordable housing sponsor to advertise the availability of affordable housing, the following procedures govern.

If permitted by the municipality, a developer or affordable housing sponsor may be responsible for advertising the affordable housing in accordance with the municipality's adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material must be submitted to the Municipal Housing Liaison for approval. Proof of publication must be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the municipality.

IV. RANDOM SELECTION & APPLICANT POOL(S)

The following shall be the process used by the municipality for randomization of pre-applicants.

Initial Randomization

Using undocumented household income information provided on the pre-application, the Administrative Agent will tentatively pull out pre-applicants that appear to be over income and notify those families prior to the lottery, also providing them with the income certification guidelines for affordable housing. Pre-applicants so notified who do not respond to the Administrative Agent within the prescribed time limit claiming that they may, in fact, meet the income certification guidelines, will be eliminated from the randomized pool. Pre-applicants who do respond will remain in the pool until a regular detailed income certification process can determine their eligibility.

Pre-applicants from outside the Borough COAH housing region will remain in the pool for Randomization and ranked, but will not be eligible for municipal affordable units until there are no more pre-applicants from within the municipal COAH housing region in the pool.

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:
After advertising is implemented, applications are accepted for at least 30 days.
In order to help analyze the impact and success of various marketing initiatives, the pre-application forms will ask the applicants where they learned of the housing opportunity.
At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be screened for eligibility for a unit).

Households are informed of the date, time and location of the lottery and invited to attend. A municipal representative will also be invited to attend the lottery.

An applicant pool is created by listing applicants in the order selected and assigning each applicant a ranking in order determined by the randomization process.

Pre-applications are reviewed in order of rank for income-eligibility. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.

Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as the need for an accessible unit).

If there are sufficient pre-applicants from the Municipal COAH housing region remaining in the pool to fill future resales, the pre-applicant pool shall be closed.

V. MATCHING HOUSEHOLDS TO AVAILABLE UNITS

When the pre-applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new pre-applicant pool will be added to the remaining list of pre-applicants.

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 a pre-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 pre-applicant pool for all categories for which it is eligible.

VI. APPLICATION AND OTHER AFFORDABLE HOUSING FEES

The Borough fee schedule for its Affordable Housing Program is set by Borough ordinance. A statement of the fees to be paid by the various beneficiaries of the Affordable Sales programs can be found in the Appendix.

VII. HOUSEHOLD CERTIFICATION

Before any household can purchase 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 pre-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.

Applicant households who do not submit the required family composition and income documentation within 21 days of receipt of the intake packet will be considered non-responsive and voluntarily withdrawn from the program. The next family on the list for an affordable unit will be given their place on the list and invited to submit their documentation.

Various affordable properties utilize slightly different methods of calculating the income of pre-applicants for affordable housing. Much depends on the particular program under which a property is funded and operated. Outlined below is the most common set of requirements used in calculating income for households in New Jersey under the auspices of UHAC; however, these requirements do not apply to programs that are regulated by the federal government. When calculating income eligibility, Administrative Agent will utilize the appropriate income eligibility criteria for the specific project.

A. 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 -TANF[5] current award letter
  - Disability - Worker's compensation letter
  - Pension income (monthly or annually) - a pension letter.

[5] TANF – Temporary Assistance for Needy Families

- 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 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.

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
15. Full-time job income of persons also enrolled as full-time students

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 wage income, the current average gross income of the applicant over the most recent 4 pay periods is used to project that income forward 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 credit hours or more per semester. Part-time income is income earned on less than a 35-hour workweek and is not counted for full-time students.

B. The Real Estate Asset Limit

Except for federal programs, if an applicant's primary residence, which is to be sold upon purchase of an affordable unit, has no mortgage debt and is valued at or above the regional asset limit as published annually by COAH with COAH'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. The maximum asset limit for Region 1 in 2013, for example, is $163,241.

C. 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 income-producing real estate with mortgage debt, the Administrative Agent should also determine the imputed interest from the net 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.

D. 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.

A certified household is not permitted to purchase a unit that would require more than 33 percent of the verified household income to pay principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable. However, at the discretion of the Administrative Agent, this limit can be exceeded if the applicant:

- Obtains a firm mortgage loan commitment at the higher level from a licensed financial institution, under terms consistent with the requirements of the New Jersey Home Ownership Security Act of 2002, N.J.S.A. 46:10B-22 et seq.; and
- Submits a certification from a non-profit counselor approved by HUD or the New Jersey Department of Banking and Insurance that the household has received counseling on the advisability of the loan transaction.

E. 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 COAH's website and is available from the Administrative Agent.

F. The Applicant Interview

Ideally, the prospective applicant will be available to meet with the Administrative Agent to review the certification process 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, email 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.
- Explain the requirement of obtaining a mortgage commitment in for-sale properties.

G. Records Documenting Household Composition and Circumstances

The following are various records that may be presented for documenting household composition:

- Photo Drivers License
- 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

H. 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. If the municipality has an Affordability Assistance Program for very low income homebuyers, the applicant can be referred to that 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 re-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 purchasing a restricted unit. UHAC's Disclosure Statement (Appendix J) 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.

I. 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, landlords or the Sellers of affordable units.
8. The applicant changes address or other contact information without informing the Administrative Agent in writing.

9. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a homebuyer credit counseling program when required to do so by the program rules.
10. The applicant does not respond to periodic update inquiry in a timely fashion.
11. The applicant fails to sign the Compliance Certification, Certificate for Applicant, Contract for Sale, Deed Restriction as may be required.
12. The applicant, once approved, fails to close on a sale in a timely manner.

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 sales 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.

J. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Executive Director of the Council on Affordable Housing (COAH), 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 COAH.

VIII. DETERMINING AFFORDABLE SALES PRICES

To determine the affordable sale prices the Administrative Agent uses the COAH calculators located at http://www.nj.gov/dca/affiliates/coah/resources/calculators.html.

A. Development Considerations and Compliance Issues

There are several regulations that must be considered from the development perspective before the sales prices of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for ownership projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- The combined number of efficiency and one-bedroom units may be no greater than 20 percent of the total low- and moderate-income units;
- At least 30 percent of all low- and moderate-income units must be two-bedroom units;
- At least 20 percent of all low- and moderate-income units are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted low- and moderate-income bedrooms must be equal to or greater than the number of age-restricted units within the development. In other words, the average bedroom size in an age-restricted development must be equal to or greater than one bedroom per unit. For example, if the overall age-restricted development is 25 percent efficiencies, and 50 percent one-bedroom units, and 25 percent two-bedroom units, that equals an overall development bedroom size of exactly one bedroom per unit. An age-restricted development can meet this standard by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit, or any other combination that will equal a minimum of one bedroom per unit.

Pricing by Household Size. Initial sales prices and rents are based on targeted "model" household sizes for each size home as determined by the number of bedrooms. Initial sales prices and rents must adhere to the following rules. These maximum sales prices and rents are based on COAH'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 Determined 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 sales prices. 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.

B. Determining Maximum Initial Sales Price

To determine the initial sales prices the Administrative Agent uses the COAH calculators located at http://www.nj.gov/dca/affiliates/coah/resources/calculators.html.

The maximum sales price for an ownership unit is determined by first calculating the amount that an appropriately sized household can afford for housing expenses at various income ranges. Several related expenses (homeowner insurance, private mortgage insurance (PMI), association fees and taxes) must then be subtracted from the household's maximum monthly contribution toward housing expenses to arrive at the maximum monthly mortgage payment. The calculated mortgage amount, a five percent down payment, and the current lending rate must be used to arrive at the maximum sales price.

C. Additional Regulations for an Ownership Development

In addition to the regulations in the previous Section entitled **Development Considerations and Compliance Issues**, ownership developments must also comply with the following regulations:

Division of Units: Low- and Moderate-income. In each affordable ownership development, at least 50 percent of all affordable units must be affordable to low-income households. The remaining affordable units must be affordable to moderate-income households.

Affordability Average. Each affordable development must achieve an affordability average of no more than 55 percent of the regional median income 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. Calculation of the affordability average is also available on COAH's website.

Maximum Initial Sales Price. The maximum initial sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of the regional median income.

Condominium/Homeowner Association Fees. Owners of affordable units and owners of market-rate units must be charged identical condominium or homeowner fees and/or special assessments.

However, affordable housing developments subject to a municipal ordinance adopted before October 1, 2001 may be exempt from this regulation if the ordinance establishes differing association fees or special assessments for market-rate and affordable unit owners. Condominium or Homeowner Association fees and increases must be considered when determining the maximum sales price and applicant's eligibility.

D. Determining Resale Prices

Calculating the maximum resale price (MRP) for an ownership unit involves applying the annual percentage increase corresponding with each calendar year since the Seller bought the house. No increase is permitted during the balance of the calendar year immediately after the sale. A Resale Price Calculator has been created by COAH to assist Administrative Agents with this calculation and is available on COAH's website. By selecting the proper county and inputting the year the home was purchased, along with the price the current Owner paid for the home, the calculator will determine the MRP for the home. The spreadsheet also includes a calculation to determine the maximum amount a homeowner may refinance, which requires the approval of the Administrative Agent.

E. Requests for Increases in Maximum Sales Price

The Seller of an ownership unit may ask the Administrative Agent to increase the sales price of their home beyond the maximum sales price under limited circumstances. Only those improvements "that render the unit suitable for a larger household or that add an additional bathroom" can increase the calculated maximum sales price. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger households. Additionally, the purchase of a central air conditioning system installed subsequent to the initial sale and not included in the initial sales price may be made a condition of the resale provided the price, subject to a 10-year straight-line depreciation, for example, a 10 percent reduction in value each year since installation, may be approved by the Administrative Agent. In this instance, the approved value of the central air conditioning does not increase the resale price, but is listed as a separate item on the HUD 1 form. Options or upgrades purchased at the time of the initial sale are not considered part of the initial sales price and therefore do not affect the value or sales price at the time of resale. 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.

F. Determining the Recapture Mortgage Amount

The amount that the Mortgage Note recaptures is the difference between the fair market value and the restricted maximum sales price. Fair market value is based on either an

appraisal of its unrestricted price or the unit's equalized assessed value of its unrestricted price, at the time of each purchase. For example, if the restricted sales price of the unit is $110,000 and the appraised unrestricted market value of the unit is $200,000, the Recapture Mortgage Note would be for $90,000. The Borough of Tenafly has determined to use the current appraised value based on recent per square foot costs of recent market rate sales at the overall development to establish the amount of the Recapture Mortgage.

IX. WAIVERS AND EXEMPTIONS[6]

A. Hardship and Income Waivers

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family. The Administrative Agent may grant a Hardship Waiver for the following extenuating circumstances:

- The Owner's employer is temporarily sending the Owner to a work place a great distance from the Owner's home.
- The Owner is called up for military service

An Owner of a low-income unit may request that the unit be sold to a household whose income exceeds the established income eligibility criteria for a low-income household by submitting a written request for an Income Waiver to the Administrative Agent. The Owner must demonstrate that this request is consistent with the following reasons for an Income Waiver:

- The Owner has made a good faith effort to sell the unit to a certified household for 120 days in accordance with procedures required by the Administrative Agent and no certified household has made a "reasonable" offer during the 120-day period. (A" reasonable" offer is any offer at or above the maximum sale price for a new unit at the original range of affordability at the time of the current sale)
- The Owner has demonstrated a willingness to consider price offers lower than the maximum allowable resale price, taking into account current market conditions and the marketability of the unit.
- The Owner has advertised the unit's availability in newspapers and other locations likely to be noticed by potential purchasers.

The Administrative Agent may grant an Income Waiver upon demonstration that the Owner has made a good faith effort to sell the unit and subject to COAH determining that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the unit.

[6] Revised 4.24.08

Upon receipt of a request for an Income Waiver,[7] the municipality shall have first option to purchase the unit at the approved resale price and holding, renting or conveying it to a certified household. The municipality shall have 30 days in which to exercise this option.

The Administrative Agent shall approve or deny a Hardship Waiver in writing within 30 days of receipt all requested verification.

The Administrative Agent shall approve or deny an Income Waiver in writing within 10 days of receipt of all requested verification from the Owner and a determination by COAH that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the units. The Income Waiver shall be provided to the Owner with a copy to the Buyer at the time of closing. The original shall be filed with the Deed. The Income Waiver is only valid for the designated resale transaction. All future resales will be in accordance with the Deed restrictions and sold to income eligible households for no more than the approved indexed resale price.

The approval of an Income Waiver for a particular resale does not guarantee receipt of the maximum resale price to the Owner.

If the Administrative Agent denies a Hardship Waiver or Income Waiver, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see **Appeals**). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

B. Exempt Transactions

The following title transactions shall be deemed "non-sales" and the Administrative Agent shall provide the Owner receiving title with written confirmation of the exemption to those restrictions that determine occupancy of the unit.

- Transfer of ownership between former spouses ordered as a result of a judicial decrees of divorce or judicial decree of separation (but not including sales to third parties);
- Transfer of ownership between family members by will or intestate succession;
- Transfer of ownership through an Executor's Deed to a Class A beneficiary; and
- Transfer of ownership by Court Order.

An exempt transfer of ownership does not terminate the resale restrictions or existing liens on the property. All liens must be satisfied in full prior to subsequent resale and all subsequent resale prices must be calculated using the resale price index in compliance with the term of the affordable housing regulations.

The exempt transaction shall not be considered as a recorded transaction in calculating subsequent resale prices.

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[7] Rev 5.16.08

The Owner shall notify the Administrative Agent in writing of any proposed transaction that requires approval as an exempt transaction. The Owner shall supply the Administrative Agent with all necessary documentation to demonstrate that the transaction qualifies as an exemption as defined above. The Administrative Agent shall approve or deny in writing a request for a Certificate of Exemption within 15 days of the receipt of the request.

If the Administrative Agent denies the exemption, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see Appeals). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

A Certificate of Exemption shall be filed with the Deed at the time of transfer of title.

X. LOCAL AFFORDABILITY PROGRAMS (under review)

XI. VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent, under the direction of the **Municipal Attorney, 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 unit by an Owner, 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.

XII. 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.

A. 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.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process.

B. 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 sales prices
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)
- Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption.

C. Files To Be Maintained on Every Project

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

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information

D. Files To Be Maintained on The Pre-applicant Pool

- Any changes to the pre-applicant pool
- Any action taken with regard to the pre-applicant pool
- Any activity that occurs that affects a particular pre-applicant
- Current applications for all pre-applicants whose status is active in the pre-applicant pool
- The application, the initial rejection notice, the pre-applicant's reply to the notice, a copy of the Administrative Agent's final response to the pre-applicant, and all documentation of the reason the pre-applicant's name was removed from the pre-applicant pool.

E. Monitoring via CTM Maintenance

A sample Deed must be submitted for each project. Additionally, the Municipal Housing Liaison, with assistance from Administrative Agents for ongoing programs, will keep the Borough's CTM records updated in accordance with COAH guidelines. The current guidance to the Municipal Housing Liaison regarding the CTM system can be found on COAH's website at http://www.state.nj.us/dca/services/lps/hss/2012monitoring.html. The information required for each unit may include, but is not limited to:

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Sale 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
- 95/5 unit

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F. Length of Time Project Records Are to be Kept

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 municipality or the Administrative Agent and outdated records must be given to the municipality for safekeeping. A file must be created and maintained on each restricted unit for its control period.

For-sale Housing Program Audit Checklist

☐	**UP-TO-DATE OPERATING MANUAL**	Comments
☐	Income Limits	
☐	Sample Forms and Letters	
	AFFIRMATIVE MARKETING	
☐	Copies of Display Ads	
☐	Copies of PSA Requests	
☐	Copies of Marketing Requests	
	RANDOM SELECTION	
☐	Log of Pre-Applications Received	
☐	Log of Random Selection Results	
☐	Database of Referrals	
	MAINTENANCE OF RECORDS	
	Files To Be Maintained on Every Applicant	
☐	Preliminary Application.	
☐	Application Form.	
☐	Income Verification, including spreadsheet to calculate applicant's income	
☐	Letter of Certification of Eligibility or	
☐	Letter of Determination of Ineligibility	
	Files To Be Maintained on Every Unit	
☐	Base sales prices	
☐	Identification as low- or moderate-income	
☐	Description of number of bedrooms and physical layout	
☐	Floor plan	
☐	Original deed restriction	
☐	Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)	
☐	Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption	
	Files to Be Maintained on Every Project	
☐	Condominium Master Deed	
☐	Condominium Public Offering	
☐	Crediting Information	
	MONITORING INFORMATION	
☐	Complete Monitoring Reporting Forms	

APPENDIX

1. COAH Annual Illustrative Sale Prices By Housing Region
2. COAH Annual Regional Income Limits Chart
3. Affirmative Marketing Plan
4. List of HUD-Certified Housing Counseling Agencies
5. Resale Procedures for Owners Wishing to Sell an Affordable Unit
6. Fee Schedule

Illustrative*
2011
Low and Moderate Income
Sales Prices for New Construction

Region 1 Bergen - Hudson - Passaic - Sussex

Median Income 1.5 person *$62,458*
Median Income 3 person *$74,950*
Median Income 4.5 person *$86,608*

Size	Very Low Income (30%)	Low Income (40%)	Max. Low (50%)	Average (55%)	Max. Moderate (70%)
1 bedroom	$42,159	$56,212	$70,265	$77,292	$98,371
2 bedroom	$50,591	$67,455	$84,318	$92,750	$118,046
3 bedroom	$58,461	$77,948	$97,434	$107,178	$136,408

NOTE:
One bedroom housing is affordable to a 1.5 person household
Two bedroom housing is affordable to a 3 person household
Three bedroom housing is affordable to a 4.5 person household

*Illustrative Only: The prices will vary depending upon municipal tax rate, county equalization ratio, permanent interest rate and condominium association fee, if applicable.

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING
2013 AFFORDABLE HOUSING REGIONAL INCOME LIMITS

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person	Max. Increase**		Regional Asset Limit***
												Rents	*Sales*	
Region 1	*Median*	$59,096	$63,317	$67,538	$75,980	$84,422	$87,799	$91,176	$97,930	$104,684	$111,437			
Bergen, Hudson, Passaic and Sussex	*Moderate*	$47,276	$50,653	$54,030	$60,784	$67,538	$70,239	$72,941	$78,344	$83,747	$89,150			
	Low	$29,548	$31,658	$33,769	$37,990	$42,211	$43,900	$45,588	$48,965	$52,342	$55,719	1.4%	0.00%	$163,245
	Very Low	$17,729	$18,995	$20,261	$22,794	$25,327	$26,340	$27,353	$29,379	$31,405	$33,431			
Region 2	*Median*	$63,430	$67,961	$72,492	$81,553	$90,614	$94,239	$97,864	$105,113	$112,362	$119,611			
	Moderate	$50,744	$54,369	$57,993	$65,242	$72,492	$75,391	$78,291	$84,090	$89,890	$95,689			
Essex, Morris, Union and Warren	*Low*	$31,715	$33,980	$36,246	$40,777	$45,307	$47,120	$48,932	$52,556	$56,181	$59,806	1.4%	0.00%	$173,843
	Very Low	$19,029	$20,388	$21,747	$24,466	$27,184	$28,272	$29,359	$31,534	$33,709	$35,883			
Region 3	*Median*	$73,500	$78,750	$84,000	$94,500	$105,000	$109,200	$113,400	$121,800	$130,200	$138,600			
	Moderate	$58,800	$63,000	$67,200	$75,600	$84,000	$87,360	$90,720	$97,440	$104,160	$110,880			
Hunterdon, Middlesex and Somerset	*Low*	$36,750	$39,375	$42,000	$47,250	$52,500	$54,600	$56,700	$60,900	$65,100	$69,300	1.4%	0.00%	$199,936
	Very Low	$22,050	$23,625	$25,200	$28,350	$31,500	$32,760	$34,020	$36,540	$39,060	$41,580			
Region 4	*Median*	$64,830	$69,461	$74,091	$83,353	$92,614	$96,319	$100,023	$107,432	$114,842	$122,251			
	Moderate	$51,864	$55,569	$59,273	$66,682	$74,091	$77,055	$80,019	$85,946	$91,873	$97,801			
Mercer, Monmouth and Ocean	*Low*	$32,415	$34,730	$37,046	$41,676	$46,307	$48,159	$50,012	$53,716	$57,421	$61,125	1.4%	0.00%	$174,209
	Very Low	$19,449	$20,838	$22,227	$25,006	$27,784	$28,896	$30,007	$32,230	$34,452	$36,675			
Region 5	*Median*	$57,050	$61,125	$65,200	$73,350	$81,500	$84,760	$88,020	$94,540	$101,060	$107,580			
	Moderate	$45,640	$48,900	$52,160	$58,680	$65,200	$67,808	$70,416	$75,632	$80,848	$86,064			
Burlington, Camden and Gloucester	*Low*	$28,525	$30,563	$32,600	$36,675	$40,750	$42,380	$44,010	$47,270	$50,530	$53,790	1.4%	0.00%	$151,043
	Very Low	$17,115	$18,338	$19,560	$22,005	$24,450	$25,428	$26,406	$28,362	$30,318	$32,274			
Region 6	*Median*	$51,086	$54,735	$58,384	$65,682	$72,979	$75,899	$78,818	$84,656	$90,495	$96,333			
	Moderate	$40,869	$43,788	$46,707	$52,545	$58,384	$60,719	$63,054	$67,725	$72,396	$77,066			
Atlantic, Cape May, Cumberland and Salem	*Low*	$25,543	$27,367	$29,192	$32,841	$36,490	$37,949	$39,409	$42,328	$45,247	$48,166	1.4%	0.00%	$136,681
	Very Low	$15,326	$16,420	$17,515	$19,704	$21,894	$22,770	$23,645	$25,397	$27,148	$28,900			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* 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 resale and rent increases for units as per N.J.A.C. 5:97-9.3. However, low income tax credit developments may increase based on the low income tax credit regulations. Landlords who did not increase rent in 2012 may increase rent by the combined 2012 and 2013 increase, or 3 percent.

*** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Since the COAH Regional Income Limits for 2012 were higher than 2013 figures, the 2012 income limits, shown above, will remain in force for 2013 and until Regional Income Limits surpass the 2012 Regional Income Limits.

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HUD Approved Housing Counseling Agencies

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Agencies located in NEW JERSEY

Agency Name	Phone, Toll Free, Fax Number, Email, Website	Address	Counseling Services	Languages	Parent Organization
ATLANTIC HUMAN RESOURCES, INCORPORATED	Phone: 609-348-4131-214 Fax: 609-345-5750 E-mail: **mrjegsr@atlhmrcs.com**	1 S New York Ave - Suite 303 ATLANTIC CITY, New Jersey 08401-8012	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Rental Housing Counseling	- English - Spanish	
SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.	Phone: 856-456-1121 E-mail: **N/A** Website: **www.scucs.org**	537 W Nicholson Rd Audubon, New Jersey 08106-1912	- Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Pre-purchase Counseling - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling	- English - Spanish - Vietnamese	
JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN	Phone: 856-309-0040 Fax: 856-309-0111 E-mail: **Jerseycou@aol.com**	1729 Erial Rd. BLACKWOOD, New Jersey 08012-4483	- Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Rental Housing Counseling - Fair Housing Pre-Purchase	- English - Spanish	JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN

TRI-COUNTY COMMUNITY ACTION AGENCY	Phone: 856-451-6330-6679 Toll-free: 800-457-3188 Fax: 856-451-3121 E-mail: **cstringfield@gatewaycap.org** Website: **gatewaycap.org**	110 Cohansey St. BRIDGETON, New Jersey 08302-1922	Education Workshops - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English - Spanish	
JERSEY COUNSELING AND HOUSING DEVELOPMENT, IN	Phone: 856-541-1000 Fax: 856-541-8836 E-mail: **JerseyCou@aol.com**	1844 S Broadway CAMDEN, New Jersey 08104-1334	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling	- English - Spanish	
NEIGHBORHOOD HOUSING SERVICES OF CAMDEN, INC	Phone: 856-541-0720 Fax: 856-541-8440 E-mail: **nhscamden@comcast.net** Website: **www.nhscamden.org**	601-603 Clinton St CAMDEN, New Jersey 08103-1415	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish - Vietnamese	
PARKSIDE BUSINESS AND COMMUNITY IN PARTNERSHIP, INC.	Phone: 856-964-0440 Fax: 856-964-3664 E-mail: **info@pbcip.org** Website: **www.pbcip.org/what_to_expect.html**	1487 Kenwood Avenue CAMDEN, New Jersey 08103-2904	- Financial Management/Budget Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling	- English	NATIONAL COMMUNITY REINVESTMENT COALITION, INC.

			- Pre-purchase Homebuyer Education Workshops		
ST. JOSEPH'S CARPENTER SOCIETY	Phone: 856-966-8117 E-mail: **rfigueroa@sjcscamden.org** Website: **www.asite.com**	20 Church St Camden, New Jersey 08105-2414	- Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	
CCCS OF NEW JERSEY	Phone: 973-267-4324 E-mail: **N/A** Website: **www.cccsnj.org**	185 Ridgedale Ave Cedar Knolls, New Jersey 07927-1812	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling	- English	NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.
CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI	Phone: 215-563-5665-2 Toll-free: 800-989-2227 Fax: 215-563-7020 E-mail: **customerservice@cccsdv.org** Website: **www.cccsdv.org**	One Cherry Hill Suite 615 CHERRY HILL, New Jersey 08002-2110	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- Cantonese - English - Spanish	CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI
NEW JERSEY CITIZEN ACTION	Phone: 800-656-9637 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: **application@njcitizenaction.org** Website: **www.njcitizenaction.org**	1040 Kings Highway Suite 308 CHERRY HILL, New Jersey 08034-1908	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish	NEW JERSEY CITIZEN ACTION
HOUSING PARTNERSHIP FOR MORRIS COUNTY	Phone: 973-659-9222 E-mail: **N/A** Website: **www.housingpartnershipnj.org**	2 E Blackwell St Ste 12 Dover, New Jersey 07801-4645	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	
			- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution		

TRI-CITY PEOPLES CORPORATION	Phone: 973-676-5506-2165 Fax: 973-675-4497 E-mail: **tcaldwell@tri-citypeoples.org** Website: **www.tri-citypeoples.org**	55 Washington St. 4th Floor EAST ORANGE, New Jersey 07017-1426	Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling	- English - Spanish	
AFFORDABLE HOUSING ALLIANCE, INC.	Phone: 732-389-2958 E-mail: **N/A** Website: **www.housingall.org**	59 Broad St Eatontown, New Jersey 07724-1528	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops	- English - Spanish	
MONEY MANAGEMENT INTERNATIONAL EGG HARBOR TOWNSHIP	Phone: 866-232-9080 Toll-free: 866-232-9080 Fax: 866-921-5129 E-mail: **counselinginfo@moneymanagement.org** Website: **www.moneymanagement.org**	3073 English Creek Ave Ste 3 Egg Harbor Township, New Jersey 08234-9711	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling	- English - Spanish	MONEY MANAGEMENT INTERNATIONAL INC.
BRAND NEW DAY	Phone: 908-282-0781 Fax: 908-282-0788 E-mail: **pmeredithbnd@optonline.net** Website: **www.brandnewdaycdc.org**	176 1st St ELIZABETH, New Jersey 07206-1865	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	NEIGHBORHOOD REINVESTMENT CORPORATION
URBAN LEAGUE OF UNION COUNTY	Phone: 908-351-7200 Fax: 908-351-9906 E-mail: **ulunioncty@aol.com**	288 N. Broad Street ELIZABETH, New Jersey 07208-3711	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Rental Housing Counseling	- Creole - English - Spanish	NATIONAL URBAN LEAGUE
URBAN LEAGUE FOR BERGEN COUNTY	Phone: 201-568-4988 Fax: 201-568-4989 E-mail: **ulbc@verizon.net**	40 N Van Brunt St Ste 28B ENGLEWOOD,	- Mortgage Delinquency and Default Resolution	- English - Korean	

	Website: **www.urbanleague4bc.org**	New Jersey 07631-2716	Counseling	- Spanish	
GARDEN STATE CONSUMER CREDIT COUNSELING, INC. D/B/A/ NOVADEBT	Phone: 866-472-4557 Toll-free: 866-472-4557 Fax: 732-409-6284 E-mail: **novadebthousing@novadebt.org** Website: **www.novadebt.org**	225 Willowbrook Road FREEHOLD, New Jersey 07728-5921	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	GARDEN STATE CONSUMER CREDIT COUNSELING, INC. D/B/A/ NOVADEBT
GARDEN STATE CONSUMER CREDIT COUNSELING, INC. D/B/A/ NOVADEBT	Phone: 866-472-4557 Toll-free: 866-472-4557 Fax: 732-409-6284 E-mail: **education@novadebt.org** Website: **www.novadebt.org**	225 Willowbrook Road FREEHOLD, New Jersey 07728-5921	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English	
GARDEN STATE CONSUMER CREDIT COUNSELING, INC./NOVADEBT - HPF AFFILIATE	Phone: 866-472-4557 Toll-free: 866-472-4557 Fax: 732-409-6284 E-mail: **education@novadebt.org** Website: **www.novdebt.org**	225 Willowbrook Road FREEHOLD, New Jersey 07728-5921	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling	- English - Spanish	HOMEOWNERSHIP PRESERVATION FOUNDATION
BERGEN COUNTY COMMUNITY ACTION PARTNERSHIP, INC.	Phone: 201-968-0200 Fax: 201-342-9339 E-mail: **info@bergencap.org** Website: **www.bergencap.org**	241 Moore St Hackensack, New Jersey 07601-7533	- Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English - Spanish	
FAIR HOUSING COUNCIL OF NORTHERN NEW JERSEY	Phone: 201-489-3552 Fax: 201-489-8472 E-mail: **fhcnnj1@optimum.net** Website: **www.fhcnnj.org**	131 Main Street Suite140 HACKENSACK, New Jersey 07601-7052	- Fair Housing Pre-Purchase Education Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Rental Housing Counseling	- English - Spanish	
FAMILY GUIDANCE CENTER CORPORATION	Phone: 609-586-2574 Toll-free: 888-379-0604 Fax: 609-586-4759 E-mail: **jeff.robbins@fgccorp.org** Website: **www.cccscentralnj.com**	1931 Nottingham Way HAMILTON, New Jersey 08619-3554	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English - Spanish	
			- Fair Housing Pre-Purchase		

MERCER COUNTY HISPANIC ASSOCIATION	Phone: 609-587-8800 Fax: 609-587-8836 E-mail: **lrobinson@njmecha.org** Website: **www.njmecha.org**	18 East 6th Ave. Satellite Office: 821 S. Broad St. Trenton, NJ 08611 HAMILTON, New Jersey 08619-3225	Education Workshops - Financial Management/Budget Counseling - Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English - Farsi - Spanish	
NEW JERSEY CITIZEN ACTION	Phone: 800-656-9637 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: **application@njcitizenaction.org** Website: **www.njcitizenaction.org**	75 Raritan Ave., Suite 200 HIGHLAND PARK, New Jersey 08904-2450	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish	NEW JERSEY CITIZEN ACTION
HUDSON COUNTY HOUSING RESOURCE CENTER, INC.	Phone: 201-795-5615-205 Fax: 201-795-2525	574 Newark Avenue JERSEY CITY, New Jersey 07306-2323	- Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops	- English - Portuguese - Spanish	
CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT	Phone: 609-390-9652 Toll-free: 888-738-8233 Fax: 609-390-9653 E-mail: **help@cc-bc.com** Website: **www.cc-bc.com**	299 S Shore Rd US Route 9 So Marmora, New Jersey 08223-1210	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling	- English - Spanish	NATIONAL COUNCIL ON AGING (NCOA)
AFFORDABLE HOMES OF	Phone: 856-293-0100	400 East Main St.	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting and Credit Repair Workshops - Home Improvement and Rehabilitation Counseling - Non-Delinquency Post Purchase Workshops		

MILLVILLE ECUMENICAL	Fax: 856-293-0101 E-mail: **ahomeinc@juno.com**	MILLVILLE, New Jersey 08332-5356	- Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English - Spanish	
URBAN LEAGUE OF MORRIS COUNTY	Phone: 973-539-2121 Fax: 973-998-6520 E-mail: **mdavis@ulmcnj.org** Website: **www.ulmcnj.org**	300 Madison Avenue, Suite A MORRISTOWN, New Jersey 07960-6169	- Mortgage Delinquency and Default Resolution Counseling - Rental Housing Counseling	- English	NATIONAL URBAN LEAGUE
PUERTO RICAN ACTION BOARD, INC. (HOUSING COALITION UNIT)	Phone: 732-249-9700 Fax: 732-249-4121 E-mail: **hgorman@prab.org** Website: **www.prab.org**	90 Jersey Ave NEW BRUNSWICK, New Jersey 08901-3258	- Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling	- English - Portuguese - Spanish	
EPISCOPAL COMMUNITY DEVELOPMENT, INC	Phone: 973-710-1501 Fax: 973-900-8789 E-mail: **ben@ecdonline.org** Website: **www.ecdonline.org**	620 Clinton Ave NEWARK, New Jersey 07108-1426	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Portuguese - Spanish	
LA CASA DE DON PEDRO	Phone: 973-485-0701-4601 Fax: 973-485-7448 E-mail: **aries@lacasanwk.org** Website: **www.lacasanwk.org**	317 Roseville Avenue NEWARK, New Jersey 07107-1703	- Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	
NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA) NEWARK, NJ	Phone: 973-679-2601 Toll-free: 888-297-5568 E-mail: **kcampbell@naca.com** Website: **www.naca.com**	60 Park Place 15th Floor NEWARK, New Jersey 07102-5511	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops	- English - Other - Spanish	NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA)

NEW COMMUNITY FEDERAL CREDIT UNION	Phone: 973-621-2363 Fax: 973-645-0252 E-mail: **mulu@newcommunity.org** Website: **www.newcommunityFCU.org**	274 S Orange Ave Newark, New Jersey 07103-2419	- Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Hindi	NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS
NEW JERSEY CITIZEN ACTION	Phone: 973-643-8800 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: **application@njcitizenaction.org** Website: **www.njcitizenaction.org**	744 Broad St Ste 2080 Newark, New Jersey 07102-3805	- Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish	
TRI-CITY PEOPLES CORPORATION	Phone: 973-676-5506 Toll-free: 800-201-4095 Fax: 973-675-4493 E-mail: **tcaldwell@tri-citypeoples.org** Website: **www.tri-citypeoples.org**	675 S. 19th Street NEWARK, New Jersey 07103-1033	- Rental Housing Counseling - Services for Homeless Counseling	- English - Spanish	TRI-CITY PEOPLES CORPORATION
URBAN LEAGUE OF ESSEX COUNTY	Phone: 973-624-9535 Fax: 973-624-9597 E-mail: **alarkins@ulec.org** Website: **www.ulec.org**	508 Central Avenue NEWARK, New Jersey 07107-1430	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Financial, Budgeting and Credit Repair Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Resolving/Preventing Mortgage Delinquency Workshops - Services for Homeless Counseling	- English	NATIONAL URBAN LEAGUE

NEW JERSEY CITIZEN ACTION	Phone: 800-656-9637 Toll-free: 800-656-9637 Fax: 973-643-8100 E-mail: **application@njcitizenaction.org** Website: **www.njcitizenaction.org**	128 Market St. PASSAIC, New Jersey 07055-7623	- Home Improvement and Rehabilitation Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish	NEW JERSEY CITIZEN ACTION
CATHOLIC FAMILY AND COMMUNITY SERVICES, A CATHOLIC CHARITIES AGENCY FOR THE DIOCESE OF PATERSON	Phone: 973-279-7100-20 Fax: 973-523-1150 E-mail: **aalonso@catholicharities.org**	24 DeGrasse Street PATERSON, New Jersey 07505-2001	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Rental Housing Counseling - Services for Homeless Counseling	- English - French - Hindi - Spanish - Vietnamese	CATHOLIC CHARITIES USA
HOUSING AUTHORITY OF THE CITY OF PATERSON	Phone: 973-345-5085 Fax: 973-977-9085 E-mail: **lvasquez@patersonha.org** Website: **www.patersonhousingauthority.org**	60 Van Houten St Paterson, New Jersey 07505-1028	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	
PATERSON TASK FORCE FOR COMMUNITY ACTION, INC	Phone: 973-279-2333-217 Fax: 973-279-2334 E-mail: **patersontaskforce@verizon.net**	9 Colt Street PATERSON, New Jersey 07505-1413	- Mortgage Delinquency and Default Resolution Counseling	- English	
PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT, INC.	Phone: 732-442-1081 Fax: 732-826-3082 E-mail: **prahd@prodigy.net** Website: **www.prahd.org**	100 First Street PERTH AMBOY, New Jersey 08861-4645	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Resolving/Preventing Mortgage Delinquency Workshops	- English - Spanish	
THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY	Phone: 732-826-3110-631 Fax: 732-826-3111 E-mail: **eugenia@perthamboyha.org** Website: **www.perthamboyha.org/**	881 Amboy Avenue PERTH AMBOY, New Jersey 08861-1911	- Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Resolving/Preventing Mortgage Delinquency Workshops	- English - Other - Spanish	
			- Financial		

FAITH, BRICKS & MORTAR, INC.	Phone: 908-756-5774-1 Fax: 908-756-4413 E-mail: **faithbricksandmortar@verizon.net** Website:	164 East Front Street - REAR-PLAINFIELD, New Jersey 07060-1202	Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English	
NID-HCA S. JACKSON	Phone: 908-755-4177 E-mail: **N/A** Website: **www.nidonline.org**	216 Park Ave Plainfield, New Jersey 07060-1206	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English	NATIONAL ASSOCIATION OF REAL ESTATE BROKERS-INVESTMENT DIVISION, INC
CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.	Phone: 908-704-9659 E-mail: **N/A** Website: **www.cjhrc.org**	600 1st Ave Ste 3 Raritan, New Jersey 08869-1346	- Financial, Budgeting and Credit Repair Workshops - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling - Rental Housing Workshops	- English - Spanish	
FAITH FELLOWSHIP COMMUNITY DEVELOPMENT CORPORATION	Phone: 732-727-9500 Fax: 732-653-0208 E-mail: **cbulluck@ffmwoc.org** Website: **www.ffcdc.net**	2707 Main St Sayreville, New Jersey 08872-1457	- Financial, Budgeting and Credit Repair Workshops - Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	
MONEY MANAGEMENT INTERNATIONAL TINTON FALLS	Phone: 866-232-9080 Toll-free: 866-232-9080 Fax: 866-921-5129 E-mail: **counselinginfo@moneymanagement.org** Website: **www.moneymanagement.org**	2200 Highway 35 Sea Girt, New Jersey 08750-1014	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - Spanish	MONEY MANAGEMENT INTERNATIONAL INC.

			- Rental Housing Counseling		
OCEAN COMMUNITY ECONOMIC ACTION NOW, INC. (O.C.E.A.N., INC.)	**Phone:** 732-244-2351-22 Fax: 732-557-4120 E-mail: **pford@oceaninc.org** Website: **www.oceaninc.org**	22 Hyers St TOMS RIVER, New Jersey 08753-7428	- Mortgage Delinquency and Default Resolution Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Rental Housing Counseling	- English - Spanish	
AMERICAN CREDIT ALLIANCE, INC.	Phone: 609-393-5400 Toll-free: 800-332-8648 Fax: 215-428-6746 E-mail: **info@501plan.org** Website: **www.501plan.org**	26 South Warren Street TRENTON, New Jersey 08608-2108	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops	- English - French - Russian - Spanish	AMERICAN CREDIT ALLIANCE
ISLES, INCORPORATED	Phone: 609-341-4731 E-mail: **prose@isles.org** Website: **isles.org/**	10 Wood St Trenton, New Jersey 08618-3921	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English - Spanish	
CUBAN AMERICAN NATIONAL COUNCIL, INC. - NEW JERSEY	Phone: 201-325-8840 Fax: 201-325-8841 E-mail: **gpera@cnc.org** Website: **www.cnc.org**	4428-30 Bergenline Ave 2nd Floor UNION CITY, New Jersey 07087-5004	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops	- English - Spanish	NATIONAL COUNCIL OF LA RAZA
NORTH HUDSON COMMUNITY	Phone: 201-866-9320	5301 Broadway	- Financial Management/Budget Counseling - Pre-purchase Counseling - Pre-purchase Homebuyer		

ACTION CORPORATION	E-mail: **N/A** Website: **www.nhcac.org**	West New York, New Jersey 07093-2622	Education Workshops - Rental Housing Counseling - Rental Housing Workshops - Services for Homeless Counseling	- English - Spanish	
CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI	Phone: 215-563-5665 Toll-free: 800-989-2227 Fax: 215-563-7020 E-mail: **customerservice@cccsdv.org** Website: **www.cccsdv.org**	United Way of Burlington County 595 Rancocas Road Westampton, New Jersey 08060	- Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Reverse Mortgage Counseling - Services for Homeless Counseling	- English	CCCS OF DELAWARE VALLEY, INC. DBA CLARIFI
BURLINGTON COUNTY COMMUNITY ACTION PROGRAM	Phone: 609-835-4329-4015 Fax: 609-835-9607 E-mail: **kxavier@yahoo.com** Website: **www.bccap.org**	One Van Sciver Parkway WILLINGBORO, New Jersey 08046-1026	- Fair Housing Pre-Purchase Education Workshops - Financial Management/Budget Counseling - Mortgage Delinquency and Default Resolution Counseling - Non-Delinquency Post Purchase Workshops - Pre-purchase Counseling - Pre-purchase Homebuyer Education Workshops - Predatory Lending Education Workshops - Rental Housing Counseling - Services for Homeless Counseling	- English - Spanish	

You can narrow your search within this state by using one or more of the following search criteria and clicking the "Search" button. To choose another state please click on the "Go Back" link at the **top of this page.**

Agency Name:

Specific City:

Specific Zip:

Counseling Service:

Language:

Parent Organization:

Designation:
- Colonias
- Migrant Workers
- Faith Based

Search

Download **Adobe Acrobat Reader** to view PDF files located on this site.

Borough of Tenafly Affordable Housing Program

AFFORDABLE OWNER NOTICE OF INTENT TO SELL

In accordance with the Borough of Tenafly NJ Fair Share Affordable Housing Agreement, this Notice of Intent to Sell an Affordable Housing unit has been prepared and provided to The Borough of Tenafly, Affordable Housing Program.

OWNER'S NAME: _____

CO-OWNER'S NAME: _____

MAXIMUM SALES PRICE: _____ DATE: _____

UNIT ADDRESS: _____

TELEPHONE: Home _____ Work _____ Cell _____

EMAIL ADDRESS _____

I (We) understand that the Borough of Tenafly, Affordable Housing Program will be referring eligible households to me as proposed purchasers of my affordable housing unit. These potential buyers will show me, on Borough of Tenafly, Affordable Housing Program letterhead, documentation that they are certified affordable purchasers.

I (We) understand that this sale is an equal opportunity, and that it is illegal to discriminate against any person of race, color, religion, handicap, familial status, or national origin.

I (We) agree to treat all households referred to the Affordable Home with equality and are aware that I (We) must make appointments to show my/our unit to households certified by the Tenafly Affordable Housing Program. I (We) understand that I (We) am/are obligated to contact The Affordable Housing Program and inform them of the results, every time I(We) show my/our unit to a certified household by calling or emailing The Affordable Housing Program office.

I (We) understand that a fee of 2.5% of the selling price will be payable at closing to The Borough of Tenafly, Affordable Housing Program for the processing of the sale, qualifying eligible purchasers and the preparation of the transfer of affordable housing restrictions and requirements from the seller to the buyer. This amount will be reflected on the HUD-1 settlement statement and a representative of The Borough of Tenafly, Affordable Housing Program may receive the check at closing.

I (We) understand that the Borough of Tenafly, Affordable Housing Program does not provide legal, real estate or appraisal services and agree to submit a copy of a fully signed Contract of Sale to The Borough of Tenafly, Affordable Housing Program within three business days of both parties signing the contract and the contract being out of the Attorney Review period. I (We) am/are also aware that no less than two weeks before the closing date I (We) must provide The Borough of Tenafly, Affordable Housing Program the name, address, email address, phone and fax number of my real estate attorney. I (We) understand that I (We) must provide my attorney with a copy of this document.

Signature: Signature:

_____ _____

Owner Co-Owner

Borough of Tenafly Affordable Housing Program

RESALE PROCEDURES FOR OWNERS OF AFFORDABLE HOUSING

1. This Maximum Resale Price Packet includes the MRP letter, the Notice of Intent to Sell, and a Property Information Worksheet. Please complete and send both documents back to Borough of Tenafly Affordable Housing Program when you are ready to begin the resale process. The Notice of Intent to Sell is your contract with the Borough of Tenafly, Affordable Housing Program to market your affordable housing unit for sale. The fee the seller will be responsible to pay is 2.5% of the sales price. This will be part of the settlement fees and paid at time of closing to a representative of the Borough of Tenafly, Affordable Housing Program.

2. Our office maintains a list of applicants that are qualified to purchase an affordable unit and those prospective buyers will all be notified that your unit is for sale. These buyers will be provided with information regarding your unit and your telephone number to call, schedule a time to view the unit and make an offer if interested.

3. All prospective buyers must be qualified and certified through the Borough of Tenafly, Affordable Housing Program. Applicants are qualified based on income and household size as determined by the income guidelines set by the New Jersey Department of Community Affairs (DCA) and must be able to obtain a pre-approval from a lending institution.

4. Many times there are more qualified prospective buyers waiting to purchase a unit than there are units available. If this is the case, a random selection "lottery" may be required. If a lottery is held, prospective buyers are notified of the for-sale unit and provided a number of days to view the unit and make an offer, if interested, in the order they are selected in the lottery drawing.

5. If you have pictures/floor plan, etc. that you would like to include with the internet posting associated with your unit, you can either email them to the Tenafly Affordable Housing Program or you can include them in your return package. Be advised, pictures will not be returned.

6. When you have found an interested buyer who has been certified by this office, you and the purchaser will sign a "purchase agreement" provided to you at the time you put your unit up for sale. The purchase agreement will contain the sales price of the unit and all items included in the sale. The buyer also will give you a "good faith" deposit check. Your real estate attorney will advise you as to the amount and is made payable to your real estate attorney. Within three days of placing your unit on the market you must provide our office with your real estate attorney's name, address, email address, phone and fax information. You should notify your real estate attorney that you are selling your affordable housing unit.

7. After you sign the purchase agreement, you will need to send one copy to the Tenafly Affordable Housing Program office along with the attorney information form. Then you bring one copy and the good faith deposit check to the attorney. Shortly thereafter a contract of sale will be drawn up, signed by both the seller and the buyer and a tentative closing date will be scheduled. The contract will then go into attorney review for three days. Once the contract becomes finalized, you need to send to the Borough of Tenafly, Affordable Housing Program a copy of the signed contract.

8. Your real estate attorney will notify the Borough of Tenafly, Affordable Housing Program at least 2 weeks before the scheduled closing of the sale. We will prepare legal documents needed for the affordability controls. These documents will include an affordable housing deed.

9. At the closing, you will be charged a resale fee, as outline in the Intent to Sell. An invoice will be prepared and sent to your attorney. This fee covers the costs associated with the resale of your unit.

10. PLEASE REMEMBER ALL PROSPECTIVE BUYERS MUST APPLY AND BE QUALIFIED THROUGH THE BOROUGH OF TENAFLY, AFFORDABLE HOUSING PROGRAM OFFICE.

Borough of Tenafly Affordable Housing Program
SELLER'S CHECKLIST

The following is a checklist of information that must be provided to the Borough of Tenafly Affordable Housing Program office at the time you to place your unit on the market.

Please submit copies of all documents, no originals.

- ⑥ Copy of your deed.
- ⑥ Copy of the HUD-1 Settlement Statement (also known as RE SPA) - the document which indicates the sales price and an itemized list of the expenses associated with the closing when you purchased the affordable unit.
- ⑥ Copy of the payment coupon or proof of what you pay for maintenance fees.
- ⑥ Copy of your most current tax assessment statement received from the municipality.
- ⑥ Copy of a current tax bill if you pay your own taxes and it is not included in the mortgage payment (quarterly or annually).
- ⑥ Copy of your most recent mortgage statement indicating the amount you presently pay in taxes, if your taxes are included in the mortgage payment.
- ⑥ Name, address, telephone number and fax number of your real estate attorney if you have retained one already. You must retain a real estate attorney within 3 business days of placing your unit on the market with our office. Your real estate attorney must also tell you how the potential purchaser of your unit will need to make their good faith deposit check.
- ⑥ A list of items included with the sale of the unit (e.g. washer, dryer, etc.) and a list of upgrades and features of your unit that you would wish to inform prospective buyers about. This information will be placed on a flyer and provided to prospective buyers. IF YOU PUT IN AN A/C UNIT (when one did not previously exist) and YOU HAVE PROOF (receipts), then you should bring this with you. We will explain the rule on air conditioning with you at the time you provide receipts.

If you have any questions or require additional information please contact the Borough of Tenafly Affordable Housing Program at [phone number].

Appendix W: Resolution Appointing MHL

DRAFT

Borough of Tenafly

MAYOR AND COUNCIL

RESOLUTION #R25-51

OFFERED BY: C. Roglieri

SECONDED BY: C. Park

At a Reorganization Meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on January 2, 2024.

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

WHEREAS, the Borough of Tenafly has amended Chapter 35, entitled "Land Development Regulation" to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Tenafly's affordable housing program.

NOW THEREORE BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly in the County of Bergen and the State of New Jersey that Amanda Booth, Municipal Land Use Law Officer, is hereby appointed by the Governing Body of the Borough of Tenafly as the Municipal Housing Liaison for the administration of the affordable housing program of the Borough of Tenafly.

	AYE	NAY	ABSTAIN	ABSENT		AYE	NAY	ABSTAIN	ABSENT
CORSAIR	✓				O'CONNOR	✓			
DAYTON	✓				PARK	✓			
MICHAELS	✓				ROGLIERI	✓			

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL ON JANUARY 2, 2025.

Omar Stovall

Omar Stovall, MPA, RMC, CMR
Borough Clerk/Assistant Borough Administrator

Appendix X: Affirmative Marketing Plan

DRAFT

Borough of Tenafly

MAYOR AND COUNCIL

RESOLUTION #R18-432

OFFERED BY: C. Basch

SECONDED BY: C. Park

At a Regular Meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on December 11, 2018.

WHEREAS, pursuant to the Judgment of Compliance and Repose filed on July 7, 2018, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6124-15, and pursuant to the Settlement Agreement between the Borough and Fair Share Housing Center, dated June 12, 2018, and the terms of the Borough's Affordable Housing Ordinance, Ordinance No. 18-24, adopted on December 11, 2018, the Borough is required to adopt, by Resolution, an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough are affirmatively marketed to very-low, low-, and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Borough of Tenafly.

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

1. The Borough Council hereby adopts the Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 in the form annexed hereto and made a part hereof.

2. All affordable units in the Borough of Tenafly shall be marketed in accordance with the provision of this Resolution and the attached form of Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 unless otherwise provided by law or regulation of the State of New Jersey.

3. The attached Affirmative Fair Housing Marketing Plan shall apply to all developments in the jurisdiction of the Borough that contain or will contain very low-, low- and moderate-income units, including those that are part of the Borough's Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

4. All developers/owners of existing affordable housing units and their respective Administrative Agents shall amend their Affirmative Marketing Plan and comply with the regional marketing strategies set forth in this Resolution and the attached Affirmative Fair Housing Marketing Plan adopted by the Borough.

5. The Affirmative Fair Housing Marketing Plan shall be implemented by a qualified Administrative Agent under contract to the developer/owner of the affordable housing units, whose designation is approved by a resolution of the Borough Council. All of the costs associated with the services of the Administrative Agent, advertising and affirmative marketing of the affordable housing units shall be borne by the developer/owner of the affordable housing units.

6. In implementing the Affirmative Fair Housing Marketing Plan, all Administrative Agents shall undertake, at a minimum, the following strategies:

a. Publication of one advertisement in a newspaper of general circulation throughout the entire Housing Region 1.

b. Broadcast of one advertisement by a radio station broadcasting throughout the entire Housing Region 1.

c. At least one additional regional marketing strategy using one of the other sources listed on the attached Affirmative Marketing Plan.

d. Provide notice of available housing units to the following groups/organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, Bergen County NAACP, Jersey City NAACP, Paterson NAACP, Passaic NAACP, Hoboken NAACP, the Latino Action Network, the Bergen County Housing Authority, Northeast New Jersey Legal Services, Bergen Urban League, Garden State Episcopal CDC, Mount Olive Baptist Church, Urban League Affordable Housing & CDC, Bergen County Housing Coalition, Fair Housing Council of Northern New Jersey, New Jersey Community Development, Advance Housing, Paterson Habitat for Humanity, Family Promise of Bergen County, Saint Paul's Community Develop Corp., Supportive Housing Associates of New Jersey, Islamic Center of New Jersey, and Monarch Housing Associates.

7. 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 or sponsor 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 the region. It is a continuing program that directs all marketing activities towards the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Tenafly is located in Housing Region 1, consisting of Bergen, Hudson, Passaic, and Sussex Counties.

8. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following minimum requirements:

a. All newspaper articles, announcements, advertisements and requests for applications for very low-, low-, and moderate-income units shall appear in the Star Ledger.

b. The primary marketing shall take the form of at least one press release and a paid advertisement in the above newspapers at the start of the affirmative marketing process. Additional advertising and publicity shall be on an "as needed" basis. All press releases and advertisements shall be approved in advance by the Administrative Agent designated for the affordable housing units. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent designated for the affordable housing units.

c. All advertisements shall include at a minimum a description which includes:

   i. The location of the units;
   ii. Directions to the units;
   iii. Range of prices for the units;
   iv. Size of units as measured in number of bedrooms;
   v. Maximum income permitted to qualify for the units;
   vi. Location of applications;
   vii. Business hours when interested households may obtain an application; and
   viii. Application fees, if any.

d. Newspaper articles, announcements and information on where to request applications for very low-, low-, and moderate-income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Bergen County and the other two of which shall be circulated primarily outside of Bergen County but within Housing Region 1.

e. Applications, brochures, signs and/or posters used as part of the affirmative marketing program shall be available/posted in the following locations:

   i. Tenafly Borough Hall;
   ii. Borough Public Library
   iii. Bergen County Library
   iv. Bergen County Administration Building
   v. Developer's Sales/Rental Office

f. Applications shall be mailed by the Administrative Agent designated for the affordable housing units to prospective applicants upon request. Applications shall also be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

g. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that 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, including the groups/organizations and major regional employers identified on the Tenafly Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1, attached hereto and made a part of this Resolution.

h. A random selection method to select occupants of very low-, low- and moderate-income housing units will be used by the respective Administrative Agent designated for the affordable housing units in conformance with N.J.A.C. 5:80-26.16. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.

i. The respective Administrative Agent for affordable housing units shall administer the Affirmative Marketing Plan. The respective Administrative Agent has the responsibility to income qualify very low-, low-, and moderate-income households; to place income eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low-, low-, and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low-, and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan, if applicable, as per N.J.A.C. 5:80-26.1 et seq.

j. The respective Administrative Agent for affordable housing units shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

k. All developers/owners of very low-, low- and moderate-income housing units in the Borough shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of their contracted Administrative Agent.

l. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low-

and moderate-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.

m. The respective Administrative Agent shall provide the Municipal Housing Liaison for the Borough of Tenafly with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26.1 et seq.

9. A copy of this Resolution and the attached Tenafly Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 shall be provided to all designated Administrative Agents for existing affordable housing units in the Borough and to all developers/owners of future affordable housing units.

10. This Resolution shall take effect immediately.

	AYE	NAY	ABSTAIN	ABSENT		AYE	NAY	ABSTAIN	ABSENT
BARZELATTO				x	GROSSMAN	x			
BASCH	x				HAIDER	x			
DAYTON	x				PARK	x			

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL ON December 11, 2018

Lissette Aportela, MPA, RMC, CMC
Borough Administrator/Borough Clerk

#R18-432

BOROUGH OF TENAFLY

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	1b. Development or Program Name, Address
Community Action Services PO Box 6025 East Brunswick, NJ 08816 732-485-0756	**Borough of Tenafly Affordable Housing Program**

1c.	1d. Price or Rental Range	1e. State and Federal Funding Sources (if any)
Number of Affordable Units: TBD Number of Rental Units: TBD Number of For-Sale Units: TBD	From: TBD To TBD	N/A

1f.	1g. Approximate Starting Dates
☐ Age Restricted X Non-Age Restricted	Advertising: As Needed Occupancy: As Appropriate

1h. County	1i. Census Tract(s): TBD
Bergen, Hudson, Passaic, Sussex	

1j. Managing/Sales Agent's Name, Address, Phone Number: –

Community Action Services
Steven Weinberg
PO Box 6025
East Brunswick, NJ 08816
732 485-0756

1k. Application Fees (if any): TBD

(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.

The Administrative Agent will assign random numbers to each affordable housing applicant for each Tenafly affordable housing project through a computerized random number generator. Following Tenafly's initial lottery for a given project, the lottery numbers in any subsequent lottery will begin after the last existing lottery number on the Tenafly waiting list for that project. Applicants with existing lottery numbers will retain their lottery numbers.

After the list of applications submitted for a specific project during the initial lottery period is exhausted, the priority of preliminary applications is established by the date the household submitted their preliminary application (Preapplication Date) - first come, first served.

In addition to the random number assigned to the household and/or the Preapplication date, there are other factors impacting waiting priority which are described below.

- **Regional Preference:** Applicants that indicated that they lived or work in Tenafly's Affordable Housing Region 1 (Hudson, Bergen, Passaic or Sussex Counties) will be contacted first. Once those applicants are exhausted, New Jersey resident applicants outside Region 1 will be contacted. Once all New Jersey resident applicants are exhausted, applicants not living in New Jersey will be contacted.

- **Household Size:** Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no in-region households with a person for each bedroom size, units will be offered to smaller sized in-region households that do not have a person for each bedroom. 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 size category.

- **Fully Accessible Units:** A household with a person with physical disabilities will get preference on the waiting list for the very limited number of accessible units that might be included in a given affordable housing project. If there is more than one household with a person with physically disabilities on the waiting list, in-region households with a person for each bedroom will be contacted first. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.

WEB SITES:

New Jersey Housing Resource Center: (https://www.nj.gov/njhrc/) A free online listing of affordable housing

Tenafly Borough: (http://www.tenaflynj.org) A link from municipal website

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)

☐ White (non-Hispanic X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

☐ Asian or Pacific Islander ☐ Other group:

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing ☐

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			
X	Once at the start of the affirmative marketing process	Star-Ledger	Northern and Central New Jersey
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
☐		Record, The	Bergen
☐		Jersey Journal	Hudson
☐		Herald News	Passaic
☐		New Jersey Herald	Sussex
TARGETS PARTIAL HOUSING REGION 1			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
☐		Bayonne Community News	Hudson
☐		Northern Valley Suburbanite	Northern Bergen
☐		Teaneck Suburbanite	Teaneck, Bergen
☐		Twin Boro News	Northern Bergen
☐		Shopper News	Bergen
☐		The Ramsey Reporter	Ramsey, Bergen
☐		The Town Journal	Franklin Lakes, Bergen
☐		The Village Gazette	Ridgewood, Bergen
☐		Messenger	Garfield, Bergen
☐		Observer	Hasbrouck Heights, Bergen

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

☐		Our Town	Northern Bergen
☐		The Glen Rock Gazette	Glen Rock, Bergen
☐		Ridgewood News	Ridgewood, Bergen
☐		Suburban News	Northern Bergen
☐		Town News	Northern Bergen
☐		Wyckoff Suburban News	Wyckoff, Bergen
☐		The South Bergenite	Southern Bergen
☐		Secaucus Home News	Secaucus, Hudson
☐		The Advertiser	Sussex
☐		The Advertiser News	Sussex
☐		Sparta Independent	Sparta, Sussex
☐		Sussex County Chronicle	Sparta, Sussex
☐		The Connection Newspaper	Southern Bergen
☐		Jewish Community News	(Jewish) Bergen
☐		Jewish Standard	(Jewish) Bergen
☐		Avance	(Spanish) Hudson
☐		Continental	(Spanish) Hudson
☐		La Tribuna de North Jersey	(Spanish) Hudson
☐		The Argus	West Paterson, Passaic
☐		Suburban Life	Passaic
☐		Today Newspaper	Passaic
☐		Community Life	Northern Bergen
☐		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
☐		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
☐		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
☐		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area

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

TARGETS PARTIAL HOUSING REGION 1			
☐		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
☐		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
☐		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
☐		26 WNXY-LP Island Broadcasting Company	Bergen, Hudson
☐		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
☐		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
☐		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
☐		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
☐		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
☐		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
☐		22 WMBQ-CA Renard Communications Corp.	Hudson
☐		34 WPXO-LP Paxson Communications License Company, Llc	Hudson
☐		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)

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

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

☐		Hometown Online	Partial Passaic
☐		Cable Vision of Morris, Warwick	Partial Sussex
☐		Hometown Online	Partial Sussex
☐		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			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
☐		WCBS 880	
☐		WBBR 1130	
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WFME 94.7	Christian
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WSKQ-FM 97.9	Spanish
☐		WAWZ 99.1	Christian
☐		WBAI 99.5	
☐		WHTZ 100.3	
☐		WHUD 100.7	
☐		WCBS-FM 101.1	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WKTU 103.5	
☐		WAXQ 104.3	
☐		WWPR-FM 105.1	

☐		WLTW 106.7	
☐		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			
☐		WEEX 1230	Bergen
☐		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
☐		WMCA 570	Bergen, Hudson, Passaic (Christian)
☐		WNYC 820	Bergen, Hudson, Passaic
☐		WRKL 910	Bergen, Hudson, Passaic (Polish)
☐		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
☐		WWDJ 970	Bergen, Hudson, Passaic (Christian)
☐		WINS 1010	Bergen, Hudson, Passaic
☐		WEPN 1050	Bergen, Hudson, Passaic
☐		WVNJ 1160	Bergen, Hudson, Passaic
☐		WLIB 1190	Bergen, Hudson, Passaic (Christian)
☐		WADO 1280	Bergen, Hudson, Passaic (Spanish)
☐		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
☐		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
☐		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
☐		WQEW 1560	Bergen, Hudson, Passaic
☐		WWRL 1600	Bergen, Hudson, Passaic
☐		WWRU 1660	Bergen, Hudson, Passaic (Korean)
☐		WMTR 1250	Passaic
☐		WGHT 1500	Passaic
☐		WNNJ 1360	Sussex
FM			
☐		WSOU 89.5	Bergen, Hudson
☐		WCAA 105.9	Bergen, Hudson (Latino)
☐		WBGO 88.3	Bergen, Hudson, Passaic
☐		WFDU 89.1	Bergen, Hudson, Passaic
☐		WKCR-FM 89.9	Bergen, Hudson, Passaic
☐		WNYU-FM 89.1	Bergen, Hudson, Passaic

☐		WFUV 90.7	Bergen, Hudson, Passaic
☐		WFMU 91.1	Bergen, Hudson, Passaic
☐		WNYE 91.5	Bergen, Hudson, Passaic
☐		WRKS 98.7	Bergen, Hudson, Sussex
☐		WRTN 93.5	Bergen, Hudson, Sussex
☐		WHCR-FM 90.3	Bergen, Passaic
☐		WPSC-FM 88.7	Passaic
☐		WRHV 88.7	Passaic
☐		WNJP 88.5	Sussex
☐		WNTI 91.9	Sussex
☐		WCTO 96.1	Sussex
☐		WSUS 102.3	Sussex
☐		WNNJ-FM 103.7	Sussex
☐		WDHA -FM 105.5	Sussex
☐		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				
☐		Al Manassah		Arab-American
Monthly				
☐		Sino Monthly	North Jersey/NYC area	Chinese-American

TARGETS PARTIAL HOUSING REGION 1				
Daily				
☐		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
☐		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
☐		La Voz	Hudson, Union, Middlesex Counties	Cuban community
☐		Italian Tribune	North Jersey/NYC area	Italian community
☐		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
☐		El Especialito	Union City	Spanish-Language
☐		El Nuevo	Hudson County	Spanish-Language
☐		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greeebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
X		Su Guia	Bergen and Passaic	Spanish-Language
☐		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
☐		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			
X	A flyer will be mailed once at the start of the affordable marketing process	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus, NJ 07094
X	A flyer will be mailed once at the start of the affordable marketing process	USPS	80 County Road, Jersey City, Nj 07097
☐		Liz Claiborne Inc	1 Claiborne Ave, North Bergen
☐		Credit Suisse First Boston LLC	1 Pershing Plz Jersey City
☐		HealthCare Staffing and Consult	26 Journal Square, Jersey City
☐		Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
☐		Jersey City Medical Center Inc.	50 Grand St, Secaucus
☐		Marsh USA Inc.	121 River St, Hoboken
☐		National Retail Systems Inc.	2820 16th St North Bergen
☐		Community Corrections Corp	Lincoln Hwy Kearny
☐		Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken
X		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City, 07097
☐		Christ Hospital Health Service	176 Palisade Ave, Jersey City
☐		Bayonne Hospital	29th Street and Ave E, Bayonne
☐		Salson Logistics Inc.	2100 88th St.and 7373 West Side Ave, North Bergen, NJ
☐		National Financial Service	1000 Plaza, Jersey City
☐		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
☐		Maidenform Inc	154 Ave E, Bayonne
☐		Lord Abbett & Company	90 Hudson City, Jersey City
☐		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
☐		Port Imperial Ferry Corp.	Pershing Rd Secaucus
☐		Hudson News	1305 Paterson Plank Rd, North Bergen
☐		Palisades General Hospital	7600 River Rd North Bergen, NJ
☐		Equiserve Inc.	525 Washington Blvd Jersey city
☐		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
☐		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
☐		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
☐		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ

☐		Bowne Business Communications Inc.	215 County Ave Secaucus
☐		North Hudson Community Action Corp.	5301 Broadway West New York 07093
☐		Goya Foods Inc.	100 Seaview Dr. Secaucus
☐		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ

Bergen County			
X	A flyer will be mailed once at the start of the affordable marketing process	Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
☐		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
☐		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
☐		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
X	A flyer will be mailed once at the start of the affordable marketing process	NJ Sports & Expo Authority	One Decorte Park Plaza PO Box 640 Lyndhurst, NJ 07071
☐		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
☐		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
☐		AT&T	15 E Midland Ave Paramus
X	A flyer will be mailed once at the start of the affordable marketing process	Englewood Hospital and Medical Center	350 Engle St., Englewood, NJ 07631
X	A flyer will be mailed once at the start of the affordable marketing process	Aramark Services Management of NJ Inc	50 Route 120 East Rutherford, NJ 07073
☐		Holy Name Hospital	718 Teaneck Road Teaneck
☐		Doherty Enterprises Inc	7 Pearl Ct Allendale
X	A flyer will be mailed once at the start of the affordable marketing process	Bergen Regional Medical Center	230 East Ridgewood Ave., Paramus, NJ 07652
☐		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
☐		Howmedica Osteonics Corp	59 Route 17 Allendale
☐		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
☐		Pearson Education, Inc.	1 Lake St. Upper Saddle River

Passaic County			
☐		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
☐		Acme Markets	467 AllWood Rd Clifton, NJ 07012
X	A flyer will be mailed once at the start of the affordable marketing process	St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
☐		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403

☐		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
☐		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
X	A flyer will be mailed once at the start of the affordable marketing process	St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
☐		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
X	A flyer will be mailed once at the start of the affordable marketing process	Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
☐		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
☐		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
☐		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470

Sussex County			
☐		Selective Insurance	40 Wantage Ave, Branchville, NJ
X	A flyer will be mailed once at the start of the affordable marketing process	Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ 07821
☐		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
☐		County of Sussex	One Spring Street, Newton, NJ 07860
X	A flyer will be mailed once at the start of the affordable marketing process	Newton Memorial Hospital Inc.	175 High St, Newton, NJ 07860
☐		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
☐		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
☐		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
X	A flyer will be mailed once at the start of the affordable marketing process	Saint Clare's Hospital	20 Walnut St, Sussex, NJ 07461
X	A flyer will be mailed once at the start of the affordable marketing process	Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ 07419

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	Low income minorities	1 notice when units are first available
Latino Action Network	Statewide	Latino	1 notice when units are first available
New Jersey State Conference of NAACP	Statewide	African American	1 notice when units are first available
Mexican American Progress Movement	Bergen-Passaic	Latino	1 notice when units are first available
The New Jersey State Conference of the NAACP	Statewide	African American	1 notice when units are first available
Bergen County NAACP	Bergen	African American	1 notice when units

			are first available
Jersey City NAACP	Union	African American	1 notice when units are first available
Paterson NAACP	Passaic	African American	1 notice when units are first available
Passaic NAACP	Passaic	African American	1 notice when units are first available
Hoboken NAACP	Union	African American	1 notice when units are first available
The Bergen County Housing Authority	Bergen	Low income minorities	1 notice when units are first available
Northeast New Jersey Legal Services	Bergen-Passaic	Low income minorities	1 notice when units are first available
Bergen Urban League	Bergen	African American	1 notice when units are first available
Garden State Episcopal CDC	Statewide	Low income minorities	1 notice when units are first available
Mount Olive Baptist Church	Bergen	African American	1 notice when units are first available
Urban League Affordable Housing & CDC	Statewide	African American	1 notice when units are first available
Bergen County Housing Coalition	Bergen	Low income minorities	1 notice when units are first available
Fair Housing Council of Northern New Jersey	Region 1	Low income minorities	1 notice when units are first available
New Jersey Community Development Corp.	Passaic	Low income minorities	1 notice when units are first available
Advance Housing, Paterson Habitat for Humanity	Passaic	Low income minorities	1 notice when units are first available
Family Promise of Bergen County	Bergen	Low income minorities	1 notice when units are first available
Saint Paul's Community Develop Corp	Passaic	Low income minorities	1 notice when units are first available
Supportive Housing Associates of New Jersey	Statewide	Low income minorities	1 notice when units are first available
Islamic Center of Passaic and Paterson	Passaic	Islamic minorities	1 notice when units are first available
Monarch Housing Associates	Statewide	Low income minorities	1 notice when units are first available

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 Main Library	125 Morris Turnpike, Newton, NJ 07860
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Tenafly Municipal Building, 100 Riveredge Road, Tenafly NJ 07670, Valerie Nicolosi, MHL

4c. Sales/Rental Office for units (if applicable)

Will vary based on development

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).

Valerie Nicolosi
Name (Type or Print)

Borough Municipal Housing Liaison
Borough of Tenafly
Title/Municipality

Signature Date