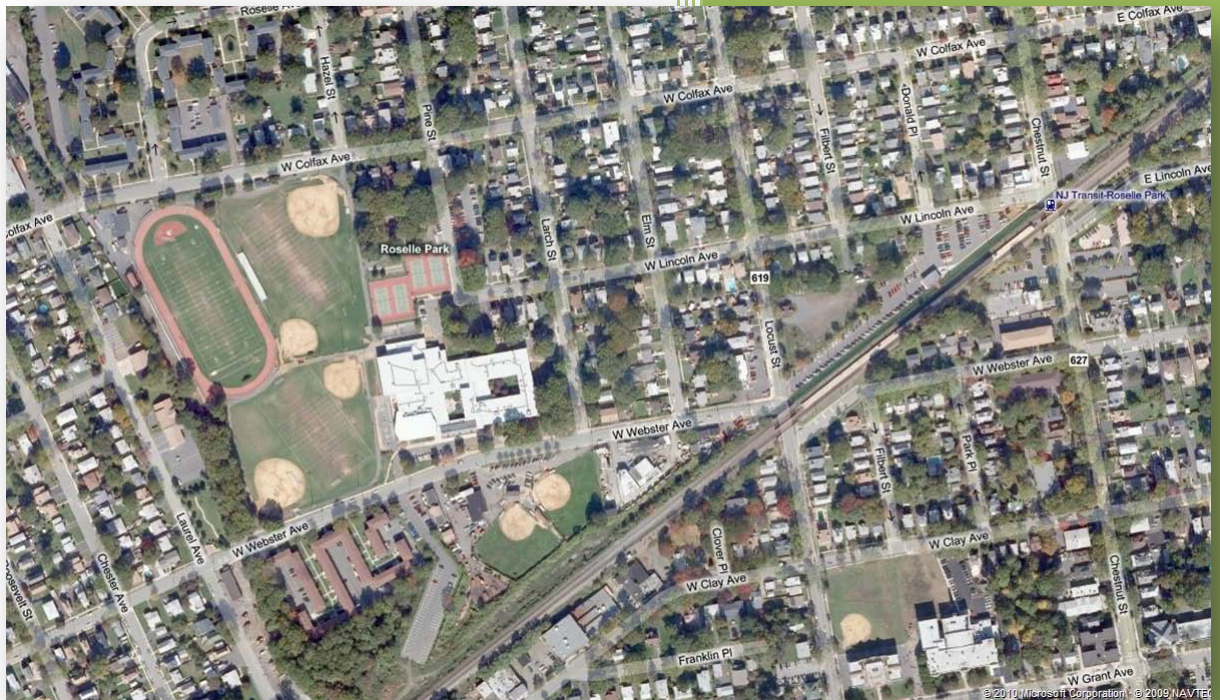


# Housing Element and Fair Share Plan

*Borough of Roselle Park, Union County, New Jersey*



Prepared by

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*Prepared for*

Roselle Park  
Planning Board

Adopted February 8, 2010

# Housing Element and Fair Share Plan

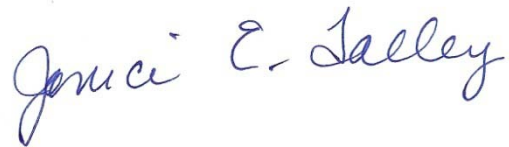
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*Borough of Roselle Park, Union County*

Prepared for:  
**Roselle Park Planning Board**

**Adopted February 8, 2010**

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

A handwritten signature in blue ink that reads "Janice E. Talley". The signature is written in a cursive style with a large, stylized 'J' and 'T'.

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Janice E. Talley, P.P., #5059

# Acknowledgements

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# Roselle Park Borough Housing Element and Fair Share Plan

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**SECTION I – INTRODUCTION AND SUMMARY OF FINDINGS**

**PREAMBLE**

On February 15, 2007, the Borough became a defendant in a Mount Laurel lawsuit filed by Roselle Park VP, LLC, of which Avalon Bay was the managing member. On March 1, 2007, the Borough adopted the Romerovski Redevelopment Plan, and on June 18, 2007, the Borough adopted a Housing Element and Fair Share Plan. The Borough submitted both of these plans to Judge Marianne Espinosa, J.S.C. for review in association with various motions filed in the builder's remedy action. On November 5, 2007, the Court invalidated the Borough's Housing Element and Fair Share Plan and ordered the Borough to revise its ordinances to comply with its affordable housing obligations. In addition, the Court appointed a Special Master and ordered the Master to coordinate mandatory mediation sessions. The Borough participated in the mediation process and, as a result, adopted an amended Housing Element and Fair Share Plan on December 15, 2008 that fully addresses the Borough's COAH requirements. Furthermore, the Borough adopted an amended redevelopment plan for the Romerovski site on January 15, 2009.

The Borough proceeded to negotiate a settlement agreement with Avalon Bay. The Settlement Agreement and Housing Element and Fair Share Plan were evaluated by Elizabeth McKenzie, the court-appointed Special Master in a report dated December 9, 2009. The report supported the settlement agreement and required several changes to the Borough's Housing Element and Fair Share Plan. The settlement agreement was approved and the Housing Element and Fair Share Plan was conditionally approved by the Superior Court during a Fairness Hearing on January 4, 2010. This amended Housing Element and Fair Share Plan addresses the changes required by the special master as identified in her December 9<sup>th</sup> report.

## **Roselle Park Borough Housing Element and Fair Share Plan**

### **EXECUTIVE SUMMARY**

The Mount Laurel II decision<sup>1</sup>, handed down by the New Jersey Supreme Court in January 1983, requires all municipalities to provide a realistic opportunity for the construction of housing affordable to those households of lower income. In response to the Mt. Laurel II decision, the Fair Housing Act was passed in 1985 and signed by the Governor (Chapter 222, Laws of New Jersey, 1985). The Act established a Council on Affordable Housing (COAH) to insure that the mandate of Mt. Laurel II would be implemented by all New Jersey municipalities.

The COAH adopted the "Third Round regulations," which went into effect on December 20, 2004. The new regulations introduced a "Growth Share" methodology to calculate each municipality's new construction affordable housing obligation. Under Growth Share, one "affordable" unit had to be provided for every eight "market units" built, and one affordable unit for every twenty-five jobs created between 2004 and 2014. That was a significant change from previous COAH methodologies in which numbers were assigned based on formulas and other variables.

The Third Round regulations were challenged by various parties, thus creating considerable uncertainty. That uncertainty became a reality when the New Jersey Appellate Division invalidated the Third Round regulations in January 2007 in a decision entitled *In Re: Adoption of N.J.A.C. 5:94 and 5:95*, 390, N.J. Super. 1 (App. Div.), certif. den. 192 N.J. 71-72 (2007). The Court remanded the matter to COAH for further rule-making, including recalculating the Prior Round Obligations for municipalities based on "filtering" and "secondary sources." Revised regulations became effective on June 2, 2008. Further changes, setting a deadline of December 31, 2008 for municipalities to submit revised housing plans, took effect in October of that year. The new regulations increased the Growth Share Obligation from one affordable unit for every eight market rate units to one affordable unit for every five new housing units; a 20 percent requirement. In addition, the nonresidential Growth Share Obligation was increased from one affordable unit for every 25 jobs to one affordable unit for every 16 jobs. The period for addressing the affordable housing obligation was extended four additional years to 2018.

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<sup>1</sup> South Burlington County NAACP v. Mt. Laurel Township, 92 NJ 158, 456 A.2d 390 (1983).

## **Roselle Park Borough Housing Element and Fair Share Plan**

On July 17, 2008, Governor Corzine signed a comprehensive affordable housing reform bill into law, P.L.2008, c.46, which included amendments to the Fair Housing Act. Major components of the law include the following:

- Establishment of a statewide 2.5% non-residential development fee
- Elimination of Regional Contribution Agreements
- Requirement for 13% of the affordable units built, and 13% of all units funded by Balanced Housing and the statewide Affordable Housing Trust Fund, to be restricted to very-low income households (30% or less of median income)

The Fair Housing Act requires municipalities to include an adopted housing element in all master plans. The principal purpose of the housing element is to provide methods of achieving the goal of access to affordable housing to meet the municipality's present and prospective low and moderate-income housing needs. Low-income households are defined as those with an income no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located. Moderate-income households are those with incomes no greater than 80 percent of the median household income, adjusted for household size, of the housing region. The Borough of Roselle Park is located in the Region 2, which consists of Essex, Morris, Union, and Warren Counties. The median household income in the region for a family of four is \$83,771 as of 2008. Qualifying households have incomes of up to \$67,017 for a family of four.

The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., requires a municipal master plan to include a Housing Element. Under COAH regulations, the Housing Element should be adopted by the Planning Board and endorsed by the governing body prior to the municipal filing pursuant to N.J.A.C. 5:96-2 or the municipal petition for substantive certification pursuant to N.J.A.C. 5:96-3. A municipality's Housing Element shall be designed to achieve the goal of providing affordable housing to meet the total 1987-2018 affordable housing need comprised of estimated Growth Share, the remaining balance of Prior Round Obligation from the municipality's 1987-1999 affordable housing obligation, including any unmet need, that has not been addressed (if any), and the rehabilitation share. A Housing Element submitted to COAH shall include the minimum requirements prescribed by N.J.A.C. 5:97-3.2.



## **Roselle Park Borough Housing Element and Fair Share Plan**

Roselle Park's Fair Share Obligation for the period 2004 – 2018 is summarized in Table 1. It includes a rehabilitation share of 96 units and a growth share obligation of 36 units. The rehabilitation obligation will be met through a variety of mechanisms including use of excess affordable units constructed through new construction, participation in the Union County housing rehabilitation program, and the creation of a local rehabilitation program that will utilize funds from State resources and a Development Fee ordinance. The Growth Share obligation will be addressed through credits from the Romerovski redevelopment project.

<b>Table 1 Fair Share Obligation Borough of Roselle Park</b>	
	<b>Number of Units</b>
Rehabilitation Share	96
Prior Round Obligation	0
Growth Share	36
Total	132

### **SECTION II – DEMOGRAPHIC, HOUSING, AND EMPLOYMENT ANALYSIS**

The Borough of Roselle Park is 1.2 square miles in size and is a small residential community located in the middle of Union County. Roselle Park is essentially a fully developed municipality with a diverse range of housing and businesses. Open space, recreation and other community facilities are scattered throughout the Borough. Roselle Park is bordered by the Borough of Roselle to the south, Cranford Township to the west, the Borough of Kenilworth and Union Township to the north, and the City of Elizabeth to the east. The Roselle Park train station, located at the intersection of West Lincoln Avenue and Chestnut Street, is a station stop along the New Jersey Transit Raritan Valley rail line.

The population of Roselle Park has increased slightly from 12,805 in 1990 to 13,281 in 2000. The 2000 median age in the Borough was 36.7 years, which was slightly older than the Union County median age of 36.6 years. The median household was 2.57 persons in 2000, lower than the County's 2.77 persons per household.

The housing stock of the Borough is predominantly single-family detached dwelling units, with most dwellings built before 1939 (37.6%). Significantly, of the total housing units in the Borough, 3,021 or 59% were owner occupied while 2,116 or 41% were renter occupied.

## Roselle Park Borough Housing Element and Fair Share Plan

### POPULATION TRENDS

The 2000 population of Roselle Park Borough was 13,281, an increase of 476 people or 3.72% from 1990, as shown in Table 2. The population trends for Roselle Park Borough, Union County and the State of New Jersey from 1930 through 2000 are shown below. Roselle Park experienced growth from 1930 to 1970 followed by population losses in the 1970's and 1980's. Union County experienced a similar growth pattern to Roselle Park, but the State has experienced consistent growth from 1930 through 2000.

Table 2 Populations Trends, 1930 to 2000 Borough of Roselle Park, Union County									
Year	Roselle Park			Union County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	8,969	-	-	305,209	-	-	4,041,334	-	-
1940	9,661	692	7.72	328,344	23,135	7.58	4,160,165	118,831	2.94
1950	11,537	1,876	19.42	398,138	69,794	21.26	4,835,329	675,164	16.23
1960	12,546	1,009	8.75	504,255	106,117	26.65	6,066,782	1,231,453	25.47
1970	14,277	1,731	13.80	543,116	38,861	7.71	7,171,112	1,104,330	18.20
1980	13,377	-900	-6.30	504,094	-39,022	-7.18	7,365,011	193,899	2.70
1990	12,805	-572	-4.28	493,819	-10,275	-2.04	7,730,188	365,177	4.96
2000	13,281	476	3.72	522,541	28,722	5.82	8,414,350	684,162	8.85

## Roselle Park Borough Housing Element and Fair Share Plan

### POPULATION COMPOSITION BY AGE

Between 1990 and 2000, the Borough saw the largest changes in age the 5 to 14 and 45 to 54 age cohorts, which experienced increases of 20.64% and 40.29% respectively. The 25 to 34 cohort experienced the largest decline, a decrease of 19.32%, as indicated in Table 3.

Table 3 Population by Age 1990 and 2000, Roselle Park						
	1990		2000		Change, 1990 to 2000	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	683	5.33	781	5.88	98	14.35
5 to 14	1,400	10.93	1,689	12.72	289	20.64
15 to 24	1,700	13.28	1,654	12.45	-46	-2.71
25 to 34	2,629	20.53	2,121	15.97	-508	-19.32
35 to 44	1,971	15.39	2,331	17.55	360	18.26
45 to 54	1,333	10.41	1,870	14.08	537	40.29
55 to 64	1,241	9.69	1,155	8.70	-86	-6.93
65 and over	1,848	14.43	1,680	12.65	-168	-9.09
<b>Total</b>	<b>12,805</b>	<b>100.00</b>	<b>13,281</b>	<b>100.00</b>	<b>476</b>	<b>3.72</b>

The County experienced the largest increases in the 5 to 14 and 45 to 54 age cohorts, and the largest decrease in the 25 to 34-age cohort. The median age in Roselle Park was 36.7 years in 2000.

Table 4 Population by Age, 1990 and 2000, Union County						
	1990		2000		Change, 1990 to 2000	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	32,421	6.6	36,441	7	4,020	12.3
5 to 14	58,291	11.8	73,754	14.1	15,463	26.5
15 to 24	64,984	13.2	61,215	11.7	-3,769	-5.8
25 to 34	85,028	17.2	75,189	14.4	-9,839	-11.8
35 to 44	73,653	14.9	88,398	16.9	14,745	20
45 to 54	54,844	11.1	69,568	13.3	14,724	26.5
55 to 64	50,440	10.2	45,935	8.8	-4,505	-8.9
65 and over	74,125	15	72,041	13.8	-2,084	-2.8
<b>Total</b>	<b>493,786</b>	<b>100</b>	<b>522,541</b>	<b>100</b>	<b>28,755</b>	<b>5.8</b>

## Roselle Park Borough Housing Element and Fair Share Plan

### HOUSEHOLD CHARACTERISTICS

A household is defined as one or more persons, whether related or not, living together in a dwelling unit. In 2000, there were a total of 5,137 households in Roselle Park, as shown in Table 5. The average number of persons per household for the Borough in 2000 was 2.57, lower than the County's average of 2.77. Both the Borough and the County generally mirrored each other in the statistical distribution of household sizes. For both the Borough and the County 2-person households represent the largest household size grouping (28.3% and 28.6% respectively).

Table 5 Household Size - Occupied Housing Units Roselle Park and Union County				
	Borough	Percent	County	Percent
<b>Total</b>	<b>5,137</b>	<b>100</b>	<b>186,124</b>	<b>100</b>
1-person household	1,448	28.19	43,918	23.60
2-person household	1,454	28.30	53,208	28.60
3-person household	870	16.94	33,668	18.10
4-person household	805	15.67	30,852	16.60
5-person household	368	7.16	14,860	8.00
6-person household	134	2.61	5,667	3.00
7-or-more-person household	58	1.13	3,951	2.10
<b>Average Household Size</b>	<b>2.57</b>		<b>2.77</b>	

Family households are defined as two or more persons, living in the same household related by blood, marriage or adoption. The largest number of households in the Borough were family-households comprising 66.4%, with an average family size of 3.22, as indicated in Table 6. Furthermore, the majority of all households were married-couple families (50.81%), with 23.83% of them having children under the age of 18. Only 28.19% of households were one-person households with 15.5% being female and 12.7% being male.

In providing more detail than previous years, the 2000 Census included the sub-groups of non-traditional households (Other family) and of non-family households. Non-family households are defined as households that consist of a householder living alone or where the householder shares the home exclusively with people

## Roselle Park Borough Housing Element and Fair Share Plan

whom he/she is not related. Non-family households comprised 15.67% of the Borough, while other family households were 5.33%.

<b>Table 6</b> <b>Household Size and Type</b> <b>Roselle Park Borough</b>		
	<b>Total</b>	<b>Percent</b>
	<b>5,137</b>	<b>100</b>
<b>1-person household:</b>	<b>1448</b>	<b>28.19</b>
Male householder	652	12.69
Female householder	796	15.50
<b>2 or more person household:</b>	<b>3,689</b>	<b>71.81</b>
Family households:	3,415	66.48
Married-couple family:	2,610	50.81
With own children under 18 years	1224	23.83
No own children under 18 years	1386	26.98
<b>Other family:</b>	<b>805</b>	<b>15.67</b>
Male householder, no wife present:	229	4.46
With own children under 18 years	73	1.42
No own children under 18 years	156	3.04
Female householder, no husband present:	576	11.21
With own children under 18 years	251	4.89
No own children under 18 years	325	6.33
<b>Non-family households:</b>	<b>274</b>	<b>5.33</b>
Male householder	144	2.80
Female householder	130	2.53
<b>Average Family Size</b>	<b>3.22</b>	

## Roselle Park Borough Housing Element and Fair Share Plan

### Income

As measured in 1999, Roselle Park had a lower median household income than the County and the State. The median household income in the Borough was \$53,717, approximately \$2,000 less than the County and the State's median income. Additionally, the Borough's \$24,101 per capita income was less than either the County's or the State's. According to the Census, the highest percentage of households earned between \$50,000 and \$74,999 for both the County and the Borough.

<b>Table 7</b> <b>Per Capita and Household Income 1999</b> <b>Roselle Park, Union County, and New Jersey</b>		
	1999 Per Capita (\$)	1999 Median Household (\$)
Roselle Park	24,101	53,717
Union County	26,992	55,339
New Jersey	27,006	55,146

<b>Table 8</b> <b>Household Income In 1999</b> <b>Roselle Park and Union County</b>				
	Roselle Park		Union County	
	Number	Percent	Number	Percent
<b>Total households</b>	<b>5,137</b>	<b>100</b>	<b>186,093</b>	<b>100</b>
Less than \$10,000	174	3.39	12,758	6.90
\$10,000 to \$14,999	226	4.40	8,914	4.80
\$15,000 to \$24,999	540	10.51	17,734	9.50
\$25,000 to \$34,999	562	10.94	18,981	10.20
\$35,000 to \$49,999	843	16.41	25,624	13.80
\$50,000 to \$74,999	1,299	25.29	36,653	19.70
\$75,000 to \$99,999	737	14.35	24,363	13.10
\$100,000 to \$149,999	565	11.00	23,858	12.80
\$150,000 to \$199,999	139	2.71	8,465	4.50
\$200,000 or more	59	1.15	8,743	4.70
<b>Median household income (\$)</b>	<b>53,717</b>		<b>55,339</b>	

These numbers demonstrate that the Borough has not used its power to zone or any other powers to exclude low and moderate-income households.

## Roselle Park Borough Housing Element and Fair Share Plan

### Poverty Status

Of the 13,281 persons in Roselle Park in 1999, 571 or 4.3% lived in poverty. Of this 4.3%, a majority was in the age range of 18 to 65. Only 26 persons or .02% of those living in poverty in the Borough are elderly (over 65).

<b>Table 9</b> <b>Poverty Status 1999</b> <b>Roselle Park and Union County</b>				
	Roselle Park		Union County	
	Number	Percent	Number	Percent
<b>Total persons</b>	<b>13,281</b>	<b>100</b>	<b>522,541</b>	<b>100</b>
Total persons below poverty level	571	4.30	43,319	8.40
Under 18	192	1.45	13,794	31.80
18 to 65	353	2.66	23,954	55.20
Over 65	26	0.20	5,571	12.80

### Household Costs

The tables below show the expenditures for housing for those who own and rent in Roselle Park. Approximately 34% of renters spend more than 30 percent of their household income on housing and about 27% of owners spend more than 30 percent of their household income on housing. The general affordability standard used is that no more than 30 percent of gross income should be allocated for housing costs.

<b>Table 10</b> <b>Selected Monthly Owner Costs As A Percentage Of</b> <b>Household Income in Roselle Park, 1999</b>		
	Number	Percent
<b>Total owner-occupied housing units</b>	<b>2,567</b>	<b>100</b>
Less than 15 percent	622	24.23
15 to 19 percent	410	15.97
20 to 24 percent	427	16.63
25 to 29 percent	392	15.27
30 to 34 percent	214	8.34
35 percent or more	495	19.28
Not computed	7	0.27

<b>Table 11</b> <b>Gross Rent As A Percentage Of Household Income</b> <b>Roselle Park 1999</b>		
	Number	Percent
<b>Total renter-occupied housing units</b>	<b>2,115</b>	<b>100</b>
Less than 15 percent	393	18.58
15 to 19 percent	370	17.49
20 to 24 percent	324	15.32
25 to 29 percent	256	12.10
30 to 34 percent	149	7.04
35 percent or more	574	27.14
Not computed	49	2.32



## Roselle Park Borough Housing Element and Fair Share Plan

### EXISTING HOUSING CONDITIONS

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#### Housing Unit Data

According to the 2000 Census, Roselle Park had a total of 5,258 housing units. This is a slight increase from the 5,231 units in 1990. Of the housing units in structure, 3,021 or 57% were owner occupied while 2,116 or 40% were renter occupied. The highest percentage of structures (37.6%) was built prior to 1940 with another large surge between 1950 and 1959. The median year built was 1948.

Table 12 Housing Data Roselle Park		
	Total	Percent
<b>Housing Units</b>		
<b>Total</b>	<b>5,258</b>	<b>100.00</b>
<b>Tenure</b>		
Owner occupied	3,021	58.8
Renter occupied	2,116	41.2
<b>Year Structure Built</b>		
Built 1995 to March 2000	29	0.55
Built 1990 to 1994	20	0.38
Built 1980 to 1989	61	1.16
Built 1970 to 1979	399	7.59
Built 1960 to 1969	935	17.78
Built 1950 to 1959	1,048	19.93
Built 1940 to 1949	788	14.99
Built 1939 or earlier	1,978	37.62
<b>Median year structure built</b>	<b>1948</b>	

## Roselle Park Borough Housing Element and Fair Share Plan

### Housing Type and Size

A majority of the housing stock in Roselle Park is single-family detached housing. In 2000, there were 2,713 single-family detached homes representing 51.6% of the housing stock. Multi-family housing (3 or more units in a structure) represented approximately 34% of the housing stock within the Borough. The median number of rooms within housing structures in the Borough was 5.3 with the highest percentage 20.4%) containing six rooms.

Table 13 Housing Type and Size Roselle Park		
Units in Structure		
<b>Total</b>	<b>5,258</b>	<b>100.00</b>
1, detached	2,713	51.60
1, attached	90	1.71
2	656	12.48
3 or 4	429	8.16
5 to 9	160	3.04
10 to 19	305	5.80
20 or more	905	17.21
<b>Rooms</b>		
1 room	128	2.43
2 rooms	332	6.31
3 rooms	803	15.27
4 rooms	760	14.45
5 rooms	803	15.27
6 rooms	1,071	20.37
7 rooms	779	14.82
8 rooms	345	6.56
9 or more rooms	237	4.51
<b>Median number of rooms</b>	<b>5.3</b>	

### Occupancy

According to the 2000 Census, out of the 5,258 units in Roselle Park, 5,137 or 97.7% were occupied while 121 or 2.3% were vacant. Of those units that were vacant, 13.22% were for sale units and 46.28% were for rent units. Those units that were either rented or sold but not occupied represented only 4.13% of the total vacant units.

Table 14 Occupancy Status Roselle Park		
	Total	Percent
<b>Total</b>	<b>5,258</b>	<b>100.00</b>
Occupied	5,137	97.70
Vacant	121	2.30
<b>Vacancy Status</b>		
<b>Total</b>	<b>121</b>	<b>100.00</b>
For rent	56	46.28
For sale only	16	13.22
Rented or sold, not occupied	5	4.13
For seasonal, recreational, or occasional use	16	13.22
For migrant workers	0	0.00
Other vacant	28	23.14

## Roselle Park Borough Housing Element and Fair Share Plan

### Housing Values and Contract Rents

Housing values for owner-occupied housing units in 2000 are listed in the table below. Almost 76% have a value between \$100,000 and \$200,000. The largest percentages of homes (48.2%) are valued between \$150,000 and \$199,999. The median value in Roselle Park Borough was \$157,700 and, of the owner-occupied units, 938 or 36.5% have no mortgage. These numbers reveal that the Borough is in large measure an affordable community and that the Borough has not used its power to zone or other powers to create housing opportunities that is unaffordable.

According to the table below, the median contract rent in Roselle Park in 2000 was \$785. The largest number of renters (52.43%) paid rents between \$750 and \$999. The second largest percentage (33.3%) paid rents within the range of \$500 and \$749. 1.7% of renters paid no cash rent.

Table 15 Value For Specified Owner—Occupied Housing Units Roselle Park		
	Total	Percent
<b>Total</b>	<b>2,567</b>	<b>100.00</b>
Less than \$50,000	0	0.00
\$50,000- \$99,999	68	2.65
\$100,000- \$149,999	982	38.25
\$150,000- \$199,999	1238	48.23
\$200,000 to \$299,999	254	9.89
\$300,000 to \$499,999	25	0.97
\$500,000 +	0	0.00
<b>Median value (\$)</b>	<b>\$157,700</b>	
<b>Mortgage Status</b>	<b>2,567</b>	<b>100.00</b>
Housing units with a mortgage, contract to purchase, or similar debt:	1,629	63.46
With either a second mortgage or home equity loan, but not both:	350	13.63
Second mortgage only	147	5.73
Home equity loan only	203	7.91
Both second mortgage and home equity loan	14	0.55
No second mortgage and no home equity loan	1,265	49.28
Housing units without a mortgage	938	36.54

Table 16 Contract Rent Roselle Park		
	Total	Percent
<b>Total renter occupied units</b>	<b>2,115</b>	<b>100.00</b>
Less than \$200	37	1.75
\$200- \$499	30	1.42
\$500-\$749	705	33.33
\$750-\$999	1109	52.43
\$1,000 to \$1,499	177	8.37
\$1,500 or more	21	0.99
No cash rent	36	1.70
<b>Median Contract Rent</b>	<b>\$785</b>	

## Roselle Park Borough Housing Element and Fair Share Plan

### Housing Conditions

The table below details the condition of housing within Roselle Park based on heating fuel, plumbing facilities, kitchen facilities, telephone service and overcrowding. These factors are utilized in determining housing deficiency. According to the 2000 Census, the Borough only had 41 units lacking in complete kitchen facilities and 34 units lacking complete plumbing facilities. There were 61 or 1.19% of housing units with no telephone service. Owner-occupied units had an overcrowding rate of 1.87%, while there were only 256 or 4.98% of renter-occupied units that were deemed overcrowded. Most Roselle Park homes were heated with gas (65%), while a significant minority (27.45%) was heated with fuel oil.

Table 17 Housing Conditions Roselle Park		
	Total	Percent
<b>House Heating Fuel- Occupied housing units</b>		
<b>Total</b>	<b>5,137</b>	<b>100.00</b>
Utility gas	3,343	65.08
Bottled, tank, or LP gas	69	1.34
Electricity	236	4.59
Fuel oil, kerosene, etc.	1,410	27.45
Coal or coke	8	0.16
Wood	9	0.18
Solar energy	0	0.00
Other fuel	24	0.47
No fuel used	38	0.74
<b>Occupants per Room-Occupied housing units</b>		
<b>Total</b>	<b>5,137</b>	<b>100.00</b>
Owner Occupants per Room (Over 1.0)	96	1.87
Renter Occupants per Room (Over 1.0)	256	4.98
<b>Facilities- Total units</b>		
<b>Total</b>	<b>5,258</b>	<b>100.00</b>
Lacking complete plumbing facilities	34	0.65
Lacking complete kitchen facilities	41	0.10
<b>Telephone Service- Occupied housing units</b>		
<b>Total</b>	<b>5,137</b>	<b>100.00</b>
No service	61	1.19

## Roselle Park Borough Housing Element and Fair Share Plan

### EMPLOYMENT DATA

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#### Employment Trends

The following tables detail changes in employment from 1994 to 2005 for Roselle Park, Union County and New Jersey. The number of those who are employed has increased over the last decade as the labor force has increased overall. Roselle Park over the past ten years has had a similar unemployment rate to both the County and the State. The Borough has seen its unemployment rate drop and increase in synch with national economic trends. The rate was lowest in 2000 (3.3%) and the highest in 1994 (6.3%). In 2005, the unemployment rate in Roselle Park was 4.6%.

Table 18 Employment and Labor Force, 1994 - 2005, Roselle Park				
	Resident Labor Force	Resident Employment	Unemployment	Unemployment Rate
1994	7,396	6,928	468	6.3
1995	7,480	7,049	431	5.8
1996	7,555	7,134	421	5.6
1997	7,662	7,299	363	4.7
1998	7,575	7,256	319	4.2
1999	7,697	7,371	326	4.2
2000	7,728	7,475	253	3.3
2001	7,739	7,436	303	3.9
2002	7,832	7,409	423	5.4
2003	7,816	7,395	421	5.4
2004	7,746	7,409	337	4.4
2005	7,748	7,389	359	4.6

Yet, unemployment rarely fully explains employment trends because the unemployment rate often undercounts the number of people without work. Generally two factors make the unemployment rate faulty. The first factor is underemployed workers, those who take jobs simply to earn money but are not employed at a level commensurate with their skills. Secondly, as workers remain unemployed, they may stop looking, become discouraged with the job market, and stop being counted in either the total labor force or the officially unemployed. Therefore, to fully understand the employment dynamics in Roselle Park, one must also look at the changes in the total labor force. Therefore, while the 2004 unemployment rate of 4.4% shows an improvement over the 5.4% of 2003, the declines seen in the resident labor force indicate that perhaps the number of citizens without work is being undercounted.

## Roselle Park Borough Housing Element and Fair Share Plan

Table 19 Employment and Labor Force, 1994 - 2005, Union County				
	Resident Labor Force	Resident Employment	Unemployment	Unemployment Rate
1994	261,172	242,407	18,765	7.2
1995	263,923	246,652	17,271	6.5
1996	266,513	249,639	16,874	6.3
1997	269,946	255,388	14,558	5.4
1998	266,698	253,902	12,796	4.8
1999	271,003	257,930	13,073	4.8
2000	273,598	262,984	10,614	3.9
2001	272,715	260,536	12,179	4.5
2002	276,428	258,757	17,671	6.4
2003	278,847	261,312	17,535	6.3
2004	265,925	252,236	13,689	5.1
2005	267,292	254,632	12,660	4.7

Table 20 Employment and Labor Force, 1994 - 2005, New Jersey				
	Resident Labor Force	Resident Employment	Unemployment	Unemployment Rate
1994	4,016,000	3,742,500	273,500	6.8
1995	4,064,200	3,803,700	260,500	6.4
1996	4,143,500	3,878,400	256,100	6.1
1997	4,192,300	3,976,900	215,400	5.1
1998	4,144,300	3,953,000	191,300	4.6
1999	4,205,500	4,012,200	193,200	4.6
2000	4,187,900	4,030,500	157,400	3.8
2001	4,179,500	4,003,800	175,700	4.2
2002	4,367,800	4,112,800	255,000	5.8
2003	4,375,000	4,118,000	256,983	5.9
2004	4,379,698	4,164,434	215,264	4.9
2005	4,430,376	4,235,950	194,426	4.4

## Roselle Park Borough Housing Element and Fair Share Plan

### Class of Worker and Occupation

The majority of workers in 2000 living in Roselle Park were a part of the private wage and salary worker group (84.8%). The second largest category was government workers (11.9%) followed by those who were self-employed (3.14%). Those that worked within the private wage field were concentrated heavily in management/professional positions and sales and office occupations. These two categories of worker equaled approximately 64% of employed residents (34.71% and 30.66% respectively).

Table 21 Class of Worker, 2000 Roselle Park		
	Number	Percent
<b>Total</b>	<b>7,144</b>	<b>100.00</b>
Private wage and salary worker	6,058	84.80
Government worker	849	11.88
Self-employed worker	224	3.14
Unpaid family worker	13	0.18

Table 22 Occupation, 2000 - Roselle Park		
	Number	Percent
<b>Employed civilian population 16 years and over</b>	<b>7,144</b>	<b>100.00</b>
Management, professional, and related occupations	2,480	34.71
Service occupations	1,036	14.50
Sales and office occupations	2,190	30.66
Farming, fishing, and forestry occupations	0	0.00
Construction, extraction, and maintenance occupations	530	7.42
Production, transportation, and material moving occupations	908	12.71

## Roselle Park Borough Housing Element and Fair Share Plan

### Commuting to Work

According to the 2000 Census, the mean travel time to work for those who lived in Roselle Park was approximately twenty-six minutes. Approximately 10% of workers traveled more than an hour to work, while approximately 32% had commute times 15 minutes or less. The largest proportion of workers commuted alone by automobile (74.8%), while only 9.7% carpooled. Public transportation was utilized by 8.55% of workers.

Table 23 Commuting Travel Time Roselle Park		
	Number	Percent
<b>Total</b>	<b>7,054</b>	<b>100.00</b>
Worked at home	92	1.30
Less than 10 minutes	1,246	17.66
10 to 14 minutes	946	13.41
15 to 19 minutes	1,003	14.22
20 to 24 minutes	831	11.78
25 to 29 minutes	378	5.36
30 to 34 minutes	972	13.78
35 to 44 minutes	413	5.85
45 to 59 minutes	441	6.25
60 to 89 minutes	503	7.13
90 or more minutes	229	3.25
Mean travel time to work (minutes)	25.9	

Table 24 Means Of Commute, 2000 Roselle Park		
	Number	Percent
<b>Workers 16 years and over</b>	<b>7,054</b>	<b>100.00</b>
Car, truck, or van		
Drove alone	5,279	74.84
Carpooled	685	9.71
Public transportation	603	8.55
Walked	332	4.71
Other means	63	0.89
Worked at home	92	1.30



## Roselle Park Borough Housing Element and Fair Share Plan

### Covered Employment

There is currently very limited information available on actual jobs within municipalities. The State Department of Labor collects information on private sector covered employment, which is employment and wage data for employees covered by unemployment insurance. The tables below provide a snapshot of employees working

within Roselle Park. The first table reflects the number of jobs covered by private unemployment insurance from 1993 through 1999. The second table reflects the disbursement of jobs by industry and salaries in 2003.

Covered employment within Roselle Park has been on the decline since 1993. The largest number of jobs was within the health care and social assistance industry, though both the wholesale trade and retail trade industries also represent sizable portions of local employment. Employees of the transportation and warehousing industry receive the highest average annual wage.

Table 25 Private Wage Covered Employment* 1993-1999, Roselle Park			
Year	Number of Jobs	# Change	% Change
1993	4,313		
1998	1,878	-2,435	-56%
2006	1,659	-219	-11%
*Third Quarter Numbers			

Table 26 Private Employment and Wages 2003, Roselle Park						
INDUSTRY	EMPLOYMENT				WAGES	
	MARCH	JUNE	SEPT.	DEC.	WEEKLY	ANNUAL
Construction	126	159	159	148	\$813	\$42,279
Manufacturing	186	186	150	153	\$738	\$38,393
Wholesale trade	210	211	201	215	\$487	\$25,305
Retail trade	217	215	213	202	\$651	\$33,845
Transportation and warehousing	189	196	190	212	\$928	\$48,230
Information	59	57	58	66	\$844	\$43,873
Finance and insurance	70	71	67	62	\$736	\$38,270
Real estate and rental and leasing	32	35	30	33	\$475	\$24,680
Administrative and waste services	80	104	104	107	\$609	\$31,682
Health care and social assistance	252	255	254	248	\$754	\$39,198
Accommodation and food services	201	218	224	204	\$248	\$12,905
Other services, except public administration	57	81	82	82	\$543	\$28,246
Total/ Average	1,745	1,871	1,816	1,831	\$640	\$33,300

### SECTION III – PROJECTIONS

The Third-Round affordable housing obligation introduces a new concept for calculating affordable housing obligations called “growth share” that is based on actual residential and nonresidential development. Development projections, therefore, are an essential component to adequately plan for this obligation. The Council on Affordable Housing provides household and employment projections for each municipality in Appendix F(2) of their regulations. COAH projections anticipate that an additional 123 housing units and a loss of 91 jobs will be occur in the Borough between 2004 and 2018. The Borough of Roselle Park, however, is a mature community and limited new development is anticipated. The Borough received a vacant land adjustment for both the first and second round COAH plans.

#### ACTUAL GROWTH

Existing development reflects the number of residential and non-residential certificates of occupancy and demolition permits issued between 2004 and 2008. During this time period, Roselle Park issued a total of nineteen (19) residential certificates of occupancy, while 23 dwelling units were demolished. This generates a net loss of 4 dwelling units over the five year period. Non-residential certificates of occupancy include 12,151 square feet of office space, 3,445 square feet of retail space and 71,355 square feet of school use. These developments generate a total of 39.89 jobs.

Table 27 Actual Development and Demolitions – 2004 – 9/2009 Borough of Roselle Park							
Residential 2004-2009							
Year	04	05	06	07	08	09	Total
Total CO's	1	5	4	4	8	1	23

Table 28 Actual Non-Residential Growth – 2004 – 9/2009 Borough of Roselle Park		
	Total SF	Jobs
<b>New Development</b>		
Group B - Office	15,357	43.00
Group M – Mercantile	3,445	5.86
Group E – Education	71,355	0
<b>Sub Total</b>	80,567	48.86

## Roselle Park Borough Housing Element and Fair Share Plan

### ANTICIPATED DEVELOPMENT

Any pending and recently approved developments that do not include set asides for affordable housing meeting COAH's requirements must be included within the Growth Share calculation. In Roselle Park, anticipated developments include the Romerovski Redevelopment project, development of 100-units of 100% affordable senior citizen housing and development in the area surrounding the Roselle Park train station. The Borough adopted an amended redevelopment plan for the Romerovski site on January 15, 2009 that includes 249 dwelling units with a set-aside of 37 affordable rental units. The Borough also proposed to adopt an inclusionary zoning ordinance to allow the construction of up to 24 units on the site adjacent to the train station, with a set-aside of 25 percent. Thus, the Romerovski site could generate 37 affordable rental units and the train station site could generate 6 affordable units. In addition, the Borough anticipates construction of a 100-unit senior citizen 100% affordable rental project by Catholic Charities, subject to sufficient funding.

All three projects, however, are exempt from the growth share requirement pursuant to COAH's October 30, 2008, COAH Guidance Document in response to P.L. 2008, c.46 (the Affordable Housing Reform Statute).

Table 29 illustrates anticipated nonresidential development within the Borough, which includes 22,500 square feet of retail space and the demolition of 160,000 square feet of factory space associated with the Romerovski redevelopment project. The retail space includes 12,500 square feet of retail space and 10,000 square feet of retail space associated with development on the train station tract.

Table 29 Anticipated Nonresidential Development Borough of Roselle Park		
	Total Sq Ft	Total Jobs
<b>Total Anticipated</b>		
M- Mercantile Uses	22,500	38.25
<b>Demolitions</b>		
F - Factory	-160,000	-230.4
<b>Net Square Feet</b>	-137,500	-192.15

## Roselle Park Borough Housing Element and Fair Share Plan

### POPULATION AND EMPLOYMENT PROJECTIONS

As summarized in Table 30, municipal projections for 2004 – 2018 anticipate that another 396 dwelling units will be built in Roselle Park, while employment will decrease as a result of the demolition of the Romerovski industrial building. All of the residential development anticipated is exempt from a growth share calculation, pursuant to COAH's October 30, 2008, COAH Guidance Document. In comparison, COAH calculations project that the total number of housing units in Roselle Park will increase by only 101 units and that non-residential development is expected to generate approximately 251 jobs between 2004 and 2018.

Table 30 Development Projections Borough of Roselle Park		
	Dwelling Units	Jobs
Actual development	23	48.86
Anticipated development	373	-192
Development exempt from growth share	373	0
Total	396	-143
Total applicable to growth share	23	0

#### Population Projection

From 1999 to 2018, Roselle Park's population is projected to increase by 394 persons for a total population of 14,017 as indicated in Table 31. This translates into a population increase of slightly more than five percent from 2000. The population is based on the 2000 Census figure of 13,281 persons. Between 1999 and 2003, the Borough's housing stock decreased by a net total of 2 dwelling units, based on certificates of occupancy and demolition permits issued for residential development. Applying the average household size of 2.57 persons per unit provides a population decrease of 6 persons. Moving forward, the Borough has adopted a redevelopment plan for the Romerovski site and proposes inclusionary zoning for the train station site and a new 100% senior citizen affordable housing project that will increase the housing stock by 373 units. A reduced household size is used for these units, as some of the units will be for developmentally disabled individuals, and the remainder will be apartment units which generally have smaller household sizes than single-family detached homes.

## Roselle Park Borough Housing Element and Fair Share Plan

Table 31 POPULATION GROWTH PROJECTIONS Borough of Roselle Park, Union County					
Year	Number of New Housing Units*	X	2000 Household Size	=	Population
2000 Census					13,281
1999 - 2003	-2		2.57		-6
2004 - 2018	296		2.0 <sup>2</sup>		592
	100		1.5		150
Total	394				14,017
²Household size is reduced to reflect fact the new multi-family units will be smaller than average dwelling unit in Roselle Park.					

### Employment Projection

The Borough's employment level is expected to decrease as a result of the demolition of all of the Romerovski industrial facility. Local employment has been declining since 1993, and is expected to continue to decline. In 1999, the Borough had a total of 2,222 jobs. By 2006, this number had declined to 1659. This decline is expected to continue in the future, as goods-producing jobs move elsewhere and the Borough's older, industrial buildings are adapted for new uses. With the reuse of the Romerovski building for residential use, the Borough is anticipated to lose another 192 jobs, for an employment projection of 1,467.

### SECTION IV – FAIR SHARE OBLIGATION

The Third Round (2004 – 2018) affordable housing obligation consists of a rehabilitation share, a prior-round share and a growth share. Roselle Park's affordable housing obligation for each component is summarized below.

1. **Rehabilitation:** The Rehabilitation Component is the number of deficient housing units occupied by low and moderate-income household, which is referred to as rehabilitation share. *The Borough has a 96-unit rehabilitation obligation for the 2004 - 2018 period.*
2. **Prior Round:** The Prior Round Obligation is the remaining Prior Round (1987 – 1999) Obligation assigned to a municipality by COAH or the court for the period 1987 through 1999. *Roselle Park's recalculated prior round obligation is 0 units.*
3. **Growth Share:** Growth Share is the share of the affordable housing need generated by a municipality's actual growth (2004 – 2018) based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development. *Based on the Borough's COAH's development projections, the growth share obligation is 36 units.*

### PLANNING & ZONING ANALYSIS - MEETING THE NEED

#### Land Use Analysis

Residential uses in the Borough of Roselle Park are located within all sectors of the Borough. A majority of existing residential development is for single-family detached dwellings. The Borough currently has one single-family zone that permits housing on lots 5,000 square feet in size. The Borough also has three (3) multi-family zones, all of which are already fully developed with limited or no opportunity for infill.

The Borough of Roselle Park also has commercial zoning in place for the downtown, which allows residential units in the form of dwelling units above retail. The purpose of the zone is to allow the town center to thrive with a mix of destination and niche commercial uses, residential and community space. This area could potentially absorb some limited in-fill development.

The Borough of Roselle Park contains a long regional corridor along Westfield Avenue Route 28, which traverses the Borough from east to west. The uses along the corridor are characterized by commercial establishments and independent local businesses in the form of banks, fast food establishments, among

## **Roselle Park Borough Housing Element and Fair Share Plan**

others. The area along Route 28 is zoned primarily commercial with some residential but will eventually be reviewed for an upgrade of design standards that will continue to support the businesses located there as well as the corridor's regional traffic. Several of these larger properties are vacant and provide an opportunity for new development. The Borough adopted a Master Plan Reexamination Report on December 14, 2009 which recommended that the zoning of these properties to encourage redevelopment. Any rezoning of these sites would include an affordable housing obligation.

There are also solid retail commercial uses along Chestnut Street, which serves as the "downtown" of the Borough. Above retail in this district are some housing units and office space. There is limited opportunity for new development in the district.

The Borough has two industrial zones, on Westfield Avenue and on Clay Avenue along the railroad right-of-way. The existing land use in the industrial zone is undergoing transformation. Most notably, the Borough has adopted a Redevelopment Plan for the Romerovski site that currently permits principally residential development.

### **Economic Policies**

The Borough's economic policies are clearly outlined through their land use policies how the Borough wants economic development to occur within the municipality. The Borough is a small and not an employment intensive town, and the Land Use Plan and zoning maintain appropriately scaled non-residential development for the area.

The target for economic development within the Borough revolves around the mix of commercial uses along Route 28 and a pedestrian oriented retail and assembly (i.e. restaurants, taverns, galleries, etc.) uses in the downtown. The Romerovski Redevelopment Plan will compliment this scheme. More specifically, the downtown is designated as the core commercial area, emphasizing niche retailing with retail shops and restaurants on the ground level and a mix of residential units and professional office space on the upper floors. This will provide additional opportunity to provide employment through retail, service and entertainment space. The downtown is a Special Improvement District as well.

## Roselle Park Borough Housing Element and Fair Share Plan

### REHABILITATION COMPONENT

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Rehabilitation share is an estimate of the total number of deficient housing units occupied by low and moderate-income households within the community. It is estimated through the use of 2000 census data.

Three housing quality factors are used to determine housing deficiency as described below;

1. Crowding – 1.01 or more persons per room, in housing built 1939 or earlier, with complete plumbing
2. Plumbing – units lacking complete plumbing
3. Kitchen – units lacking complete or in-unit kitchen facilities

COAH has calculated Roselle Park's rehabilitation share for the 2004 – 2018 period as 96 units. Pursuant to N.J.A.C. 5:94-3.2, COAH gives credit for rehabilitation of low- and moderate-income deficient housing units performed subsequent to April 1, 2000. During this period, the Borough has rehabilitated 3 units through the Union County Home Improvement Program. The Borough, as part of a larger geographic area, receives Community Development Block Grants from the Department of Community Affairs, administered by Union County to fund its rehabilitation program.

YEAR	# UNITS
2000	0
2001	0
2002	0
2003	2
2004	0
2005	1
2006	0

To date, the County has rehabilitated 3 units in the Borough since April 1, 2000, although the County's failure to require the proper deed restriction in accordance with COAH and UHAC standards renders it virtually impossible for any municipality in the County to secure credits through participation in the County program. The Borough has brought this problem to the County's attention, and the County has expressed its receptivity to cooperating with the Borough and other municipalities to rectify this problem. As a result of these efforts, the Borough has every reason to believe that the County will administer its rehabilitation program in such a manner that all Union County municipalities can secure credit for the units the County rehabilitates. In the event that the County, for any reason, fails to rectify the manner in which it implements its program, the Borough shall implement its own indigenous need rehabilitation program.

Adequate funding is an essential ingredient to ensuring the viability of an indigenous need rehabilitation program. Discussions with County representatives provide encouragement that the County will adequately



## **Roselle Park Borough Housing Element and Fair Share Plan**

fund the Borough's program for the rehabilitation of 96 units. If, however, the County fails to adequately fund the program, the Borough is committed to provide the funding and/or to apply new construction credits. Toward this end, the Borough has adopted a Development Fee Ordinance, as well as a "Resolution of Intent to Bond, if Necessary."

### **PRIOR ROUND COMPONENT (1987 - 1999)**

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COAH calculations indicate that the Borough's prior round obligation is zero, so no additional analysis of this component is required.

### **GROWTH SHARE COMPONENT (2004 - 2018)**

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The "Growth Share" for the period January 1, 2004 through January 1, 2018 is calculated based on municipal growth projections pursuant to N.J.A.C. 5:97-2.2. Projections of population and employment growth are converted into projected growth share affordable housing obligations by applying a ratio of one affordable unit for every four market-rate residential units projected, plus one affordable unit for every 16 newly created jobs projected. The actual growth share obligation is based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed, reoccupied and expanded non-residential developments in accordance with COAH's Appendix D, incorporated in the revised Third Round Rules by reference. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth. However, if the actual growth share obligation is less than the projected growth share obligation, the municipality shall continue to provide a realistic opportunity for affordable housing to address the projected growth share through inclusionary zoning or any of the mechanisms permitted by N.J.A.C. 5:97-6.

Existing and anticipated development will generate only 23 new housing units and 0 jobs that are applicable to the growth share obligation. This generates a housing obligation of only 5 units. This Fair Share Plan, however, uses COAH's development projections to calculate the Borough's growth share obligation. This conservative approach ensures that the Borough's affordable housing obligation is addressed if actual development exceeds local development projections. COAH's projections indicate that the Borough has a Growth Share Obligation of 36 units, as indicated in Workbook A which is provided in Appendix A.

## Roselle Park Borough Housing Element and Fair Share Plan

Table 32: SUMMARY OF GROWTH SHARE PROJECTION Borough of Roselle Park, Union County	
Projected Growth Share	COAH Projection
Residential Growth	101
Residential Exclusions	0
Net Residential Growth	101
Residential Growth Share	20.20
Non-Residential Growth	251
Non-Residential Exclusions	0
Net Non-Residential Growth	251
Non-Residential Growth Share	15.69
Total Growth Share	36

**SECTION V – FAIR SHARE PLAN**

**SUMMARY**

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The Fair Share Plan addresses the Borough's Rehabilitation Obligation of 96 units and the Growth Share Obligation of 36 units. This figure will be revisited every three (3) years as the Borough submits monitoring reports to the State. The Borough's entire growth share obligation is met through 27 credits available from the Romerovski redevelopment project and nine rental bonus credits. The rehabilitation obligation will be addressed through rehabilitation of 15-units through the Union County Home Improvement Program and 14-units through a new Borough-run rehabilitation program, 48 credits from the proposed 100-unit 100% affordable senior citizen housing project, 10 credits from the Romerovski redevelopment project, and 5 credits from the train station development project. The details of the Fair Share Plan are summarized in Table 33 and the required ordinances to implement the Fair Share Plan are provided in Appendices B, C and D. A copy of the amended Spending Plan is provided in Appendix E.

## Roselle Park Borough Housing Element and Fair Share Plan

Table 33 Fair Share Plan Borough of Roselle Park							
	Obligation	Family Housing		Age-Restricted Housing		Very Low-Income Housing	Group Home
		Rental	Sale	Rental	Sale	Rental (Family)	Bedrooms
<b>REHABILITATION OBLIGATION</b>	<b>96</b>						
<u>Union County Rehab Program</u>	15						
<u>Roselle Park Rehab Program</u>	14						
<u>Excess New Construction Units</u>	67						
<i>Catholic Charities Project</i>	48						
<i>Romerovski Site</i>	14						
<i>Train Station Site</i>	5						
<b>GROWTH SHARE OBLIGATION</b>	<b>36</b>						
<u>Redevelopment</u>							
Romerovski Site	23	37				4	
<u>Inclusionary Development</u>							
Train Station Site			6				
<u>Alternative Living Arrangements</u>							
Group Home (Block 1005, Lot 11)	4					4	4
<u>100 Percent Affordable Senior</u>							
Catholic Charities Project				100			
Total Units/Bedrooms	27	37	6	100	0	8	4
<b><u>Bonus Calculation</u></b>	9						
Rental Bonus		9					
Total Credits Available	147						
Total Credits Applied	36						
Excess Units	111						

## Roselle Park Borough Housing Element and Fair Share Plan

### REHABILITATION OBLIGATION

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The Borough of Roselle Park will address its rehabilitation obligation of 96 units through a variety of mechanisms, including rehabilitation of 15 units through the Union County Home Improvement Program, rehabilitation of 14 units through a new rehabilitation program proposed in Roselle Park, 48 new units proposed in a 100-unit senior citizen housing project, 10 units from the Romerovski redevelopment project, and 5 units from a proposed inclusionary zone adjacent to the train station.

The Borough intends to participate in the County's rehabilitation program, assuming the County rectifies the issue regarding application of the proper deed restriction. The Borough has every reason to believe that the County will make this change. The County provides considerable funding for its rehabilitation program and the Borough is hopeful that the County will fully fund the rehabilitation of at least 15 units and as many as 29 units. If the County cannot rehabilitate as many as 29 units in Roselle Park, then the Borough shall implement its own indigenous need rehabilitation program to rehabilitate 14 units. The Borough intends to apply for funds through the NJ Department of Community Affairs *Small Cities Grants* and other grant programs to support a local rehabilitation program. In addition, the Borough shall allocate revenues through its Development Fee Ordinance to support a local housing rehabilitation program. The Borough will retain a housing rehabilitation specialist to create the program policies and procedures manual and oversee the program.

In the event that the County cannot fund the rehabilitation of all 15 units and insufficient development fees are collected to support the 14 units to be rehabbed through the local program, the Borough has also adopted a Resolution of intent to utilize the Borough's bonding capacity for any shortfall that might be necessary. The Borough is in a position to both completely fund and administer this program, thereby creating the requisite "realistic opportunity" for the satisfaction of the Borough's rehabilitation obligation. Regardless of the funding mechanism, the program will be administered in accordance with COAH and UHAC regulations.

Pursuant to N.J.A.C 5:97-4.3, the remainder of the Borough's Rehabilitation Obligation will be addressed through units that are eligible to receive new construction credit. The Borough's Fair Share Plan includes construction of 100-units of affordable senior citizen housing on Borough-owned property, in partnership with Catholic Charities. These units, however, are not needed to address the Borough's growth share obligation. This plan proposes that 50 percent of the rehabilitation obligation will be addressed using these units, for a total of 48 units. It is anticipated that construction of these units will occur within the next five years as the Borough currently has control of the site, has funds allocated in the Spending Plan for site

## Roselle Park Borough Housing Element and Fair Share Plan

development costs, and is working closely with Catholic Charities to develop a timeline for completing the project.

In addition, the Borough is applying 10 units from the Romerovski redevelopment project and 5 units from a proposed inclusionary zone adjacent to the train station to the rehabilitation obligation. Details on these projects are provided in discussion of the Growth Share Obligation.

### GROWTH SHARE OBLIGATION

Roselle Park will address its 36-unit Growth Share obligation through the 27 credits from the Romerovski redevelopment project and nine rental bonus credits. The parameters for the Growth Share obligation, as indicated in Table 34.

Table 34: GROWTH SHARE PLAN PARAMETERS Borough of Roselle Park, Union County			
	Requirement	Number	Provided
Minimum Rental Obligation	A minimum of 25% must be rental. (Sect. 5:97-3.11(b)2).	9	9 (Romerovski)
Maximum Age Restricted Housing	A maximum of 25% may be age-restricted. (Sect. 5:97-3.10(c)2).	9	9 (Catholic Charities)
Minimum Family Housing	A minimum of 50% must be family housing. (Sect. 5:97-3.9)	18	18 (Romerovski)
Minimum Family Rental Housing	A minimum of 50% of the total rental units must be non age-restricted. (Sect. 5:97-3.4b)	5	5 (Romerovski)
Minimum Very Low Income Housing	A minimum of 13% must be reserved for very low income households. (A500)	5	4 (Group home) 4 (Romerovski)
Maximum Bonus Credits	The maximum bonus credits permitted is 25% of the growth share obligation. (Sec. 5:97-3.20)	9	9 (rental bonus credits from Romerovski)

### Alternative Living Arrangements (4 credits).

Pursuant to N.J.A.C. 5:97-6.10, "alternative living arrangements" can be used to address a municipal housing obligation. Alternative living arrangements include, but are not limited to: residential health care facilities, group homes for the developmentally disabled and mentally ill, and congregate living arrangement. The unit of crediting for an alternative living arrangement is the bedroom that received certificates of

## **Roselle Park Borough Housing Element and Fair Share Plan**

occupancy after April 1, 1980. The Borough is eligible for credits from a 4-bedroom DDD-funded group home located on Block 1005, Lot 11.

### **Site Suitability**

All three sites proposed to address the Borough's affordable housing obligation meet COAH's criteria for site suitability. The criteria for evaluating site suitability pursuant to the requirements of the Council on Affordable Housing (COAH) are set forth in N.J.A.C. 5:97-3.13 and are:

1. Sites designated to produce affordable housing shall be available, approvable, developable and suitable, according to the following criteria:
  1. The site has clear title and is free of encumbrances which preclude development of affordable housing;
  2. The site is adjacent to compatible land uses and has access to appropriate streets;
  3. Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and
  4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.
2. Sites designated to produce affordable housing shall be consistent with the State Development and Redevelopment Plan and shall be in compliance with the rules and regulations of all agencies with jurisdiction over the site, including, but not limited to:
  1. Sites that are located in Planning Areas 1 or 2 or located within a designated center or located in an existing sewer service area are the preferred location for municipalities to address their fair share obligation.
  2. Municipalities or developers proposing sites located in Planning Areas 3, 4, 4B, 5 or 5B that are not within a designated center or an existing sewer service area shall demonstrate to the Council that the site is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan. The Council may seek a recommendation from the Executive Director of the Office of Smart Growth on the consistency of the site with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan.

## **Roselle Park Borough Housing Element and Fair Share Plan**

3. Sites within the areas of the State regulated by the Pinelands Commission, Highlands Water Protection and Planning Council, Land Use Regulation Division of DEP and the New Jersey Meadowlands Commission, shall adhere to the land use policies delineated in The Pinelands Comprehensive Management Plan, N.J.A.C. 7:50; The Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38; the Coastal Permit Program Rules, N.J.A.C. 7:7; the Coastal Zone Management Rules, N.J.A.C. 7:7E; and the Zoning Regulations of the New Jersey Meadowlands Commission, N.J.A.C. 19:3, where applicable.
4. The portions of sites designated for construction shall adhere to wetland constraints as delineated on the New Jersey DEP Freshwater Wetlands Maps; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction as regulated pursuant to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9b-1 et seq.) or Section 404 of the Federal Clean Water Act (33 U.S.C. sections 1251 through 1375); Category One waterway constraints pursuant to N.J.A.C. 7:9B, 7:8, 7:13 and 7:15; flood hazard constraints as defined in N.J.A.C. 7:13; and steep slope constraints in excess of 15 percent if the municipality has an ordinance in place that uniformly regulates steep slope development throughout the municipality.
5. Historic and architecturally important sites and districts listed on the State or National Register of Historic Places shall be reviewed by the New Jersey State Historic Preservation Office for a recommendation pertaining to the appropriateness and size of buffer areas that will protect the integrity of the site. The review and written recommendation by the New Jersey Historic Preservation Office shall be included in the Housing Element and Fair Share Plan that is the subject of any petition before the Council. Within historic districts, a municipality may regulate low- and moderate-income housing to the same extent it regulates all other development.
3. The Council may seek a recommendation from the appropriate regulating agency on the suitability of the proposed site. In taking such action, the Council may require the municipality to submit all necessary documentation to the agency so that a review and decision regarding the suitability of any site may be completed.



## Roselle Park Borough Housing Element and Fair Share Plan

### 100 Percent Affordable Construction- Age Restricted (100 Units)

The Borough has participated in a series of detailed discussions with Catholic Charities, a notable affordable housing advocate. Through these discussions, the Borough has received a formal proposal for Catholic Charities to construct at least 100-units of 100% affordable senior rental housing on Block 506, Lot 1, which is currently owned by the Borough and contains the Department of Public Works facility and two ball fields. This site, which is highlighted in orange on Figure 1, is 2.9 acres in size and is bordered to the west by a Webster Gardens apartment complex, to the north by the Roselle Park High School, to the east by a light industrial use, and to the south by the NJ Transit railroad line. The ball fields will remain and the senior housing project will be constructed on the portion of the property fronting on West Webster Avenue.

The DPW yard will be relocated to property owned by the Borough adjacent to the current DPW site (Block 515, Lots 2 and 3) which is 3.85 acres in size and is highlighted in yellow on Figure 1. This property also contains a parking lot that is used for parking at the Roselle Park High School, which is located across the street. This parking lot will be reconfigured to support the senior housing project. The Borough has recently acquired these properties from Conrail to provide the necessary acreage to support the relocation of the DPW complex.



Figure 1: Bird's eye view of 100% affordable senior citizen housing site and relocated DPW facility, looking north.  
Source: Microsoft bing.

## **Roselle Park Borough Housing Element and Fair Share Plan**

The existing DPW site is located in the R-1 zone while the property proposed for new DPW facility is located in the SCH Senior Citizen Housing zone. Block 506, Lot 1 will be subdivided to separate the ball fields from the proposed senior citizen housing project. Block 515, Lots 2 and 3 may also need to be resubdivided to provide sufficient space for the senior housing project. The existing SCH zone will be extended to include the new lot for the senior citizen housing project. The SCH zone requirements are provided in Appendix B.

The Borough will prepare all subdivision documents and a site plan for the DPW site to reconfigure the lots to support of these uses as planned. Catholic Charities will be responsible for the preparation of a site plan for the senior citizen housing project. In addition, the Borough intends to seek funding through the Hazardous Discharge Site Remediation Funds (HDSRF) program from NJ DEP to support environmental studies and/or remediation measures for this project. The Borough has an agreement with Avalon Bay in which \$400,000 will be deposited into the Borough's Housing Trust Fund which will be used to prepare the property the DPW site for construction of the 100% affordable senior citizen housing project.

This site meets COAH's site suitability requirements. The site is located in an existing sewer service area in Planning Area 1. The Borough now has clear title to the properties which are free from encumbrances which preclude development of affordable housing. The site is adjacent to compatible land uses and has access to appropriate streets. The Borough has adequate sewer and water capacity to support development of the site. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable.

## Roselle Park Borough Housing Element and Fair Share Plan

### Inclusionary Development (5 units)

The Train Station site is a 2-acre site located just north of the Roselle Park train station on West Lincoln Avenue. This site, which is comprised of Block 503, Lots 1 and 4-10, is owned by the Ryan family and the Timpat corporation. The property is largely vacant, with two residential structures. The property has been vacant since the last Master Plan was adopted in 1997, when the current Planned Development land use designation was created. The PD zone was subsequently adopted for the tract, and a site plan application was submitted to the Zoning Board of Adjustment. This application was denied.

This property is currently located in the Planned Development PD zone. This zone district permits retail trade, banks, offices, public uses, townhouses, senior citizen housing and an assisted living facility. The present residential density on the site is 10 dwelling units per acre. This plan proposes to increase the density to 12 dwelling units per acre, with a mandatory set aside of 25 percent for sales units and 20 percent for rental housing. In addition, multi-family dwellings have been added as a permitted use, and the senior citizen housing option has been deleted. The proposed zoning changes are provided in Appendix C.



Figure 2: Bird's eye view of inclusionary development site adjacent to the train station, looking south. Source: Microsoft bing.



## Roselle Park Borough Housing Element and Fair Share Plan

This site meets COAH's site suitability requirements. The site is located in an existing sewer service area in Planning Area 1. The Borough is not aware of any title issues or encumbrances which will preclude development of affordable housing. The site is adjacent to compatible land uses and has access to appropriate streets. The Borough has adequate sewer and water capacity to support development of the site. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable.

### Romerovski Redevelopment Plan (37 units)

The centerpiece of the Borough's Fair Share Plan is the amended Romerovski Redevelopment Plan and associated amended ordinance. This project is the result of a builder's remedy lawsuit, and the Borough has worked closely with the plaintiff through mediation to revise the redevelopment plan and execute a settlement agreement. This plan incorporates the adopted redevelopment plan and the terms of the settlement agreement. The redevelopment plan allows the construction of up to 249 units on this property and 37 affordable rental units. In addition, the settlement agreement includes a contribution of \$400,000 to the Borough's Affordable Housing Trust fund which is intended to help fund the site development costs for the Catholic Charities 100-unit affordable senior housing project.



Figure 3: Aerial view of Romerovski redevelopment site.

## **Roselle Park Borough Housing Element and Fair Share Plan**

### **Bonus Credits**

N.J.A.C. 5:97-3.2 establishes a bonus cap municipalities addressing their third round obligation. This requirement states that a municipality may not receive more than one type of bonus for each unit (for example, a very-low income bonus or a rental bonus for one unit). In addition, it caps the total credit from bonuses at 25 percent of the projected growth share obligation. In this case, the bonus cap for Roselle Park Borough is 9 units. Roselle Park's Housing Element and Fair Share Plan generates the potential for up to 29 bonus credits, as indicated below. Because of the cap on bonus credits, only 9 of the 29 credits are applied in the Fair Share Plan.

**Rental Bonus Credits:** Pursuant to N.J.A.C. 5:97-3.6, a municipality may receive rental bonuses for rental units in excess of its growth share rental obligation. The Borough's rental obligation is 25 percent of its growth share obligation, or 9 units. Since the plan provides for 37 family rental housing units, 28 units are potentially available for bonus credits.

**Supportive/Special Needs Housing Bonus Credits:** Pursuant to N.J.A.C. 5:97-3.6(a)2, a municipality may receive 1.25 units of credit for each bedroom in supportive and special needs housing provided. Roselle Park has a total of 4 group home bedrooms, which generate a potential additional bonus credit.

# Appendix A

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*Workbook A*

## **Workbook A: Growth Share Determination Using Published Data**

(Using Appendix F(2), *Allocating Growth To Municipalities*)

### **COAH Growth Projections**

**Must be used in all submissions**

**Municipality Name:**

**Roselle Park**

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	<b>Residential</b>	<b>Non-Residential</b>
1 <b>Enter Growth Projections From Appendix F(2) *</b>	101	251
2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b>	<a href="#">Click Here to enter Prior Round Exclusions</a>	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b>		
Affordable units	0	
Associated Jobs		0
4 <b>Net Growth Projection</b>	101	251
5 <b>Projected Growth Share</b> (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	20.20 <b>Affordable Units</b>	15.69 <b>Affordable Units</b>
6 <b>Total Projected Growth Share Obligation</b>		36 <b>Affordable Units</b>

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

## Appendix B

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*Planned Development Zone Amendment*



## **Article VI Definitions**

§40-601 Terms Defined. This section is hereby amended to include the following definition:

**Dwelling, multi-family – A dwelling unit located in a building containing one or more similar units which are adjoining above, below or to the side and which may share common facilities, such as entryways, hallways and utility systems.**

## **Article XXVII PD Planned Development District**

**40-2701 PURPOSE.** The purpose of the Planned Development (PD) Zone District is to provide for the development of any of the permitted uses in accordance with a comprehensive plan that takes advantage of the district's proximity to the train station and integrates the development with the surrounding residential neighborhood through building scale, location, pathways and landscaping. **Any residential development within the district shall be inclusionary in order to address the affordable housing obligation.**

(1980 Code § 128-107.4; added by Ord. No. 1976)

### **40-2702 PRINCIPAL PERMITTED USES.**

The following uses, or any combination thereof, are permitted in the PD Zone:

A. Townhouses.

**B. Dwellings, multi-family.**

~~B. Senior citizen housing.~~

~~C. Assisted living facilities.~~

D. Retail trade.

E. Banks and financial institutions—NASICS Group 5221.

F. Professional, businesses and administrative offices—NASICS Groups 541, 6211, 6212 and 6213.

G. Institutional and public uses — NASICS Groups 6111, 71211, 8131 and 92.

H. Accessory uses that are customarily incidental to a principal permitted use.

(1980 Code § 128-107.5; added by Ord. No. 1976)

### **40-2703 BULK REGULATIONS.**

A. All permitted uses except townhouses, ~~senior citizen housing and assisted living facilities:~~

1. Maximum lot area: eighty thousand (80,000) square feet.
2. Maximum floor area ratio: 0.30.
3. Maximum impervious coverage: seventy (70%) percent.

4. Maximum height: three (3) stories or forty-five (45) feet.
5. Minimum front yard setback: twenty (20) feet.
6. Minimum side yard setback: ten (10) feet.
7. Minimum rear yard setback: ten (10) feet.
8. Minimum distance between buildings: fifteen (15) feet or one-half (1/2) the height of the tallest structure, whichever is greater.
9. No more than twenty-five (25%) percent of the parking shall be located in the front yard setback, and all parking areas shall be screened from view.

***B. Townhouses Residential Development***

1. Maximum density: ~~ten (10)~~ **twelve (12)** dwelling units per acre.
2. Minimum rear yard setback: thirty (30) feet.
3. Each dwelling unit shall have not less than two (2) means of ingress and egress.
4. Such dwelling unit shall have not less than two (2) exposures.
5. ~~There shall be no more than eight (8) dwelling units in any single group of attached dwelling units.~~
6. ~~No more than two (2) dwelling units may be constructed without providing a wall setback of not less than four (4) feet.~~
7. All other bulk requirements established in paragraph A. above shall apply.
8. **A minimum of 25 percent of the total number of for-sale dwelling units shall be affordable to very-low income, low-income and moderate-income households. A minimum of 20 percent of the total number of rental dwelling units shall be affordable to very-low income, low-income and moderate-income households.**

***C. Senior Citizen Housing.***

1. ~~Maximum height of principal structure: three (3) stories or forty (40) feet, whichever is less.~~
2. ~~Maximum height of accessory structure: sixteen (16) feet.~~
3. ~~Parking requirements for senior citizen housing: one half (0.5) space per dwelling unit.~~
4. ~~All other bulk requirements established in paragraph A. above shall apply.~~

***D. Assisted Living Facilities.***

1. ~~Maximum height: three (3) stories or forty (40) feet, whichever is less.~~
2. ~~Maximum floor area ratio: 0.30.~~
3. ~~Minimum number of parking spaces: one (1) space per every three (3) units.~~
4. ~~Maximum number of units per building: seventy five (75).~~

- ~~5. Maximum number of occupants per building: one hundred (100).~~
- ~~6. Minimum gross floor area per unit:~~
- ~~a. Single occupant: three hundred (300) square feet.~~
- ~~b. Double occupant: four hundred fifty (450) square feet.~~
- ~~7. All other bulk requirements established in paragraph A. above shall apply.~~
- (1980 Code § 128-107.6; added by Ord. No. 1976)

#### **40-2704 DESIGN STANDARDS.**

##### *A. Open Space.*

1. At least twenty (20%) percent of the tract shall be open space.
2. Open space areas shall be situated so as to create a courtyard that integrates the planned development with the adjacent train station.
3. A variety of amenities shall be provided, including but not limited to plazas, benches, fountains, timeclocks, walkways and tables.

##### *B. Building Siting and Design.*

1. Structures shall be situated so as to back up against the railroad tracks and create a central courtyard that opens up into the train station area.
2. Pedestrian walkways and open space shall be provided between the train station area and the central courtyard.
3. Structures located adjacent to West Lincoln Avenue shall be designed to front on West Lincoln Avenue and shall complement the scale and architectural character of the surrounding neighborhood.

(1980 Code § 128-107.7; added by Ord. No. 1976)

#### **40-2705 OTHER REQUIREMENTS.**

A. The tract shall be developed according to a comprehensive development plan as a single entity to accommodate the uses as permitted.

B. Prior to approval of any planned development, the Planning Board must find, as required by N.J.S.A. 40:55D-45, the following facts and conclusions:

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning standards applicable to the planned development.
2. That the proposals for maintenance and the amount, location and purpose of the common open space are adequate.

3. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.
4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
5. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

*C. Common Open Space.*

1. Common areas which are not accepted by the Borough shall be deeded to a corporation, association, individual or individuals or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance.
2. Any agreement for such ownership shall be reviewed and approved by the Borough Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Borough from harm.
3. Such agreement shall give the Borough the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement.

*D. Procedure for Approval of the Planned Development.* An application for approval of the planned development shall be deemed complete upon submission by the applicant of the following information:

1. An application form containing the name of the developer; a signed statement of the developer affirming compliance with the minimum criteria for planned development contained in this Article; proof that the property taxes pertaining to the property in question have been paid to date; a corporate or partnership disclosure statement, where applicable, in accordance with the provisions of N.J.S.A. 40:55D-48.1 and 55D-48.2; and any application fees that may be established by ordinance.
2. A plan consisting of the following plans and statements:
  - a. A land use plan indicating the tract area and general locations and approximate land areas to be devoted to the proposed land uses.
  - b. A traffic circulation plan indicating the location of all internal roadways, parking and loading areas and the locations of ingress and egress. Any planned improvements to local or County streets shall also be indicated and a traffic impact analysis submitted.
  - c. A drainage and stormwater management plan.

d. An open space and buffering plan.

e. A fiscal impact report describing the anticipated demands on municipal services to be generated by the project.

(1980 Code § 128-107.8; added by Ord. No. 1976)

## Appendix C

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*Senior Citizen Housing Zone*

## **Article XXVI SCH Senior Citizen Housing District**

**40-2601 PURPOSE.** The purpose of the Senior Citizen Housing (SCH) Zone District is to provide an opportunity for the construction of affordable senior citizen housing. (1980 Code § 128-107.1; added by Ord. No. 1976)

**40-2602 PRINCIPAL PERMITTED USES.** A building or premises shall be used only for the following purposes:

A. **100 percent affordable** senior citizen apartment dwellings.

B. Family day-care centers.

C. Group homes for the developmentally disabled.

**D. Public parks, playgrounds, buildings, structures and uses owned and operated by the Borough of Roselle Park.**

E. Accessory uses that are customarily incidental to a principal permitted use.

(1980 Code § 128-107.2; added by Ord. No. 1976)

### **40-2603 BULK REGULATIONS.**

A. Minimum tract area: eighty thousand (80,000) square feet.

B. Minimum front yard: forty (40) feet.

C. Minimum rear yard: fifty (50) feet.

D. Minimum side yard: thirty (30) feet.

E. Maximum height of principal structure: five (5) stories or fifty-five (55) feet.

F. Maximum height of accessory structure: sixteen (16) feet.

G. Maximum impervious coverage: seventy-five (75%) percent.

H. Open space. At least twenty-five (25%) percent of the tract shall be open space. A variety of amenities shall be provided, including but not limited to benches, walkways and tables.

I. Parking requirements for senior citizen housing: one-half (0.5) space per dwelling unit.

J. No more than twenty-five (25%) percent of the parking shall be located in the front yard setback, and all parking areas shall be screened from view.

(1980 Code § 128-107.3; added by Ord. No. 1976)

## Appendix D

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*Affordable Housing Ordinance*



**Ordinance No.**  
**Affordable Housing Ordinance**  
**Borough of Roselle Park, Union County**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF ROSELLE PARK TO ADDRESS THE REQUIREMENTS OF THE COURT AND THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE BOROUGH'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Borough of Roselle Park, Union County, New Jersey, that the Zoning Ordinance of the Borough of Roselle Park is hereby amended to include provisions addressing Roselle Park's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with N.J.A.C. 5:97-1, et seq., as may be amended and supplemented, and N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

The Roselle Park Borough Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the methods by which Roselle Park shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97-1, et seq., as may be amended and supplemented.

The Borough of Roselle Park shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96 et seq. regarding the status of the implementation of the Housing Element and Fair Share Plan. Any report filed by Roselle Park with COAH and any report prepared by COAH in response shall also be filed with the Union County Superior Court and shall be available to the public at the Roselle Park Borough Hall, Borough Clerk's Office, 110 East Westfield Avenue, , Roselle Park, New Jersey, 07204, at the COAH offices at P.O. Box 813, 101 South Broad Street, Trenton, New Jersey 08625-0813 and on COAH's website.

**Section 1. Municipal Fair Share Obligation**

The Borough of Roselle Park has a fair share obligation consisting of a 0 unit prior round obligation, a 96 unit rehabilitation obligation, and a 36 unit projected growth share obligation. Notwithstanding the fact that the Housing Element and Fair Share Plan have been prepared based upon the projected third round growth share obligation, the actual third round growth share obligation will be determined based on the actual development that occurs between January 1,

2004, and December 31, 2018, and calculated at the rate of one affordable housing unit for every four market rate residential units constructed and one affordable housing unit for every 16 jobs created through the development or expansion of non-residential floor area in accordance with the schedule presented in Appendix D of COAH's Substantive Rules (N.J.A.C. 5:97).

## **Section 2. Definitions**

The following terms when used in this Ordinance 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 responsible for the administration of affordable units in accordance with this Ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and 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 low- or moderate-income household as defined in N.J.A.C. 5:97-9 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 development” means a housing development of which all or a portion consists of restricted units.

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

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

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

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person that 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.

“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 low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, 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 require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“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 the rehabilitation program.

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

Roselle Park has determined that it will use the following programs to satisfy its affordable housing obligations:

1. A rehabilitation program. See Section 4.
2. Redevelopment of the Romerovski Site yielding 37 affordable units.. See Section 7.
3. Inclusionary Development at the Train Station Site yielding 5/6 affordable units. See Sections 6 and 7.
4. Existing Group Home at Block 1005, Lot 11 yielding 4 affordable credits. See Section 5.
5. Catholic Charities 100 percent affordable senior project yielding at least 100 credits. See Section 7.

### **Section 4. Rehabilitation**

1. Roselle Park’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The rehabilitation program shall include an owner occupancy rehabilitation program and a renter occupancy rehabilitation program.
2. Roselle Park has/will enter into an agreement with Union County to administer its rehabilitation program. Roselle Park will also simultaneously administer its own rehabilitation program due to the large rehabilitation obligation assigned to it.
3. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.

4. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units, the control period shall be enforced with a lien, and, for renter occupied units, the control period shall be enforced with a deed restriction.
5. Roselle Park shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through the rehabilitation program, reflecting the minimum hard costs of rehabilitation per unit.
6. The Borough of Roselle Park shall adopt a resolution committing to fund any shortfall in the rehabilitation program.
7. The County and Borough rehabilitation programs shall each have a rehabilitation manual for owner-occupied and renter-occupied units to be adopted by resolution of the governing body. Both manuals shall be continuously available for public inspection in the Office of the Borough Clerk and in the office of the Administrative Agent.
8. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:
  - a. Upon the initial rental of a vacant unit subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and to be affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - c. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
  - d. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

#### **Section 5. Permanent Supportive Living and Supportive Shared Living Housing**

1. The administration of a supportive living housing facility shall be in compliance with N.J.A.C. 5:97-6.10, including the administration thereof in accordance with N.J.A.C. 5:97-9 and UHAC, with the following exceptions:
  - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Court or by COAH's Executive Director, if approval is delegated by the Court;

- b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, supportive living housing facilities shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9 and UHAC.
3. The service provider for a supportive living housing facility shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the supportive living housing facility.

### **Section 6. Phasing Schedule for Inclusionary Zoning**

In inclusionary developments the following schedule shall be followed:

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

### **Section 7. New Construction**

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 10 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.
  - b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
  - c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

## 2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1) An adaptable toilet and bathing facility on the first floor;

2) An adaptable kitchen on the first floor;

3) An interior accessible route of travel on the first floor;

4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;

5) An interior accessible route of travel between stories within an individual unit, except that if all of the terms of paragraphs b.1) through b.4) above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and

6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that Roselle Park has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.



b) To this end, the builder of restricted units shall deposit funds within the Borough of Roselle Park's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6)b) above shall be used by the Borough of Roselle Park for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Borough of Roselle Park.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

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

### 3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

### 4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different 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.

e. 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:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial 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:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household

as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate 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.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

#### **Section 8. Utilities**

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. 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 DCA for its Section 8 program.

#### **Section 9. Occupancy Standards**

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:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

#### **Section 10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain

subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Roselle Park 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.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

4. At the time of the 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 Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### **Section 11. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

3. 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.

4. 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 14.

### **Section 12. Buyer Income Eligibility**

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

2. Notwithstanding the foregoing, however, the Administrative Agent may, subject to COAH's approval, permit moderate-income purchasers to buy low-income units in housing markets determined by COAH to have an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing restrictions for low-income units.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

### **Section 13. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of 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 percent 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).

### **Section 14. Capital Improvements To Ownership Units**

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

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

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Roselle Park 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.
2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Union. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit; or
  3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

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

1. 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.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. The Borough of Roselle Park's Rent Control Ordinance shall not be applicable to either the market units or the affordable units in any development in which at least 20% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

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

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. 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 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents 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.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

#### **Section 18. Municipal Housing Liaison**

1. COAH requires Roselle Park to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Roselle Park shall adopt an Ordinance creating the position of Municipal Housing Liaison. Roselle Park shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court unless such approval is delegated by the Court to COAH and shall be duly qualified before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Roselle Park, including the following responsibilities which may not be contracted out to the Administrative Agent:
- a. Serving as Roselle Park's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - b. Monitoring the status of all restricted units in Roselle Park's Fair Share Plan;
  - c. Compiling, verifying and submitting annual monitoring reports as required by COAH;
  - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.



3. Subject to the approval of the Court or of COAH if such approval is delegated to COAH by the Court, the Borough of Roselle Park shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court or of COAH if approval is delegated by the Court to COAH. The Operating Manuals shall be available for public inspection in the Office of the Borough Clerk and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s). **Section 19. Administrative Agent**

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:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Roselle Park and the provisions of N.J.A.C. 5:80-26.15; and

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

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

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

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Roselle Park when referring households for certification to affordable units.

3. Affordability Controls:

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

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Union County Register of Deeds or Union County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rerentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

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

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

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

d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

a. 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;

b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and

f. Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

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

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to COAH, as required by COAH.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.

**Section 20. Affirmative Marketing Requirements**

1. The Borough of Roselle Park 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.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, 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 COAH Housing Region 2 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2, comprised of Essex, Morris, Union and Warren Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Roselle Park shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. 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.
6. 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.
7. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
8. 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.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

## **Section 21. Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a

sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is 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:

1) A fine of not more than \$500.00 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;

2) 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 into the Borough of Roselle Park Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) 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.

b. 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.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of

violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for 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.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner

## **Section 22. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court unless the Court delegates this responsibility to the Executive Director of COAH.

**REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

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

**ATTEST:**

**BOROUGH OF ROSELLE PARK**

\_\_\_\_\_  
Doreen Cali, Borough Clerk

\_\_\_\_\_  
Joseph DeIorio, Mayor

Introduced: \_\_\_\_\_

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:



Adopted: \_\_\_\_\_

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on \_\_\_\_\_, 2010.

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Doreen Cali, Borough Clerk

## NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Roselle Park held in the Municipal Building on the \_\_\_\_th day of \_\_\_\_, 2010, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the \_\_\_\_th day of \_\_\_\_, 2010, at \_\_\_\_ P.M., and again at the Regular Business Meeting of the Governing Body to be held on the \_\_\_\_th day of \_\_\_\_, 2010, at \_\_\_\_ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing on the \_\_\_\_th day of \_\_\_\_, 2010, said Ordinance shall be considered for final adoption.

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Doreen Cali, Borough Clerk

## Appendix E

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*Spending Plan*

# Roselle Park Borough Spending Plan

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## INTRODUCTION

**Roselle Park Borough, Union County** has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was introduced by the Borough Council on January 17, 2008 and submitted to COAH for approval. The ordinance establishes the Roselle Park Borough affordable housing trust fund for which this spending plan is prepared.

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 \_\_\_\_\_ for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

## 1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Roselle Park Borough considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and general revenues from the Borough of.

(d) Projected interest:

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

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development			10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	90,000
(b) Payments in Lieu of Construction			200,000	100,000	100,000							400,000
(c) Other Funds (General Revenue)			10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	90,000
(d) Interest			500	500	500	500	500	500	500	500	500	4,500
Total			220,500	120,500	120,500	20,500	20,500	20,500	20,500	20,500	20,500	584,500

Roselle Park Borough projects a total of \$584,500 in revenue to be collected between January 1, 2010 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Roselle Park Borough's development fee ordinance for residential and non-residential developments in accordance with COAH's rules and subject to 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:

Development fees shall be distributed by resolution of the Council for approved affordable housing activities as set forth in this Spending Plan.

## 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Roselle Park Borough will dedicate \$540,000 to rehabilitation and/or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

**Rehabilitation program:** \$ 140,000

**100% affordable housing construction:** \$400,000

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$
Actual interest earned through 7/17/2008	+	\$
Development fees projected 2008-2018	+	\$90,000
Interest projected 2008-2018	+	\$4,500
Less housing activity expenditures through 6/2/2008	-	\$0
<b>Total</b>	=	94,500
30 percent requirement	x 0.30 =	\$28,350
Less Affordability assistance expenditures through 12/31/2004	-	\$0
<b>PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018</b>	=	\$28,350
<b>PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018</b>	÷ 3 =	\$9,450

Roselle Park Borough will dedicate \$28,350 from the affordable housing trust fund to render units more affordable, including \$9,450 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- Down-payment assistance;
- Rental assistance; and
- Converting low-income to very low-income units.

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

Roselle Park Borough does not anticipate using any funds from the housing trust fund for administrative expenses. Projected administrative expenditures are subject to the 20 percent cap.

#### **4. EXPENDITURE SCHEDULE**

Roselle Park Borough intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units and site preparation costs associated with the construction of 100 affordable senior citizen housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.





## 5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Roselle Park Borough has adopted a resolution agreeing to fund any shortfall of funds required for implementing the Roselle Park Housing Assistance Program. In the event that a shortfall of anticipated revenues occurs, Roselle Park Borough will provide a minimum of \$10,000 per year to the program from General Revenues. The Borough will adopt a resolution appropriating funds from general revenue for any unanticipated shortfall in the municipal rehabilitation program. A copy of the adopted resolution is attached. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund the Borough's housing rehabilitation program.

## 6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Roselle Park Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

### SUMMARY

Roselle Park Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated February 8, 2010.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of July 17, 2008	\$0
<b>PROJECTED REVENUE July 18, 2008-2018</b>	
Development fees	+ \$90,000
Payments in lieu of construction	+ \$400,000
Other funds	+ \$90,000
Interest	+ \$4,500
<b>TOTAL REVENUE</b>	<b>= \$584,500</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	- \$144,000
Funds used for New Construction	
1. Catholic Charities Senior Housing	- \$400,000
Affordability Assistance	- \$28,350
Administration	- \$0
Excess Funds for Additional Housing Activity	= \$
1.	- \$
2.	- \$
3.	- \$
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= 572,500</b>
<b>REMAINING BALANCE</b>	<b>= \$12,150</b>