

# **Master Plan Amendment Housing Plan Element and Fair Share Plan Round 4**

**Borough of Fanwood  
Union County, New Jersey**

**Prepared:**  
June 13, 2025

**Prepared for:**  
Borough of Fanwood Planning Board

**Prepared by:**



T&M Associates  
11 Tindall Road  
Middletown, NJ 07748



Caroline Z. Reiter, PP, AICP  
NJ Professional Planner: 33LI00534300



Robert E. Dare, PP, AICP  
NJ Professional Planner: 33LI00596400

Adopted on June 25, 2025 by the Borough of Fanwood Planning Board.  
Endorsed on \_\_\_\_\_ by the Fanwood Borough Council.

*The original of this document has been signed and sealed in accordance with Law.*

**FANWOOD BOROUGH**

**Mayor and Council**

Colleen Mahr, Mayor  
Jeffrey Banks, Council President  
Erin McElroy Barker, Councilwoman  
Katherine Mitchell, Councilwoman  
Anthony Carter, Councilman  
Patricia Walsh, Councilwoman  
Gina Berry, Councilwoman

**Planning Board**

Colleen Mahr, Mayor — Class I  
Amy Hamill, Mayor's Designee — Class I  
Anthony Carter, Council Liaison — Class III  
Leslie Krone-Speck, Class II — Environmental Liaison  
Scott Pierce, Class IV  
Matthew Jukes, Class IV  
Frank Guzzo, Class IV  
Adam Matty, Class IV  
Paul Marder, Class IV  
Scott Pierce, Class IV  
Whitney Chelnik, Class IV — Alternate 1  
Tom Rozycki, Alternate 2  
Richard Birch, Class IV — Alternate 3

Patricia Hoynes, Recording Secretary  
Diane Dabulas, Esq., Attorney  
Antonios Panagopoulos, PE, Engineer

**Public Officials**

Jesse Moehlman, Borough Administrator  
Courtney Agnello, Borough Clerk  
Patricia Celardo, Chief Financial Officer  
Russell Huegel, Esq., Borough Attorney  
Raymond Sullivan, Municipal Land Use Official

## Table of Contents

Affordable Housing in New Jersey .....	1
Mandatory Contents of the Housing Element.....	2
Analysis of Demographic, Housing, and Employment Characteristics .....	4
Population Characteristics .....	4
Population Composition by Age.....	6
Existing Housing Characteristics.....	8
Type of Household .....	8
Household Size .....	9
Per Capita and Household Income.....	10
Family Income Distribution.....	11
Housing Affordability .....	12
Housing Unit Data .....	13
Year Householder Moved into Unit.....	14
Housing Unit Information.....	15
Housing Conditions .....	17
Housing Values .....	18
Contract Rents .....	19
Employment Data.....	20
Residential Construction.....	23
Population and Household Projection .....	24
Employment Projection.....	25
Affordable Housing Obligation.....	26
Prior Round Obligation.....	26

Round 3 Prospective Need.....	27
Round 4 Present Need.....	29
Round 4 Prospective Need.....	29
Consideration of Lands Appropriate for Affordable Housing.....	31
Consistency with the State Development and Redevelopment Plan .....	32
Multigenerational Housing Continuity .....	34
Conclusion .....	34
Appendices.....	35



# Housing Element

---

The Borough of Fanwood, Union County, has prepared this Housing Element and Fair Share Plan as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act 2 (N.J.S.A. 52:27D-301 et seq.).

The Municipal Land Use Law requires that a municipal master plan include a housing element to enable the municipality to exercise the power to zone and regulate land use. The housing element is adopted by the municipal planning board and endorsed by the municipal governing body, and is drawn to achieve the goal of meeting the municipal obligation to provide for a fair share of the regional need for affordable housing.

This Housing Element and Fair Share Plan amends the Borough's master plan to address affordable housing planning requirements for the period known as Round 4, which includes the decade between July 2025 and July 2035. It addresses the Borough's cumulative fair share obligation for the period from 1987 through 2035. The Borough last adopted a Round 3 Housing Element on November 30, 2016. This plan will replace the 2016 Round 3 plan.

## Affordable Housing in New Jersey

The Mt. Laurel II doctrine requires that all municipalities provide a realistic opportunity for their fair share of low- and moderate-income housing. The Fanwood Fair Share Plan is the Borough's proposal for satisfying its share of the regional affordable housing needs under applicable affordable housing regulations.

This Plan provides the Borough's fair share obligation and details its strategies for addressing its present, prior, and prospective housing needs. The New Jersey Fair Housing Act established the New Jersey Council on Affordable Housing (COAH). COAH was responsible for developing rules and regulations on affordable housing, as well as approving municipalities' submitted affordable housing plans. The COAH approval process was known as Substantive Certification.

COAH adopted its first set of rules, known as "Round 1," for the period from 1987 through 1993. COAH "Round 2" covered the period from 1993 to 1999. These rounds are now combined and collectively referred to as the "Prior Round," which covers the period from 1987 to 1999.

COAH adopted its first Round 3 rules in 2005. The Round 3 rules included a new methodology for calculating affordable housing, known as Growth Share. These rules were challenged, and the Appellate Division invalidated the Round 3 rules in 2007.

COAH then adopted its second set of Round 3 rules in 2008; these rules also used the Growth Share methodology and were found invalid by the Appellate Division in 2010. COAH was directed to prepare new rules that used the Prior Round methodologies of establishing the statewide and regional affordable housing obligation and assigning municipalities their fair share of the regional affordable housing obligations.

COAH prepared new rules in 2014, but failed to adopt them. In response, a motion was filed with the New Jersey Supreme Court to enforce litigant's rights in response to COAH's lack of action. On March 10, 2015 the Supreme Court issued its decision to enforce litigant's rights and established a procedure for municipalities to transition their COAH applications to the Courts.

The Supreme Court established a new procedure that requires participating towns, such as Fanwood, to submit a Declaratory Judgment action. The Borough of Fanwood filed its action of Declaratory Judgment with the Court on or about July 6, 2015.

Fair Share Housing Center (FSHC), a nonprofit affordable housing advocacy group, was considered an "interested party" in all municipal Declaratory Actions. FSHC and the Borough engaged in a mediation process under the supervision of the court-appointed Special Master and reached a Settlement Agreement with on August 3, 2016.

#### Round 4 Affordable Housing

On March 20, 2024, Governor Murphy signed new legislation known as P.L. 2024, c.2, which amended the State's Fair Housing Act and changed the affordable housing process in New Jersey.

The Fair Housing Act (FHA) Amendment ("FHA 2" or the "Act") eliminated the Council on Affordable Housing (COAH), directed the Department of Community Affairs (DCA) to prepare nonbinding affordable housing obligations, changed certain aspects of the vacant land process, eliminated and revised available bonus credits, and imposed strict deadlines on municipalities.

Pursuant to the FHA 2, municipalities must adopt a Housing Element and Fair Share Plan by June 30, 2025. This plan conforms to the requirements established in the legislation and FHA 2 and addresses Fanwood's Prior Round, Round 3, and Round 4 affordable housing obligations.

## **Mandatory Contents of the Housing Element**

Pursuant to the New Jersey Fair Housing Act (FHA 2), "a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing." The essential plan components are:

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

This Housing Element and Fair Share Plan Amendment addresses the above requirements.

## **Analysis of Demographic, Housing, and Employment Characteristics**

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Borough of Fanwood information from the US Census Bureau, the New Jersey Department of Labor and Workforce Development, and the North Jersey Transportation Planning Authority.

### **Population Characteristics**

Table 1 illustrates the population trends for the Borough of Fanwood and Union County from 1930 to 2020. As depicted, Fanwood's population grew by 6,093 residents during this time. The most significant increases occurred during the following periods: from 1950 to 1960, when the Borough's population rose by approximately 146.7 percent; from 1940 to 1950, with an increase of about 39.7 percent; and between 1930 and 1940, when the population grew by roughly 37.4 percent. The only time periods that experienced a population decrease were from 1970 to 1980, when the Borough's population fell by about 12.9 percent, and from 1980 to 1990, when the population decreased by roughly 8.4 percent.

Union County's population also grew from 1930 to 2020. In fact, the County's population increased by 270,225 residents during this time. However, compared to the Borough, the change in the County's population was never as substantial as that in the Borough. The maximum rate of change in the Borough's population was approximately 146.7 percent (between 1950 and 1960), compared to the maximum rate of change of 26.7 percent, also between 1950 and 1960. After 1960, the County's population change rate never exceeded 10.0 percent and showed slight declines between 1970 and 1980, and 1980 and 1990.

**Table 1**  
POPULATION CHANGE, 1930 – 2020  
Borough of Fanwood and Union County

**Borough of Fanwood**

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	1,681	-----	-----
1940	2,310	629	37.4
1950	3,228	918	39.7
1960	7,963	4,735	146.7
1970	8,920	957	12.0
1980	7,767	-1,153	-12.9
1990	7,115	-652	-8.4
2000	7,174	59	0.8
2010	7,318	144	2.0
2020	7,774	456	6.2

**Union County**

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	305,209	-----	-----
1940	328,344	23,135	7.6
1950	398,138	69,794	21.3
1960	504,255	106,117	26.7
1970	543,116	38,861	7.7
1980	504,094	-39,022	-7.2
1990	493,819	-10,275	-2.0
2000	522,541	28,722	5.8
2010	536,499	13,958	2.7
2020	575,434	38,935	7.3

Sources:

1930–1950: “Number of Inhabitants, New Jersey.” U.S. Census Bureau, 1950.

1940–2000: “New Jersey Population Trends 1790 to 2000.” New Jersey State Data Center,  
August 2001. Accessed February 4, 2025.

2010: 2010 U.S. Census (Table P3)

2020: 2020 U.S. Census (Table DP1)

## Population Composition by Age

Table 2 shows population by age cohort in the Borough of Fanwood at the time of the 2010 Census and the 2020 Census. The population increased by 456 residents or 6.2 percent between 2010 and 2020. The age cohorts with the most significant percentage increases were: 15-24 which increased by 243 residents or 37.3 percent, 65-74, which increased by 164 residents or 35.4 percent; 55-64 which increased by 207 residents or 24.6 percent; and 75-84 which increased by 20 residents or 6.2 percent. The age-cohort with the most significant decrease was under 5, which decreased by 74 residents or about 12.9 percent; followed by 35-44 and 85+, which declined by 104 (8.3 percent) and 18 (7.6 percent) respectively. The change in all other age cohorts was less than  $\pm 2.8$  percent.

**Table 2**  
POPULATION BY AGE  
Borough of Fanwood

Age Group	2010 Population		2020 Population		Change 2010-2020	
	Persons	Percent	Persons	Percent	Persons	Percent
Under 5	573	7.8	499	6.4	-74	-12.9
5-14	1,154	15.8	1,144	14.7	-10	-0.9
15-24	651	8.9	894	11.5	243	37.3
25-34	617	8.4	634	8.2	17	2.8
35-44	1,251	17.1	1,147	14.8	-104	-8.3
45-54	1,211	16.5	1,222	15.7	11	0.9
55-64	840	11.5	1,047	13.5	207	24.6
65-74	463	6.3	627	8.1	164	35.4
75-84	322	4.4	342	4.4	20	6.2
85+	236	3.2	218	2.8	-18	-7.6
<b>TOTALS</b>	<b>7,318</b>	<b>100</b>	<b>7,774</b>	<b>100</b>	<b>456</b>	<b>6.2</b>

Sources:

2010: 2010 U.S. Census (Table PCT12)

2020: 2020 U.S. Census (Table DP1)

Table 2 shows considerable growth in the 15-24, 55-64, and 65-74 age cohorts. The effects of the change in the distribution of Fanwood's population among age cohorts can be summarized in the shift in the median age of the Borough's population, which increased by approximately 0.6 years, from 40.5 years to 41.1 years, from 2010 to 2020. This represents an increase of approximately 1.5 percent. By comparison, the median age of Union County's population increased by approximately 0.7 years, from 38.0 years to 38.7 years, which equates to an increase of about 1.8 percent. Table 3 summarizes the distribution of the Borough's and County's populations among age cohorts and the change in the median age of said populations.

**Table 3**

PERCENTAGE POPULATION DISTRIBUTION, 2010 & 2020  
Borough of Fanwood and Union County

	2010 Percentage of Population		2020 Percentage of Population	
	<u>Borough</u>	<u>County</u>	<u>Borough</u>	<u>County</u>
Under 5	7.8	6.7	6.4	5.9
5-14	15.8	13.5	14.7	13.4
15-24	8.9	12.8	11.5	12.9
25-34	8.4	12.9	8.2	12.8
35-44	17.1	14.6	14.8	13.9
45-54	16.5	15.5	15.7	13.9
55-64	11.5	11.3	13.5	13.1
65+	14.0	12.6	15.3	14.3
<b>TOTALS</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Median Age	40.5	38.0	41.1	38.7

Sources:

2010: 2010 U.S. Census (Tables PCT12, P13)

2020: 2020 U.S. Census (Tables DP1, P13)

## Existing Housing Characteristics

### Type of Household

A household is a group of people who occupy a housing unit as their usual place of residence. As shown in Table 4, there were 2,725 households in the Borough of Fanwood in 2020. The majority, approximately 82.9 percent, of households consisted of two or more persons. The remaining 17.1 percent of households were single-person households. Table 4 provides additional details on the types of households in the Borough of Fanwood during 2020.

**Table 4**  
TYPES OF HOUSEHOLDS, 2020  
Borough of Fanwood

<u>Type of Households</u>	<u>Total</u>	<u>Number in Subgroup</u>	<u>Percent of Total</u>
<b>TOTAL HOUSEHOLDS</b>	<b>2,725</b>		
<b>One Person</b>		<b>467</b>	<b>17.1</b>
Male Householder	152		5.6
65 years or older	75		2.8
Female Householder	315		11.6
65 years or older	214		7.9
<b>Two or More Persons</b>		<b>2,258</b>	<b>82.9</b>
<i>Married Couple Families</i>	1,855		68.1
With Own Children Under 18	968		35.5
<i>Cohabiting Couple</i>	71		2.6
With Own Children Under 18	23		0.8
<i>Male Householder Not living alone</i>	90		3.3
With Own Children Under 18	25		0.9
<i>Female Householder Not living alone</i>	242		8.9
With Own Children Under 18	71		2.6

Source:  
2020 U.S. Census (Table DP1)



## Household Size

Table 5 provides additional detail on household size in the Borough of Fanwood during 2020. As shown, the most frequent household size was two persons, which accounted for 26.7 percent of all households in Fanwood and 26.5 percent of all households in Union County. The average household size in Fanwood was 2.78, which is 0.03 less than the average household size of 2.81 in Union County during 2020.

**Table 5**  
HOUSEHOLD SIZE, 2020  
Borough of Fanwood & Union County

<u>Household Size</u>	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 Person	467	17.1	46,394	23.2
2 Persons	727	26.7	53,184	26.5
3 Persons	579	21.2	36,586	18.3
4 Persons	597	21.9	35,561	17.7
5 Persons	248	9.1	17,011	8.5
6+ Persons	107	3.9	11,636	5.8
<b>TOTALS</b>	2,725	100.00	200,372	100.00
<b>Average Household Size</b>	2.78		2.81	

Sources:

2020 U.S. Census (Table DP1)

2020 U.S. Census (Table H12)

## Per Capita and Household Income

Table 6 presents the per capita income, median household income, and population poverty status of the Borough of Fanwood, Union County, and the State of New Jersey. This data is derived from the 2023 American Community Survey Five-Year Estimates and reflects estimated average conditions over the five-year period ending in 2023.

As shown in Table 6, Fanwood reported a higher per capita income of \$71,378 compared to Union County and New Jersey, where the per capita incomes were \$51,850 and \$53,118, respectively. Additionally, Fanwood had a significantly higher median household income of \$176,667 compared to Union County and New Jersey, which reported median household incomes of \$100,117 and \$101,050, respectively. Furthermore, the Borough had only 1.4 percent of its population living below the poverty line, which was significantly lower than the 8.9 percent and 9.8 percent seen in Union County and New Jersey, respectively.

**Table 6**

PER CAPITA AND HOUSEHOLD INCOME; POVERTY STATUS 2023  
Borough of Fanwood, Union County & New Jersey

	<u>Per Capita</u> <u>Income</u>	<u>Median Household</u> <u>Income</u>	<u>Percentage Below</u> <u>Poverty Status</u>
<b>Borough of Fanwood</b>	\$71,378	\$176,667	1.4
<b>Union County</b>	\$51,850	\$100,117	8.9
<b>New Jersey</b>	\$53,118	\$101,050	9.8

Source:

2023 American Community Survey 5-Year Estimates (Tables BP19301, S1701, and S1901)

## Family Income Distribution

Table 7 presents family income data for the Borough and County, as shown by the 2023 American Community Survey Five-Year Estimates. A significant majority of Fanwood's families (87.7 percent) earned an annual income of \$100,000 or more. In contrast, only 57.5 percent of Union County's families earned \$100,000 or more.

**Table 7**  
FAMILY INCOME DISTRIBUTION, 2023  
Borough of Fanwood & Union County

<u>Income Levels</u>	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$10,000	15	0.7	2,685	1.8
\$10,000 - \$14,999	0	0.0	1,738	1.2
\$15,000 - \$24,999	0	0.0	4,526	3.1
\$25,000 - \$34,999	20	0.9	5,746	3.9
\$35,000 - \$49,999	73	3.3	11,792	8.1
\$50,000 - \$74,999	48	2.1	18,564	12.7
\$75,000 - \$99,999	118	5.3	16,984	11.6
\$100,000 - \$149,999	475	21.1	26,183	17.9
\$150,000 - \$199,999	338	15.0	19,394	13.3
\$200,000 or more	1,160	51.6	38,488	26.3
<b>TOTALS</b>	<b>2,247</b>	<b>100.00</b>	<b>146,100</b>	<b>100.00</b>

Source:

2023 American Community Survey 5-Year Estimates (Table DP03)

## Housing Affordability

Table 8 outlines the maximum income limits for low, very low-, and moderate-income households in Housing Region 2, which includes all of Essex, Morris, Union, and Warren counties.

Fanwood is located in Housing Region 2. As of 2025, the median household income for a three-person household in this region was \$121,800. A three-person moderate-income household, defined as having an income exceeding 50 percent but less than 80 percent of the median income, would have an income that does not exceed \$97,440. A three-person low-income household, defined as having an income equal to or less than 50 percent but more than 30 percent of the median income, would have an income that does not exceed \$60,900. A three-person very low-income household, defined as having an income equal to 30 percent or less of the median income, would have an income that does not exceed \$36,540. Lastly, the 1.5-person, three-person, and 4.5-person columns are utilized for calculating the pricing of one-, two-, and three-bedroom affordable units.

**Table 8**  
2025 REGIONAL INCOME LIMITS  
HOUSING REGION 2

<u>Household Size</u>	<u>Median Income</u>	<u>Moderate Income</u>	<u>Low Income</u>	<u>Very Low Income</u>
1 Person	\$94,800	\$75,840	\$47,400	\$28,440
1.5 Person	\$101,550	\$81,240	\$50,775	\$30,465
2 Person	\$108,300	\$86,640	\$54,150	\$32,490
2.5 Person	\$115,050	\$92,040	\$57,525	\$34,515
3 Person	\$121,800	\$97,440	\$60,900	\$36,540
4 Person	\$135,300	\$108,240	\$67,650	\$40,590
4.5 Person	\$140,750	\$112,600	\$70,375	\$42,225
5 Person	\$146,200	\$116,690	\$73,100	\$43,860
6 Person	\$157,000	\$125,600	\$78,500	\$47,100
7 Person	\$167,800	\$134,240	\$83,900	\$50,340
8 Person	\$178,600	\$142,880	\$89,300	\$53,580

Source:

2025 Affordable Housing Regional Income Limits by Household Size, prepared by Affordable Housing Professionals of New Jersey (AHPNJ) – May 16, 2025.

## Housing Unit Data

In 2020, Fanwood had 2,829 housing units, 2,725 of which were occupied. By comparison, Union County had 209,908 housing units, of which 200,372 were occupied.

As shown in Table 9, the owner-occupied housing stock accounted for a significantly larger percentage of the Borough's housing stock compared to that of the County. In 2020, approximately 86.7 percent of the Borough's housing stock was owner-occupied, in contrast to 56.5 percent of the County's housing stock.

**Table 9**  
HOUSING UNIT DATA, 2020  
Borough of Fanwood & Union County

	Borough of Fanwood		Union County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<b>Unit Type</b>				
Occupied	2,725	96.3	200,372	95.5
Vacant, Seasonal & Migratory	104	3.7	9,536	4.5
Total	2,829	100.0	209,908	100.0
<b>Owner vs Renter Occupied Units</b>				
Owner Occupied	2,363	86.7	113,100	56.5
Renter Occupied	362	13.3	87,272	43.6
<b>TOTAL OCCUPIED UNITS</b>	2,725	100.0	200,372	100.0

Source:  
2020 U.S. Census (Table DP1)

## Year Householder Moved into Unit

Table 10 provides the year the current householders moved into Fanwood and Union County homes. As shown, 73.4 percent of the Borough's households moved into their current residences during or after 2000, compared to 77.7 percent countywide. Approximately 26.6 percent of the Borough's households and 22.3 percent of the County's households moved into their homes before 2000.

**Table 10**  
YEAR HOUSEHOLDER  
MOVED INTO UNIT, 2023  
Borough of Fanwood & Union County

<u>Year Householder Moved into Unit</u>	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
2021 or later	279	10.1	18,281	9.1
2010 - 2020	895	32.2	100,524	49.8
2000 - 2009	862	31.1	37,863	18.8
1990 - 1999	330	11.9	20,998	10.4
1989 or earlier	410	14.8	23,997	11.9
<b>TOTALS</b>	2,776	100.0	201,663	100.0

Source:

2023 American Community Survey 5-Year Estimates (Table DP04)

## Housing Unit Information

Table 11 provides various information from the American Community Survey regarding the Borough of Fanwood and Union County housing stocks, such as the date when the housing units were built, the number of units per structure, and the number of rooms and bedrooms per unit.

Approximately 84.8 percent of the Borough's housing stock consists of single-family detached structures. In contrast, single-family detached homes account for roughly 49.7 percent of the County's housing stock.

As shown in Table 11, the Borough's housing stock features more than double the number of rooms compared to the County's housing stock. In 2023, about 46.6 percent of Fanwood's housing units had eight (8) or more rooms, while the County's housing stock had 23.1 percent with the same number of rooms. The number of bedrooms per housing unit follows a similar trend, with 41.2 percent of the Borough's housing units having four (4) or more bedrooms, compared to approximately 24.2 percent of the County's housing units.

The construction dates for housing units are somewhat comparable between the Borough and the County, with approximately 83.5 percent of the Borough's housing stock and 79.5 percent of the County's housing built before 1980.

**Table 11**  
HOUSING UNIT INFORMATION, 2023  
Borough of Fanwood & Union County

	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<b>Total Housing Units</b>	<b>2,783</b>	<b>100.0</b>	<b>211,269</b>	<b>100.0</b>
<u>Units in Structure</u>				
One (Single Family Detached)	2,360	84.8	105,038	49.7
One (Single Family Attached)	124	4.5	10,522	5.0
Two+ Units	278	10.0	95,181	45.1
Mobile Home, Trailer Other	21	0.8	528	0.2
<u>Number of Rooms</u>				
1 Room	44	1.6	7,617	3.6
2 or 3 Rooms	80	2.9	28,694	13.6
4 or 5 Rooms	379	13.6	68,171	32.2
6 or 7 Rooms	982	35.3	58,030	27.5
8+ Rooms	1,298	46.6	48,757	23.1
<u>Number of Bedrooms</u>				
No Bedroom	44	1.6	7,931	3.8
1 Bedroom	101	3.6	29,527	14.0
2 or 3 Bedrooms	1,492	53.6	122,686	58.1
4+ Bedrooms	1,146	41.2	51,125	24.2
<u>Year Structure Built</u>				
2020 - later	10	0.4	1,561	0.7
2010 - 2019	206	7.4	10,611	5.0
2000 - 2009	142	5.1	11,656	5.5
1990 - 1999	56	2.0	8,749	4.1
1980 - 1989	43	1.5	10,641	5.0
1960 - 1979	368	13.2	43,532	20.6
1940 - 1959	1,220	43.8	73,579	34.8
1939 or earlier	738	26.5	50,940	24.1

Source:

2023 American Community Survey 5-Year Estimates (Table DP04)



## Housing Conditions

Housing conditions in Fanwood are good. As shown in Table 12, none of the Borough's housing units lack complete plumbing facilities, and only approximately 2.1 percent lack complete kitchen facilities, compared to 0.5 and 0.8 percent countywide, respectively. Additionally, none of the Borough's housing units lack telephone service, whereas 0.8 percent of the County's housing units do.

Furthermore, only about 0.7 percent of the Borough's housing stock has more than one person per room, compared to approximately 5.4 percent of the County's housing stock. Having more than one person per room is an indicator of overcrowding.

**Table 12**  
INDICATORS OF HOUSING CONDITIONS, 2023  
Borough of Fanwood & Union County

	Borough of Fanwood		Union County	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Total Occupied Units</u>	2,776		201,663	
Units Lacking Complete Plumbing	0	0.0	977	0.5
Units Lacking Kitchen Facilities	57	2.1	1,670	0.8
No telephone service	0	0.0	1,599	0.8
<u>Persons per Room, Occupied Units</u>				
1.00 or less	2,756	99.3	190,706	94.6
1.01 to 1.50	20	0.7	7,055	3.5
1.51 or more	0	0.0	3,902	1.9
<b>TOTALS</b>	<b>2,776</b>	<b>100.0</b>	<b>201,663</b>	<b>100.0</b>

Source:

2023 American Community Survey 5-Year Estimates (Table DP04)

## Housing Values

Table 13 shows 2023 housing values for the Borough of Fanwood and Union County. As indicated, approximately 97.1 percent of the Borough's owner-occupied housing units are valued at over \$300,000, and 74.1 percent exceed \$500,000. These percentages are significantly higher than those in the County, where only about 84.5 percent of the owner-occupied housing units are valued at over \$300,000, and merely 47.8 percent are valued at \$500,000 or more. This higher percentage of units is reflected by the lower median value of owner-occupied units in Union County than in the Borough, at \$488,800 compared to \$610,600.

**Table 13**  
OWNER-OCCUPIED HOUSING VALUES, 2023  
Borough of Fanwood & Union County

Housing Value	Borough of Fanwood		Union County	
	Number	Percent	Number	Percent
Less than \$50,000	21	0.9	2,057	1.8
\$50,000 - \$99,999	21	0.9	602	0.5
\$100,000 - \$149,999	0	0.0	916	0.8
\$150,000 - \$199,999	0	0.0	1,978	1.7
\$200,000 - \$299,999	28	1.2	12,384	10.7
\$300,000 - \$499,999	552	23.0	42,690	36.7
\$500,000 - \$999,999	1,684	70.2	45,444	39.1
\$1,000,000 or more	94	3.9	10,117	8.7
<b>TOTALS</b>	2,400	100.0	116,188	100.0
<b>Median Value</b>	\$ 610,600		\$ 488,800	

Source:

2023 American Community Survey 5-Year Estimates (Table DP04)

## Contract Rents

Table 14 details the gross rents for renter-occupied units in Fanwood and Union County. As shown, the median monthly rent in Fanwood was \$2,368, which was higher than the median rent of \$1,664 in Union County. In Fanwood, roughly 94.6 percent of all cash rents exceeded \$1,500, which is significantly higher than the County's figure of 60.0 percent.

**Table 14**  
GROSS RENTS, 2023  
OCCUPIED UNITS PAYING RENT  
Borough of Fanwood & Union County

<u>Contract Rents</u>	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$500	0	0.0	3,64	4.4
\$500 - \$999	20	5.4	6,023	7.2
\$1,000 - \$1,499	0	0.0	23,722	28.4
\$1,500 - \$1,999	73	19.9	25,304	30.3
\$2,000 - \$2,499	123	33.5	15,339	18.4
\$2,500 - \$2,999	12	3.3	5,424	6.5
\$3,000 or more	139	37.9	3,945	4.7
<b>TOTALS</b>	367	100.0	83,422	100.0
Median Rent	\$ 2,368		\$ 1,664	

Source:  
2023 American Community Survey 5-Year Estimates (Table DP04)

## Employment Data

Data from the New Jersey Department of Labor indicates that there was an average of 1,448 private sector jobs located in Fanwood during 2023. This figure represents jobs located in Fanwood, not the occupational characteristics of its residents.

Table 15 details the occupational characteristics of Fanwood residents based on the 2023 American Community Survey Five-Year Estimates. As shown, the largest occupational group among Fanwood residents aged 16 years and older engaged in the civilian labor force is "Management, Business Science & Arts," comprising about 69.2 percent of the labor force. This was also the largest occupational group in Union County, making up roughly 40.8 percent of its labor force (aged 16 years and older). The second largest occupational group was "Sales & Office Occupations," accounting for 16.8 percent and 19.8 percent of the Borough and County residents aged 16 years and over engaged in the civilian labor force, respectively. The third largest occupational group was "Service Occupations," which accounted for 5.8 percent of the Borough's residents and 15.6 percent of the County's residents engaged in the civilian labor force (aged 16 and older). These three occupational groups represented 91.8 percent of the Borough residents and 76.2 percent of the County residents engaged in the civilian labor force (aged 16 and older).

Regarding the industry of employment, the top three industries among Borough residents engaged in the civilian labor force (aged 16 and older) were "Professional, Scientific, Management" at 23.4 percent; "Educational Services, Health Care/Social Assistance" at 20.6 percent; and "Finance, Insurance, Real Estate" at 13.4 percent. Among County residents, the top three industries were "Educational Services, Health Care/Social Assist." at 22.0 percent; "Professional, Scientific, Management" at 12.9 percent; and "Transportation and Warehousing" at 10.4 percent.

**Table 15**  
OCCUPATIONAL CHARACTERISTICS, 2023  
Borough of Fanwood & Union County

<u>Occupation Group</u>	<b>Borough of Fanwood</b>		<b>Union County</b>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Management, Business, Science & Arts	2,880	69.2%	119,654	40.8
Service Occupations	241	5.8%	45,626	15.6
Sales & Office Occupations	698	16.8%	57,935	19.8
Natural Resources, Construction & Maintenance	118	2.8%	24,118	8.2
Production, Transportation & Material	226	5.4%	45,850	8.6
<b>TOTALS</b>	4,163	100.0	293,183	100.0
 <u>Industry</u>				
Agriculture, Forestry, Fishing	0	0.0	591	0.2
Construction	339	8.1	20,355	6.9
Manufacturing	295	7.1	25,093	8.6
Wholesale Trade	51	1.2	9,339	3.2
Retail Trade	392	9.4	27,952	9.5
Transportation and Warehousing	165	4.0	30,574	10.4
Information	142	3.4	6,403	2.2
Finance, Insurance, Real Estate	558	13.4	25,161	8.6
Professional, Scientific, Management	973	23.4	37,928	12.9
Educational Services, Health Care/Social Assist.	857	20.6	64,534	22.0
Arts, Entertainment, Recreation, Food Services	214	5.1	19,112	6.5
Other Services, Except Public Administration	146	3.5	13,924	4.7
Public Administration	31	0.7	12,217	4.2
<b>TOTALS</b>	4,163	100.0	293,183	100.0

Source:

2023 American Community Survey 5-Year Estimates (Tables S2401, S2405)

Table 16 presents data on the employment sectors of the 1,448 private sector jobs located in the Borough of Fanwood. Of these jobs, 625, making up 43.2 percent, were classified as "Health/Social." An additional 128 jobs, or 8.8 percent, were classified as "Retail Trade"; 119 jobs, or 8.2 percent, were classified as "Other Services"; and 98 jobs, or 6.8 percent, were classified as "Admin/Waste Remediation." These four employment sectors account for approximately 67.0 percent of all jobs in the Borough of Fanwood.

**Table 16**  
EMPLOYMENT BY SECTOR, 2023  
Borough of Fanwood

<u>Employee Sector</u>	<b>Borough of Fanwood</b>	
	<u>Number</u>	<u>Percent</u>
Utilities	Undisclosed	Undisclosed
Construction	90	6.2
Manufacturing	5	0.3
Wholesale Trade	7	0.5
Retail Trade	128	8.8
Transportation/Warehousing	Undisclosed	Undisclosed
Information	Undisclosed	Undisclosed
Finance/Insurance	31	2.1
Real Estate	17	1.2
Professional/Technical	65	4.5
Management	Undisclosed	Undisclosed
Admin/Waste Remediation	98	6.8
Education	Undisclosed	Undisclosed
Health/Social	625	43.2
Arts/Entertainment	30	2.1
Accommodations/Food	94	6.5
Other Services	119	8.2
Unclassified	9	0.6
<b>TOTAL</b>	<b>1,448</b>	<b>100.0</b>

Source:  
2023 American Community Survey 5-Year Estimates (Tables S2401, S2405)

While the New Jersey Department of Labor and Workforce Development has provided information on the sector of employment for 91.0 percent of the private jobs located within the Borough of Fanwood, it has not disclosed sector of employment for 9.0 percent of the 1,448 private jobs located within the Borough. Typical reasons why the New Jersey Department of Labor and Workforce Development would not provide the number of jobs in a particular sector include the presence of only one or very few employers in a particular sector, or the presence of a very limited number of jobs in a sector. In such cases, the New Jersey Department of Labor and Workforce Development withholds information so as to not release what could be perceived as confidential information.

## Residential Construction

Table 17 presents data on dwelling units authorized by building permits and those demolished with demolition permits in the Borough of Fanwood from 2012 to 2023. This data has been sourced from the New Jersey Department of Community Affairs.

During the reported period, a total of 223 new units were created, and 27 units were demolished, leading to a net increase of 196 units. The average annual net change during this period was an increase of roughly 16.3 units.

**Table 17**  
NEW DWELLING UNITS AUTHORIZED BY  
BUILDING PERMIT & HOUSING UNITS DEMOLISHED  
2012 - 2023  
Borough of Fanwood

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Increase</u>
2012	2	2	0
2013	43	3	40
2014	15	4	11
2015	19	2	17
2016	1	2	-1
2017	41	1	40
2018	0	2	-2
2019	4	1	3
2020	1	1	0
2021	5	2	3
2022	31	1	30
2023	61	6	55
<b>TOTALS</b>	<b>223</b>	<b>27</b>	<b>196</b>

Source:

"Development Trends Viewer." State of New Jersey Department of Community Affairs, September 16, 2024. ([www.nj.gov/dca/codes/reporter/Development\\_Trend\\_Viewer.xlsb](http://www.nj.gov/dca/codes/reporter/Development_Trend_Viewer.xlsb))

## Population and Household Projection

As previously noted, the Borough of Fanwood's population was 7,774 at the time of the 2020 United States Census.

The North Jersey Transportation Planning Authority has released 2050 population and household projections for its constituent municipalities. The 2050 population projection for Fanwood is 8,319, which represents an increase of 545 over the 2020 United States Census population of 7,774 residents. The 2050 household projection for Fanwood is 2,949, which represents an increase of 224 over the 2020 United States Census count of 2,725 households.

N.J.S.A. 52:27D-310.b require that Housing Elements and Fair Share Plans include a household projection for the next ten years. When the 2050 projections of the North Jersey Transportation Planning Authority are linearly adjusted to represent 2035 values, projections of 8,047 residents and 2,837 households result. This is summarized in Table 18.

**Table 18**

POPULATION AND HOUSEHOLD PROJECTION, 2015 - 2050  
Borough of Fanwood

<u>2020 Census Population</u>	<u>2035 Population Projection (Adjusted from 2050)</u>	<u>2050 Population Projection</u>
7,774	8,047	8,319
<u>2020 Census Households</u>	<u>2035 Household Projection (Adjusted from 2050)</u>	<u>2050 Household Projection</u>
2,725	2,837	2,949

Sources:

2020: United States Census;

2035: Calculated by T&M based on 2050 values; and,

2050: North Jersey Transportation Planning Authority.

The foregoing information has been provided for informational purposes only and in response to N.J.S.A. 52:27D-310.b.



## **Employment Projection**

The North Jersey Transportation Planning Authority (NJTPA) has released a 2050 employment projection of 1,390 for the Borough of Fanwood. This represents an increase of 270 jobs or about 24.1 percent over the projection's 2015 base of 1,120 jobs.

When the NJTPA's projection is linearly adjusted to represent 2035 values, a projected total of 1,274 jobs results. This is about 13.8 percent more than the projection's 2015 base.

However, the 2023 average number of private sector jobs located in Fanwood was 1,448 or about 13.7 percent higher than the 2035 adjusted NJTPA projection. This may suggest that job growth in Fanwood has occurred at a faster rate than projected by the NJTPA.

Through at least 2035, it is anticipated that the number of jobs will be relatively stable and primarily be driven by low commercial vacancy rates and new non-residential space resulting from redevelopment and infill development within the Borough's Commercial Corridor (CC) zone districts.

The foregoing information has been provided for informational purposes only and in response to N.J.S.A. 52:27D-310.d.

# Fair Share Plan

---

## Affordable Housing Obligation

A municipality's affordable housing obligation is made up of both a present need (rehabilitation obligation) and a prospective need obligation. Obligations are calculated in time periods known as "rounds."

Previous Round obligations have either been determined by the New Jersey Council on Affordable Housing (COAH), or by Court decisions. However, pursuant to FHA 2, for Round 4 and subsequent rounds, the Department of Community Affairs (DCA) was directed to provide a non-binding calculation of regional need and municipal present and prospective need obligations in accordance with the formula contained in the Act.

DCA calculated a Round 4 present need obligation of zero (0) units and a prospective need obligation of 109 units for the Borough of Fanwood. The Borough analyzed the data that resulted in the obligation and adopted a binding resolution stipulating its Round 4 affordable housing obligations as calculated by the DCA.

Fanwood's affordable housing obligations are as follows:

- Prior Round (Rounds 1 & 2, from 1987-1999) Obligation: 45 units
- Round 3 (from 1999-2025) Prospective Need Obligation: 218 Units
- Round 4 (from 2025-2035) Present Need (Rehabilitation Obligation): 0 units
- Round 4 (from 2025-2035) Prospective Need Obligation: 109 Units

The Borough's affordable housing obligation and the manner in which it has met and intends to meet it, is described in the following subsections.

## Prior Round Obligation

The Borough's prior round obligation is 45 units. As specified in the Borough's Round 3 Housing Element and Fair Share Plan, the Borough applied a Vacant Land Adjustment (VLA) to the prior round obligation. The prior round VLA, which was approved by COAH as part of the Borough's Round 1 and Round 2 Housing Element and Fair Share Plan, identified a Realistic Development Potential of eight (8) units, thereby leaving an unmet need of 37 units.

## Prior Round RDP Compliance

Fanwood satisfied the prior round RDP of eight (8) units with existing units, including four (4) units created through a Regional Contribution Agreement (RCA) with the City of Elizabeth; and four (4) units resulting from extension of affordability controls on

what is known as the Cottage Way/Terrill Road site (Block 26.01, Lots 2.01, 2.02, 14.01 and 14.02). The Borough's Prior Round RDP compliance is summarized in Table 19.

**Table 19**  
PRIOR ROUND RDP COMPLIANCE  
Borough of Fanwood

<u>Mechanism</u>	<u>Unit Type</u>	<u>Credits</u>
Cottage Way/Terrill Road	Family Sale	4
Fanwood RCA/169-173 Reid Street	RCA Units	4
<b>Total</b>	—	<b>8</b>

As demonstrated above, the Borough fully satisfied its prior round RDP of eight (8) units.

#### Prior Round Unmet Need Compliance

The Borough's Round 3 Housing Element and Fair Share Plan addressed prior round unmet need with the Round 3 unmet need. Details on prior round unmet need compliance are included with the description of Round 3 unmet need compliance in the following section.

### **Round 3 Prospective Need**

The Borough's Round 3 prospective need obligation was 218 units. As specified in the Borough's Round 3 Housing Element and Fair Share Plan, the Borough applied a VLA to the Round 3 prospective need. Said VLA, which was approved by the Court as part of the Borough's Round 3 Housing Element and Fair Share Plan, identified a RDP of 36 units, thereby leaving a Round 3 unmet need of 182 units.

#### Round 3 RDP Compliance

Fanwood's Round 3 RDP compliance strategy relied upon a variety of units resulting from inclusionary zoning and supportive and special needs units. These projects included 36 units of credit and nine (9) rental bonus credits and are summarized in Table 20.

**Table 20**  
**ROUND 3 RDP COMPLIANCE**  
**Borough of Fanwood**

<u>Mechanism</u>	<u>Unit Type</u>	<u>Credits</u>
Fanwood Crossing 2 and 3	Family Rental	4
Community Access Unlimited	Supportive/Special Needs	6
Theodora House	Supportive/Special Needs	5
Madison Group Home	Supportive/Special Needs	3
North Avenue Group Home	Supportive/Special Needs	6
Paterson Group Home	Supportive/Special Needs	3
Station Square	Family Rental	7
Fanwood Crossing 1	Family Rental	1
Rental Bonus Credits	—	9
<b>Total</b>	—	<b>44</b>

As demonstrated above, the Borough not only fully satisfied its prior round RDP, but also generated a surplus of eight(8) units to be applied to its unmet need.

It is noted that as of the adoption and endorsement of the Borough's Round 3 Housing Element and Fair Share Plan, 27 of the units identified in Table 20 were already in existence. These included: four (4) units on the Fanwood Crossing 2 and 3 site (Block 64 Downtown Redevelopment Area); six (6) units at the Community Access Unlimited site (193 Terrill Road); five (5) units at the Theodora House site (204 Terrill Road); three (3) units at the Madison Group Home site (56 Madison Avenue); six (6) units at the North Avenue Group Home site (60 North Avenue); and three (3) units at the Paterson Group Home site (11 Paterson Road).

Subsequent to the adoption and endorsement of the Borough's Round 3 Housing Element and Fair Share Plan, the remaining nine (9) units have been completed. Station Square (Downtown Redevelopment Area), which resulted in 7 family rental units, was completed in June 2019. A payment-in-lieu from Fanwood Crossing 1 (Block 64 Downtown Redevelopment Area) was used to create a very low-income rental unit within Fanwood Crossing 2 and 3.

### Round 3 Unmet Need

The Borough's Round 3 unmet need was 182 units. When added to the prior round unmet need of 37 units, a total combined unmet need of 219 results.

To address the total combined unmet need of 219 units, the Borough applied the aforementioned surplus of eight (8) units resulting from its Round 3 prospective need compliance. In addition, the Borough created an affordable housing overlay zone over the Commercial Corridor (CC) zone with the adoption of Ordinance No. 16-17-R on December 5, 2016.

Additionally, the Borough adopted a mandatory affordable housing requirement for new multi-family residential development covering the rest of the Borough, which required a 15 percent set-aside for rental development and a 20 percent set-aside for sale development in excess of five (5) units where the Borough approves a higher density than currently allowed or rezones the site to permit multi-family residential housing. In the event that a project developed under the overlay zone or mandatory set-aside ordinance results in the creation of only one (1) affordable unit, that unit must be a low-income unit. These requirements were created with the adoption of Ordinance No. 16-18-R on December 5, 2016.

### **Round 4 Present Need**

The present need is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households. The present need has previously been called "rehabilitation share." Fanwood's present need obligation is zero (0) units.

While Fanwood does not have a Round 4 present need obligation, Borough residents are eligible to participate in the Union County Home Improvement Program.

### **Round 4 Prospective Need**

Fanwood's Round 4 prospective need obligation is 109 units. As in Round 3, the Borough does not have sufficient vacant land to zone for or build for its full Round 4 obligation.

### Round 4 Vacant Land Adjustment

Because the Borough does not have sufficient vacant land to zone for or build for its full Round 4 obligation, it is entitled to a Vacant Land Adjustment (VLA) for Round 4. The Round 4 VLA table and associated mapping is included in Appendix A. The VLA was prepared pursuant to COAH Round 2 rules contained in N.J.A.C. 5:93-4.2 and the FHA 2.

In its preparation of the Round 4 VLA, the Borough relied upon all analyses and conclusions from its approved Round 3 VLA. The Round 4 VLA analyzed vacant lots with a tax assessment land use classification code of 1 (vacant land) and 15C (public

property). Full lots, or portions thereof, that contain environmental constraints were excluded from the analysis. Properties that are listed on the Borough's Recreation and Open Space Inventory (ROSI) were also excluded, in addition to properties that are a Round 3 compliance mechanism or were identified as not buildable in Round 3. A six-unit per acre density was applied to the remaining lots or portions thereof.

The resulting RDP was zero (0) units.

#### Round 4 Unmet Need

The difference between a municipality's obligation and its RDP is the unmet need. With an obligation of 109 units and a zero-unit RDP, the Borough has a 109-unit unmet need. Fanwood proposes the following mechanisms to address unmet need:

- Continuation of the Borough's mandatory set-aside requirement pursuant to Section 184-124.1 of the Code of the Borough of Fanwood;
- Continuation of collection of development fees pursuant to Section 184-43 of the Code of the Borough of Fanwood; and
- Revisions to the existing Commercial Corridor (CC) Zone as described below.

FHA 2, at N.J.S.A. 52:27D-310.1, contains the following new requirement:

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

The Borough's unmet need obligation is 109 units. Thus, 25 percent of the 109-unit unmet need obligation is 28 affordable units.

The Borough of Fanwood is a fully built-out municipality that is approximately 1.3 square miles in size. Having engaged in sound planning for many years, Fanwood has guided new development to its downtown area. This area, collectively referred to as the Commercial Corridor (CC) Zone, is generally within walking distance of the Fanwood train station, which provides service from Fanwood to Newark Penn Station and New York Penn Station along New Jersey Transit's Raritan Valley Line. Such transit-oriented development in the commercial core is in concert with current planning practices and with affordable housing rules and regulations, which encourage affordable units to have access to transportation, services and employment opportunities.

However, the entire Commercial Corridor (CC) Zone, which is allocated into three subdistricts (CC-Central, CC-East and CC-West), is a Round 3 unmet need compliance mechanism. All of the residential and mixed-use development that has occurred within the Commercial Corridor (CC) Zone includes an affordable component to help address Fanwood's Round 3 obligation.

Aside from the Commercial Corridor (CC) Zone, there is no other opportunity in the Borough to address its Round 4 unmet need obligation. Fanwood does not have industrial properties located outside of the Commercial Corridor (CC) Zone or dedicated industrial zones that could be the subject of an overlay zone to address Round 4 unmet need.

Based on the above, Fanwood has no alternative but to consider a revision to its Commercial Corridor (CC) Zone to address the requirement of N.J.S.A. 52:27D-310.1 and offer realistic zoning for 28 units. Presently, the Commercial Corridor (CC) Zone's set-aside requirements are 15 percent for rental units and 20 percent for sale units. The Borough finds that the majority of the approved and built units are rental units. The most realistic option that would result in additional affordable units within the Commercial Corridor (CC) Zone (i.e., above and beyond what the current zoning permits) is to increase the required affordable set-aside for rental units. Increasing the affordable set-aside from 15 percent to 17 percent would result in the potential to satisfy the requirement to offer realistic zoning for the 28 units required to address the requirement of N.J.S.A. 52:27D-310.1 to address 25 percent of the Borough's unmet need. A sample ordinance increasing the required set-aside for rental units in the Commercial Corridor (CC) Zone is included in Appendix D.

### **Consideration of Lands Appropriate for Affordable Housing**

Fanwood is a developed community with no vacant land. The Borough anticipates that future development and growth will predominantly be limited to the Commercial Corridor (CC) Zone. This is the location of the overlay zone mechanism from Round 3 and, by means of an increased set-aside requirement, Round 4.

The area of the Commercial Corridor (CC) Zone was determined to be available, approvable, suitable and developable in Round 3 and continues to be so during Round 4.

Representatives of the following properties came forward to express a commitment to provide affordable housing in Round 4. It is noted that, in both instances, information was relayed to Borough officials verbally. Neither representative submitted a written request for consideration for inclusion in the Borough's Round 4 plan.

- **Community Access Unlimited.** Community Access Unlimited approached a Borough representative and expressed an interest in partnering with

- Fanwood for the provision of special needs housing. Such a partnership would require a land donation by the Borough. Community Access Unlimited was advised that there was not any property available for such a donation, and that a formal request should be made to the Borough.
- **2 South Avenue (Block 56, Lot 1).** A representative of the owner of this 1.77-acre property has approached the town regarding the Round 4 plan. It is noted that this property is situated in the Commercial Corridor (CC) Zone, which is a Round 3 unmet need mechanism. Therefore, this site will have the same opportunity for inclusionary development as other properties within the within the Borough's approved Round 3 plan. It is, however, noted that the property contains a deed restriction against residential use on the site. Therefore, the property is not available per affordable housing rules. In addition, the property representative has not provided a plan that demonstrates conformance to the requirements of the Commercial Corridor (CC) Zone, and specifically those of the CC-West subdistrict; respect of the surrounding built environment; or sound planning.

### Consistency with the State Development and Redevelopment Plan

The 2001 New Jersey State Development and Redevelopment Plan (SDRP) contains a series of smart growth goals and policies, and mapping that reflects desired growth patterns within a series of state planning areas.

As provided in the SDRP, the entirety of Fanwood is located within Planning Area 1, which is also known as the Metropolitan Planning Area.

In the Metropolitan Planning Area, the SDRP's intention is to:

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

Additionally, it is noted that the 2001 SDRP outlines several policy objectives for the Metropolitan Planning Area, including:

- Land Use: Promote redevelopment and development in cores and neighborhoods of centers and in nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and



beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

- Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

Execution of this Housing Element and Fair Share Plan and, therewith, promotion of affordable housing development in the Metropolitan Planning Area would be consistent with the intent and aforementioned policy objectives of said planning area.

#### SDRP Update

It is noted that as of the preparation of this Housing Element and Fair Share Plan, the State of New Jersey was in the process of updating the SDRP. While a draft of an updated SDRP was released for public review and comment in December 2024, its finalization and adoption are not anticipated to occur before late 2025 or early 2026. Thus, the 2001 SDRP remained in effect as of the preparation and adoption of this Housing Element and Fair Share Plan.

Notwithstanding the above, it is noted that the draft SDRP incorporates the same planning areas as the 2001 SDRP and associated mapping indicates that the Borough would remain in the Metropolitan Planning Area.

In addition to the above, it is noted that the draft SDRP includes several “State Planning Goals.” One of these goals relates to housing and includes the following core objectives:

- Increase the Construction of Diverse Housing Types and the Amount of Affordable Housing: Promote varied housing options for all income levels, including rentals, starter homes, senior housing, and market-rate units in transit-rich and mixed-income communities.
- Focus on Retaining Residents and Increasing Sustainability: Support inclusionary zoning, green building standards, and Transit-Oriented Development, while reinforcing fair housing practices and preventing the displacement of residents.
- Address Housing Needs of Diverse Demographics: Facilitate multi-generational households, senior housing, and adaptable options to ensure all residents can age in place and access affordable housing.
- Promote Regional Housing Balance: Encourage diverse housing development in areas with strong job markets, educational opportunities, and other amenities which support socio-economic mobility and integrate communities.

Based on its continuation of the same planning areas as outlined in the 2001 SDRP and its promotion of affordable housing, it is concluded that this Housing Element and Fair Share Plan is generally consistent the draft SDRP.

### **Multigenerational Housing Continuity**

In 2021, the New Jersey Senate and General Assembly of the State of New Jersey enacted P.L. 2021, c.273, which established the Multigenerational Family Housing Continuity Commission.

The commission's responsibilities include preparing and adopting recommendations on how to best advance the goal of "enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." The commission members and associated staff shall conduct research, obtaining public input, and adopt recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity.

We note that this Housing Element and Fair Share Plan encourages development of affordable housing in the Commercial Corridor (CC) Zone. This location is walkable and proximate to commercial services, transit, Fanwood Memorial Library and other municipal facilities. Finally, the Borough's Housing Element and Fair Share Plan provides for the development of a variety of housing options. It is, therefore, concluded that the Borough's Housing Element and Fair Share Plan is consistent with the goal of preserving multifamily generational continuity.

### **Conclusion**

Fanwood will provide for its fair share of affordable housing despite having a vacant land deficiency. As shown, the Borough has satisfied its Rounds 1, 2 and 3 obligations, and has developed a viable plan to meet its Round 4 unmet need by increasing the required set-aside of the Commercial Corridor (CC) Zone.

## **Appendices**

This report contains the following appendices.

Appendix A: Vacant Land Adjustment Documentation.

Appendix B: Affordable Housing Ordinance, Mandatory Set-Aside Ordinance & Affirmative Marketing Plan. The Borough's existing ordinances are included. Modifications will be made as needed to comply with any future Round 4 requirements.

Appendix C: Development Fee Ordinance. The Borough's existing ordinance is included. Modifications will be made as needed to comply with any future Round 4 requirements.

Appendix D: Resolution Appointing the Municipal Housing Liaison.



Appendix E: Draft Ordinance to Increase Set-Aside of Commercial Corridor (CC) Zone and Existing Zoning Map.

Appendix F: Spending Plan.

## **Appendix A: Vacant Land Adjustment Documentation**



The map displays the Township of Scotch Plains, New Jersey, with a grid of red-outlined lots. The lots are labeled with numbers in red, such as 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6.01, 64/7.01, 61/4, 63/1, 67/4, 68/1.01, 33/21, 33/22, 32/4, 27/16, 26/6.01, 26/65, 26/61, 48/15, 50/22, 50/30, 51/8, 12/3.01, 12/13, 4/7.03, 2/1, 13/1, 15/8, 24/9.02, 42/19, 44/39, 44/34, 43/19, 68/31, 94/16, 77/27, 66/25, 68/12.04, 70/13.01, 36/1, 66/14, 66/10, 66/9, 77/40, 116/31, 116/42, 116/59, 121/2, 121/1, 120/4, 119/5, 118/10, 108/22, 99/23, 100/31, 100/32, 81/23, 78/29, 78/25, 78/23, 78/42, 81/49, 56/8, 55/12, 58/2, 60/27, 60/23, 64/17.01, 64/6

- 
900  
 US Feet



FANWOOD BOROUGH  
Vacant Land Adjustment

BLOCK	LOT	PROPERTY LOCATION	OWNER	PROPERT Y CLASS	VACANT (Y/N)	NOTE	ADJACENCY SCREEN	TOTAL ACRES	SPECIAL FLOOD HAZARD AREA	WETLAND AREA	WETLAND BUFFER	STREAM- BED	HISTORIC (STATE AND/OR NATIONAL REGISTER )	ACRES WITH ONE OR MORE ENVIRON- MENTAL CON- STRAINTS	NET ACRES	ASSUMED DENSITY	TOTAL YIELD	RDP
12	13	227 PATERSON ROAD	CORRAO 2022 REVOCABLE TRUST	1	Y	VACANT	NOT ADJACENT TO ANOTHER VACANT SITE	0.16	-	-	-	-	-	-	0.16	6.00	2.34	-
58	2	146 SOUTH AVE	DI BELLA, AGOSTINA & GRACE	1	Y	VACANT	NOT ADJACENT TO ANOTHER VACANT SITE	0.12	-	-	-	-	-	-	0.12	6.00	1.75	-
66	25	43 LOCUST AVE	OLKUSZ, JOSEPH	1	Y	VACANT	NOT ADJACENT TO ANOTHER VACANT SITE	0.16	-	-	-	-	-	-	0.16	6.00	2.41	-
77	27	482 SOUTH AVENUE	OUTDOOR SYSTEMS, INC	1	Y	VACANT	NOT ADJACENT TO ANOTHER VACANT SITE	0.20	-	-	-	-	-	-	0.20	6.00	3.02	-
94	16	474 SOUTH AVENUE	BOROUGH OF FANWOOD	15C	Y	VACANT	NOT ADJACENT TO ANOTHER VACANT SITE	0.20	-	-	-	-	-	-	0.20	6.00	2.95	-
2	1	29 MIDWAY AVENUE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		0.60	0.48	-	-	-	-	0.48	0.13	-	-	-
4	7.03	5 BEVERLY AVE	WOODCLIFF, INC	1	N	DRAINAGE		0.18	-	-	-	-	-	-	0.18	-	-	-
12	3.01	MIDWAY AVENUE	BORO OF FANWOOD	15C	N	*** LANDLOCKED (NO ACCESS FROM IMPROVED ROW)		1.10	-	-	-	-	-	-	1.10	-	-	-
13	1	244 N MARTINE AVE	GOLANI, AMRITA KAUR & KSHITIJ N	1	N	DEVELOPED PER AERIAL		0.13	-	-	-	-	-	-	0.13	-	-	-
15	8	200 FOREST RD	BOROUGH OF FANWOOD	15C	N	ROSI		7.15	-	-	-	-	-	-	7.15	-	-	-
24	9.02	76 MONTROSE AVE	NEVES, JOSE	1	N	UNDER CONSTRUCTION PER NEARMAP		0.17	-	-	-	-	-	-	0.17	-	-	-
26	6.01	MIDWAY AVE	ESTATE OF FRANK SHERRIFFO	1	N	DEVELOPED PER AERIAL		0.06	-	-	-	-	-	-	0.06	-	-	-
26	61	38 MIDWAY AV & TOWER PL	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		3.57	0.02	-	-	-	-	0.02	3.56	-	-	-
26	65	TOWER PLACE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.04	-	-	-	-	-	-	0.04	-	-	-
27	16	127 HUNTER AVE	SCHAFFNER, JOSEPH & PALLISTER, K	1	N	DEVELOPED PER AERIAL		0.45	-	-	-	-	-	-	0.45	-	-	-
32	4	75 N MARTINE AVE	THE BOROUGH OF FANWOOD	15C	N	MUNICIPAL COMPLEX		4.88	-	-	-	-	-	-	4.88	-	-	-
33	21	130 WATSON RD	THE BOROUGH OF FANWOOD	15C	N	*** PARKING AREA; POTENTIAL RECREATION		0.23	-	-	-	-	-	-	0.23	-	-	-
33	22	130 WATSON ROAD	BOROUGH OF FANWOOD	15C	N	*** LANDLOCKED; POTENTIAL RECREATION		0.76	-	-	-	-	-	-	0.76	-	-	-
36	1	5 FOREST ROAD	BOROUGH OF FANWOOD	15C	N	LIBRARY		0.47	-	-	-	-	-	-	0.47	-	-	-
42	19	BIRCHWOOD TERRACE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.04	-	-	-	-	-	-	0.04	-	-	-
43	19	BIRCHWOODD TER & WOODLAND	BOROUGH OF FANWOOD	15C	N	YARD AREA; POTENTIALLY FOR DRAINAGE		0.05	-	-	-	-	-	-	0.05	-	-	-
44	34	BIRCHWOOD TERRACE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.02	-	-	-	-	-	-	0.02	-	-	-
44	39	BIRCHWOOD TERRACE	BOROUGH OF FANWOOD	15C	N	LONG AND NARROW; UNDEVELOPABLE		0.09	-	-	-	-	-	-	0.09	-	-	-
48	15	PATERSON & STEWART	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		0.78	-	-	-	-	-	-	0.78	-	-	-
50	22	OAK COURT	BOROUGH OF FANWOOD	15C	N	LONG AND NARROW; UNDEVELOPABLE		0.06	-	-	-	-	-	-	0.06	-	-	-
50	30	55 NORTH AVENUE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		2.11	-	-	-	-	-	-	2.11	-	-	-
51	8	NORTH AVE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		0.35	-	-	-	-	-	-	0.35	-	-	-
55	12	105 SOUTH AVENUE	CARANO SQUARE LLC	1	N	ROUND THREE UNMET NEED MECHANISM (CARANO SQUARE)		2.35	-	-	-	-	-	-	2.35	-	-	-
56	8	70 SOUTH AVE	70 SOUTH AVENUE PARTNERS LLC	1	N	UNDER CONSTRUCTION (FANWOOD ANIMAL HOSPITAL SITE)		0.30	-	-	-	-	-	-	0.30	-	-	-
60	23	LA GRANDE SQUARE	LA GRANDE SQUARE AT FANWOOD	1	N	DEVELOPED PER AERIAL		0.57	-	-	-	-	-	-	0.57	-	-	-
60	27	35 THIRD STREET	VALENTIN, KEVIN	1	N	DEVELOPED PER AERIAL		0.15	-	-	-	-	-	-	0.15	-	-	-
61	4	SOUTH AVE	BOROUGH OF FANWOOD	15C	N	TRAIN STATION PARKING		1.07	-	-	-	-	1.07	1.07	-	-	-	-
63	1	NORTH AVE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		2.61	-	-	-	-	2.61	2.61	-	-	-	-
64	6.01	233 LAGRANDE AVENUE	FANWOOD CROSSING III URBAN RENEWAL	1	N	DEVELOPED PER AERIAL		0.35	-	-	-	-	-	-	0.35	-	-	-
64	7.01	254 SOUTH AVENUE	250 S AVE FANWOOD URBAN RENEWAL	1	N	DEVELOPED PER AERIAL		0.30	-	-	-	-	-	-	0.30	-	-	-
64	17.01	1 SECOND STREET	STATION SQUARE AT FANWOOD URBAN REN	1	N	DEVELOPED PER AERIAL		1.19	-	-	-	-	-	-	1.19	-	-	-
66	9	313 SOUTH AVE	FANWOOD PLAZA PARTNERS LLC	1	N	DEVELOPED PER AERIAL		1.01	-	-	-	-	-	-	1.01	-	-	-
66	10	319 SOUTH AVENUE	PARK VALLEY FANWOOD LLC	1	N	THIRD ROUND UNMET NEED MECHANISM	ADJACENT CODE 1	0.37	-	-	-	-	-	-	0.37	6.00	-	-
66	14	15 OLD SOUTH AVE	PARK VALLEY FANWOOD LLC	1	N	THIRD ROUND UNMET NEED MECHANISM	ADJACENT CODE 1	0.79	-	-	-	-	-	-	0.79	6.00	-	-
67	4	NORTH AVE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.44	-	-	-	-	-	-	0.44	-	-	-
68	1.01	NORTH AVE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.30	-	-	-	-	-	-	0.30	-	-	-
68	12.04	384 NORTH AVE	VIJAY, PRATEEK & BHASIN, NEHA	1	N	DEVELOPED PER AERIAL		0.24	-	-	-	-	-	-	0.24	-	-	-
68	31	536 NORTH AVE	BOROUGH OF FANWOOD	15C	N	ACTIVE CONSTRUCTION PER AERIAL		1.75	-	-	-	-	-	-	1.75	-	-	-
70	13.01	76 TILLOTSON RD	SUAREZ, EDWARD M & CLARE J	1	N	LANDLOCKED		0.93	-	-	-	-	-	-	0.93	-	-	-
77	18	464 LA GRANDE AVE	POMBAL BUILDERS LLC	1	N	DEVELOPED PER AERIAL		0.18	-	-	-	-	-	-	0.18	-	-	-
77	40	SHADY LANE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.01	-	-	-	-	-	-	0.01	-	-	-
78	23	487 TERRILL ROAD	BOROUGH OF FANWOOD	15C	N	ROSI		6.84	0.42	1.32	1.22	0.25	-	2.54	4.30	-	-	-
78	25	499 TERRILL ROAD	BOROUGH OF FANWOOD	15C	N	ROSI		1.31	0.73	0.33	0.44	0.04	-	0.88	0.43	-	-	-
78	29	55 CRAY TERRACE	MIDWAY ASSOCIATES	1	N	YARD AREA; BUFFER TO UTILITY ROW		0.05	-	-	-	-	-	-	0.05	-	-	-
78	42	CRAY TERRACE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		2.56	-	-	0.21	-	-	0.21	2.35	-	-	-
81	23	VINTON CIRCLE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.03	-	-	-	-	-	-	0.03	-	-	-
81	49	LA GRANDE AVE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY	NOT ADJACENT TO ANOTHER VACANT SITE	0.45	-	-	-	-	-	-	0.45	-	-	-
83	7	80 SECOND ST	BOROUGH OF FANWOOD	15C	N	ROSI		7.92	-	-	-	-	-	-	7.92	-	-	-
99	23	CRAY&CHETWOOD TER	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		0.50	-	-	-	-	-	-	0.50	-	-	-
100	31	CORIELL AVE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		0.52	-	-	-	-	-	-	0.52	-	-	-
100	32	CORIELL AVENUE	PUBLIC SERVICE ELECTRIC & GAS CO	1	N	UTILITY ROW		1.27	-	-	-	-	-	-	1.27	-	-	-
108	22	29 CARSAM ST	SPINDEL, MARC & ARIEL L	1	N	DEVELOPED PER NEARMAP		0.16	-	-	-	-	-	-	0.16	-	-	-
112	10	26 BEECH AVE	DICARLO, NICOLAS & THERESA R	1	N	DEVELOPED		0.21	-	-	-	-	-	-	0.21	-	-	-
116	31	SHADY LANE	BOROUGH OF FANWOOD	15C	N	DEVELOPED PER AERIAL		0.01	-	-	-	-	-	-	0.01	-	-	-
116	42	ROOSEVELT AVE	BOARD OF EDUCATION	15C	N	LANDLOCKED		0.27	-	-	-	-	-	-	0.27	-	-	-
116	59	11 ROOSEVELT AVE	GUR, RAMAZAN & KAYA, DUYGU	1	N	DEVELOPED PER AERIAL		0.11	-	-	-	-	-	-	0.11	-	-	-
118	10	22 WASHINGTON AVE	BRAHIMAJ, SKERDI	1	N	DEVELOPED PER AERIAL		0.03	-	-	-	-	-	-	0.03	-	-	-
119	5	15 WASHINGTON AVE	ANTOINE,FAYDENE D	1	N	DEVELOPED PER AERIAL		0.01	-	-	-	-	-	-	0.01	-	-	-
120	4	13 JEFFERSON AVE	FONTANILLA, JOANNE M & RENATO E	1	N	DEVELOPED PER AERIAL		0.03	-	-	-	-	-	-	0.03	-	-	-
121	1	56 TRENTON AVE	OH, JAE IK & SARAH EK	1	N	DEVELOPED PER AERIAL		0.03	-	-	-	-	-	-	0.03	-	-	-
121	2	60 TRENTON AVENUE	BORRERO, RICHARD & MARIBEL	1	N	DEVELOPED PER AERIAL		0.01	-	-	-	-	-	-	0.01	-	-	-
TOTAL RDP (UNROUNDED):																		-
TOTAL RDP (ROUNDED):																		-



# MOD-IV Land Use Class Fanwood Borough, NJ



- Class 1 (Vacant)
- Class 2 (Residential)
- Class 4A (Commercial)
- Class 4B (Industrial)
- Class 5A (Class 1 Railroad)
- Class 15C (Public)
- Class 15D (Church and Charitable)
- Class 15F (Other Exempt)



900  
US Feet



# Land Use/Land Cover Type Fanwood Borough, NJ



- Barren Land
- Forest
- Urban (Developed)
- Wetlands

Source: NJDEP 2020 Land Use/Land Cover



900  
US Feet



**Appendix B: Affordable Housing Ordinance, Mandatory Set-Aside Ordinance,  
and Affirmative Marketing Plan**

---

**BOROUGH OF FANWOOD  
ORDINANCE 16-16-R**

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 105 OF THE BOROUGH CODE, ENTITLED "AFFORDABLE HOUSING" TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANCE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Fanwood Borough Planning Board adopted the Fanwood Borough Housing Plan Element and Fair Share Plan on November 30, 2016; and

**WHEREAS**, the Fanwood Borough Council endorsed the Fanwood Borough Housing Plan Element and Fair Share Plan on November 30, 2016; and

**WHEREAS**, the Fanwood Borough Council adopted Ordinance 00-08R establishing Chapter 105 of the Borough of Fanwood Code to implement the Borough's previously adopted Housing Element and Fair Share Plan; and

**WHEREAS**, it has become necessary to repeal Ordinance 00-08R and adopt this new Affordable Housing Ordinance to implement and incorporate the Borough's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, 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 those units and sets forth the administrative mechanisms necessary to implement the Borough's revised Fair Share Plan.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fanwood in the County of Union and State of New Jersey as follows:

**SECTION 1.** Chapter 105 of the Borough of Fanwood Code is hereby repealed and replaced with the following:

**105-1 Purpose and Applicability**

- A. Purpose. The purpose of these provisions is to provide a realistic opportunity for the construction of Fanwood Borough's constitutional obligation to provide for its fair share of affordable housing for households with low- and moderate-incomes, as directed by the Superior Court of New Jersey and is consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented by N.J.A.C. 5:80-26.1 et seq. and N.J.S.A. 52:27D-301 et seq.
- B. Applicability. The provisions of this Ordinance shall apply:
  - (1) To all affordable housing developments and affordable housing units that currently exist within Fanwood Borough;
  - (2) To all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Fanwood Borough Housing Element and Fair Share Plan;
  - (3) To all unanticipated future developments that will provide affordable housing for low- and moderate-income households; and,
  - (4) To (i) any property in Fanwood Borough that is currently zoned for nonresidential uses and that is subsequently rezoned for multifamily residential purposes, (ii) all approvals for multifamily residential development granted by the Fanwood Borough Planning Board or Zoning Board of Adjustment, including approvals of use or density variances, site plans, or subdivisions, and (iii) redevelopment projects subject to a redevelopment plan adopted by the Borough governing body governing the development and redevelopment of designated areas in need of rehabilitation or areas in need of redevelopment in the Borough, including substantial revisions to previously approved developments, where such rezoning, approval, redevelopment plan or revision results in or increases the number of residential units by five (5) or more units.

**105-2 Definitions.** The following terms, when used in this Ordinance, shall have the following meanings:



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

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

“Administrative agent” means the entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

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

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

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, 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 and approved for crediting by COAH, its successor entity, or the Court 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 wherein 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 who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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



“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) or its successor entity.

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

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

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

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

“Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated.

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

“Low-income household” means a household with a total gross annual household income equal to 50 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 and load bearing structural systems.

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

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 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.

“Multifamily Residential Development” means a residential development that is located in buildings that contain five (5) or more dwelling units, including, but not limited to, dwelling units that are located one over another, garden apartments, townhouse developments, multistory apartment or condominium buildings, and mixed-use developments containing a combination of non-residential and residential uses.

“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 duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under the Agency’s Urban Home Ownership Recovery program (UHORP) or Market Oriented Neighborhood Investment program (MONI).

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 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 a rehabilitation program.

105-3 Certificates of Occupancy. Certificates of occupancy for developments which include affordable housing units shall be subject to the following additional provisions:

A. Phasing Schedule for Inclusionary Development. Affordable housing units shall be built, occupied and receive certificates of occupancy in accordance with the following schedule:

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

B. No initial occupancy of a low- or moderate-income housing sales unit shall be permitted prior to issuance of a certificate of occupancy, and no certificate of occupancy for initial occupancy of a low- or moderate-income housing sales unit shall issue unless there is a written determination by the Administrative Agent that the unit is to be controlled by a deed restriction and mortgage lien as adopted by Cohort its successor entity.

C. A certificate of reoccupancy for any occupancy of a low- or moderate-income housing sales unit resulting from a resale shall be required, and the Borough shall not issue such



certificate unless there is a written determination by the Administrative Agent that the unit is to be controlled by the deed restriction and mortgage lien required by COAH or its successor entity.

- D. The certificate of reoccupancy shall not be required where there is a written determination by the Administrative Agent that controls are allowed to expire or that the repayment option is being exercised pursuant to N.J.A.C. 5:92-12.3.

#### 105-4 Administration

##### A. Municipal Housing Liaison

- (1) Fanwood Borough shall 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. Fanwood Borough shall adopt an Ordinance creating the position of Municipal Housing Liaison and shall adopt a Resolution appointing said 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 COAH, its successor entity, or the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Fanwood Borough, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - (a) Serving as Fanwood Borough'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 Fanwood Borough's Fair Share Plan;
  - (c) Compiling, verifying and submitting annual monitoring reports as may be required by COAH, its successor entity, or the Court;
  - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and,
  - (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- (3) Subject to the approval of COAH, its successor entity, or the Court, Fanwood Borough shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with the UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH, its successor entity, or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

##### B. Administrative Agent

- (1) The Administrative Agent shall be an independent entity serving under contract and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in the UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
  - (a) Affirmative Marketing:



- [1] Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of Fanwood Borough and the provisions of N.J.A.C. 5:80-26.15; and,
  - [2] Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (b) Household Certification:
- [1] Soliciting, scheduling, conducting and following up on interviews with interested households;
  - [2] Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - [3] Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - [4] Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - [5] Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
  - [6] Employing a random selection process as provided in the Affirmative Marketing Plan of Fanwood Borough when referring households for certification to affordable units.
- (c) Affordability Controls:
- [1] Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - [2] Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - [3] Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Union County Register of Deeds or Union County Clerk's office after the termination of the affordability controls for each restricted unit;
  - [4] Communicating with lenders regarding foreclosures; and,
  - [5] Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (d) Resales and Rerentals:
- [1] Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and,
  - [2] Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.
- (e) Processing Requests from Unit Owners:
- [1] Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
  - [2] Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;



- [3] Notifying the municipality of an owner's intent to sell a restricted unit; and,
- [4] Making determinations on requests by owners of restricted units for hardship waivers.

(f) Enforcement:

- [1] Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- [2] Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- [3] The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- [4] Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- [5] Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and,
- [6] Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and COAH, its successor entity, or the Court, setting forth procedures for administering the affordability controls.

(g) Additional Responsibilities:

- [1] The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder;
- [2] The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by COAH, its successor entity, or the Court; and,
- [3] The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

C. Affirmative Marketing Requirements

- (1) Fanwood Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, its successor entity, or 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 that are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 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 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 re-rentals. The Administrative Agent designated



by the Borough 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 (i.e., 120 days) 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 the county library for each county within the housing region; the Fanwood Borough Municipal Building and the Fanwood Public Library; 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.

#### E. Occupancy Standards

- (1) In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
  - (a) Provide an occupant for each bedroom;
  - (b) Provide children of different sexes with separate bedrooms;
  - (c) Provide separate bedrooms for parents and children; and,
  - (d) Prevent more than two persons from occupying a single bedroom.

#### F. 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 Fanwood Borough 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.

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

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



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

#### H. 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, upon approval by the Borough Council, and subject to the approval of COAH, its successor entity or the court, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there are 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 and 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 another certified household for a period not to exceed one year.
- (4) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

#### I. 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).

#### J. 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 adds 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 (e.g., 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.

K. 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 thirty (30) years, until Fanwood Borough 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 Union County. 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,
  - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

L. 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) No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

M. 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; and,
  - (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 reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
  - (3) The applicant shall file documentation sufficient to establish the existence of the circumstances enumerated in this subsection with the Administrative Agent, who shall counsel the household on budgeting.
- N. Maximum Rents and Sales Prices:
- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
  - (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 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.
  - (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
  - (4) 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.
  - (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
    - (a) A studio shall be affordable to a one-person household;
    - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
    - (c) A two-bedroom unit shall be affordable to a three-person household;
    - (d) A three-bedroom unit shall be affordable to a four and one-half person household;
    - and
    - (e) A four-bedroom unit shall be affordable to a six-person household.
  - (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
    - (a) A studio shall be affordable to a one-person household;
    - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
    - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
  - (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 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.



- (8) 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.
  - (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
  - (10) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 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.
- 105-5 Requirements for affordable housing. Developments which include affordable housing units shall be subject to the following provisions:
- A. Low-income housing. Low-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.
  - B. Moderate-income housing. Moderate-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to or more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.
  - C. In accordance with N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) at least 13 percent of the affordable units provided within the Borough shall be reserved for very low income households, i.e., households earning 30 percent or less of the median income, and of that amount at least 50 percent shall be reserved for very low income families (i.e., non-age restricted and not reserved for special needs populations). For developments with eight (8) or more affordable housing units on site, at least 13 percent of all low- and moderate-income units shall be affordable to households earning no more than 30 percent of median income. A minimum of 50 percent of these units shall be reserved for very low income families.
  - D. Age restriction. The sales and rentals of not more than 25 percent of the affordable housing units constructed within the Borough may be age restricted to senior citizens as defined by and in accordance with the Federal Fair Housing Act and as regulated by N.J.A.C. 5:92-14, provided that no more than 25 percent of the total affordable housing units constructed within the Borough shall be age restricted. A request to age restrict housing units may only be granted after the Planning Board or Board of Adjustment has received the consent of the Borough Council. In designing its project, the applicant may propose constructing the senior citizen restricted affordable units in the same building or buildings in order to maximize the potential of preserving a more tranquil lifestyle for the senior citizen resident; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.
  - E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
    - (1) 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.
    - (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units
    - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:



- (a) The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
    - (b) At least 30 percent of all low- and moderate-income units are two bedroom units;
    - (c) At least 20 percent of all low- and moderate-income units are three bedroom units; and
    - (d) The remainder, if any, may be allocated at the discretion of the developer.
  - (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- F. Location and design. Low- and moderate-income housing shall be designed in accordance with the following provisions:
- (1) The low- and moderate-income housing units shall be sited on the tract in locations at least as accessible to common open space and community facilities as market-priced dwelling units. Rental units may be concentrated for ownership and management unit reasons.
  - (2) The exterior design of the low- and moderate-income housing units shall be harmonious in scale, texture, and materials with the market-priced units on the tract.
  - (3) Deed restrictions. Developers of housing units for low- and moderate-income households shall enter into a written agreement, binding on all successors-in-interest, in accordance with current COAH regulations or Court requirements for Resale/Rental Control, at the time of sale, resale, rental or re-rental regardless of the availability of Federal, State, County or Borough subsidy programs.
  - (4) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- G. 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 the DCA for its Section 8 program.
- H. Accessibility Requirements
- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and the following:
    - (a) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
      - [1] An adaptable toilet and bathing facility on the first floor; and,
      - [2] An adaptable kitchen on the first floor; and,
      - [3] An interior accessible route of travel on the first floor; and,
      - [4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and,
      - [5] If not all of the foregoing requirements in this paragraph can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the foregoing requirements in this paragraph have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
      - [6] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Fanwood Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:



- i. 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.
- ii. To this end, the builder of restricted units shall deposit funds within the Fanwood Borough Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- iii. The funds deposited under the terms of this paragraph shall be used by Fanwood Borough 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 requests an accessible entrance.
- iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of Fanwood Borough for the conversion of adaptable to accessible entrances.
- v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Fanwood Borough Affordable Housing Trust Fund.

(b) 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.

#### 105-6 Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and the UHAC, with the following exceptions:
  - (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH, its successor entity, or the Court;
  - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
  - (3) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with the UHAC, unless an alternative commitment is approved by COAH, its successor entity, or the Court.
- B. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

#### 105-7 Enforcement of Affordable Housing Regulations

- A. 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.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:



- (a) A fine of not more than \$500.00 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;
  - (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Fanwood Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - (c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
- (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the 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.
  - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- 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 (2) years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
  - (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the 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.

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

105-8 Appeals

- A. Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court or with COAH or its successor entity, as may be applicable under law.

**SECTION 2.** This Ordinance shall be subject to review and recommendation by the Fanwood Borough Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A 40:55D-62.1.

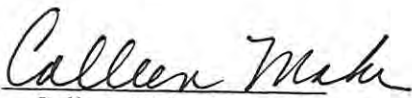
**SECTION 3.** All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

**SECTION 4.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.


**SECTION 5.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Union County Planning Board.

Introduced: November 21, 2016

Public Hearing  
And Adoption: December 5, 2016

  
Colleen Mahr, Mayor

Attest:

  
Eleanor McGovern, Borough Clerk

**BOROUGH OF FANWOOD  
ORDINANCE 16-18-R**

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY  
OF UNION, AND STATE OF NEW JERSEY, AMENDING THE  
LAND USE ORDINANCE OF THE BOROUGH OF FANWOOD  
TO IMPOSE A MANDATORY AFFORDABLE HOUSING SET-  
ASIDE REQUIREMENT**

**WHEREAS**, the Fanwood Borough Planning Board adopted the Fanwood Borough Housing Plan Element and Fair Share Plan on November 30, 2016 ; and

**WHEREAS**, the Fanwood Borough Council endorsed the Fanwood Borough Housing Plan Element and Fair Share Plan on November 30, 2016; and

**WHEREAS**, the Fanwood Borough Housing Plan Element and Fair Share Plan requires the Borough of Fanwood to adopt a mandatory affordable housing requirement for all new multi-family residential developments of five (5) or more units that receive a density variance increasing the permissible density or are rezoned to permit multi-family residential housing or are subject to a new redevelopment plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Fanwood, County of Union, State of New Jersey as follows:

Section 1. Chapter 184, Article XIII, of the Borough Code is hereby amended to add a new Section 124.1, Mandatory Affordable Housing Set-aside, as follows:

**§184-124.1. Mandatory Affordable Housing Set-Aside.**

**A. Purpose**

Unless otherwise required by existing zoning or an adopted redevelopment plan, all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan shall be required to provide an affordable housing set-aside as follows:

- (1) Required affordable housing units shall be equal to 20% of the number of housing units proposed in the application for units offered for sale.
- (2) Required affordable housing units shall be equal to 15% of the number of housing units proposed in the application for units offered for rent.

**B.** Affordable housing units may be provided on-site or off-site within the Borough and are subject to the provisions of the Borough's Affordable Housing Ordinance.

Section 2. All other provisions of Chapter 184 shall remain in full force and effect.

Section 3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.


Section 4. A copy of this Ordinance shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 5. This Ordinance shall take effect in accordance with all applicable laws.

Introduced: November 21, 2016

Public Hearing  
And Adoption: December 5, 2016

  
Colleen Mahr, Mayor

Attest:  
  
Eleanor McGovern, Borough Clerk

### For Affordable Housing in (REGION 2)

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

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

2. Describe the random selection process that will be used once applications are received.

Once advertising of the unit is complete, applications will be accepted for 20 days. All applications will be reviewed and either certified as eligible or informed that they are not eligible for the units. Eligible households are placed in an applicant pool based upon the number of bedrooms needed. When a unit becomes available only the certified household in need of that type of unit are selected for a lottery. Households are informed of the date, time and location of the lottery.

After the lottery is conducted, the first household selected is given 10 days to express interest or disinterest in the unit. If the first household is not interested the process continues until a certified household selects the unit.



<input type="checkbox"/>		Nutley Journal	Essex
<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input checked="" type="checkbox"/>	As units become available	Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input checked="" type="checkbox"/>	As units become available.	Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris
<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union

<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union
<input checked="" type="checkbox"/>	As units become available	Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input checked="" type="checkbox"/>	As units become available.	Union Leader	Union
<input type="checkbox"/>		Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input checked="" type="checkbox"/>	As units become available	50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	

<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Spanish
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union
<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren

<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
x <input type="checkbox"/>	As units become available	Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris
<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>	As units become available	Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			



<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input checked="" type="checkbox"/>	As units become available	WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<b>AM</b>			
<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union

<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren
		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren

<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren
<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren

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

		NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 2</b>				
Monthly				
<input type="checkbox"/>		Sino Monthly	North Jersey/NYC area	Chinese-American
<b>TARGETS PARTIAL HOUSING REGION 2</b>				
Daily				
<input checked="" type="checkbox"/>	As units become available	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		Brazilian Voice, The	Newark	Brazilian-American
<input type="checkbox"/>		Catholic Advocate, The	Essex County area	Catholic
<input checked="" type="checkbox"/>	As units become available	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input checked="" type="checkbox"/>	As units become available	La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East	Spanish-Language

			Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community
3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				
<b>DURATION &amp; FREQUENCY OF OUTREACH</b>		<b>NAME OF EMPLOYER/COMPANY</b>		<b>LOCATION</b>
Essex County				
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ	
<input type="checkbox"/>		Verizon Communications	540 Broad St Newark, NJ 07102	
<input type="checkbox"/>		Prudential Financial, Inc.	751 Broad St Newark, NJ 07102	
<input type="checkbox"/>		Continental Airlines	1 Newark Airport, Newark, NJ	
<input type="checkbox"/>		University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103	
<input type="checkbox"/>		Public Service Enterprise Group	80 Park Plz Newark, NJ 07102	
<input type="checkbox"/>		Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777	
<input checked="" type="checkbox"/>	As units become available.	Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102	
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ	
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102	
Morris County				
<input type="checkbox"/>		Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962	
<input type="checkbox"/>		AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ	
<input type="checkbox"/>		US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ	
<input type="checkbox"/>		Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ	
<input type="checkbox"/>		Pfizer	Morris Plains/Parsippany	
<input type="checkbox"/>		Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ	

<input type="checkbox"/>		Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
<input type="checkbox"/>		Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>		Honeywell	101 Columbia Rd Morristown, NJ 07960
<input type="checkbox"/>		Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input type="checkbox"/>		St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ 07054
Union County			
<input type="checkbox"/>		A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>		A.J. Seabra inc,	574 Ferry St Newark
<input type="checkbox"/>		Bristol-myers Products Research & Dev	1350 Liverty Ave Hillside
<input type="checkbox"/>		Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
<input checked="" type="checkbox"/>	As units become available.	Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>		HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
<input type="checkbox"/>		IBM Corporation	27 Commerce Drive Cranford, nj
<input type="checkbox"/>		Howard Press	450 West First Ave Roselle,nj
<input type="checkbox"/>		Lucent Technologies	600 Mountain Ave Murray Hill,NJ
<input checked="" type="checkbox"/>	As units become available.	Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>		Rotuba Extruders, Inc	1401 Park Ave South Linden
<input checked="" type="checkbox"/>	As units become available	Union County College	1033 Springfield Ave Cranford,NJ
Warren County			
<input type="checkbox"/>		Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>		Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>		Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>		Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ

<input type="checkbox"/>		Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ
--------------------------	--	-------------------------	-----------------------------------------

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

#### IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	<b>BUILDING</b>	<b>LOCATION</b>
<input checked="" type="checkbox"/>	Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981
<input type="checkbox"/>	Warren County Library Headquarters	199 Hardwick Street, Belvidere, NJ 07823
<input checked="" type="checkbox"/>	Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
<input checked="" type="checkbox"/>	Union County/Administration Building	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
4c. Sales/Rental Office for units (if applicable)		

#### V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Name (Type or Print) _____	
Borough of Fanwood	
Title/Municipality _____	
July 2, 2012	
Signature _____	Date _____





## **Appendix C: Development Fee Ordinance**

**BOROUGH OF FANWOOD  
ORDINANCE 16-15-R**

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION AND  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 184 OF THE  
BOROUGH CODE, ENTITLED "LAND USE" TO UPDATE PROVISIONS ASSOCIATED  
WITH AFFORDABLE HOUSING DEVELOPMENT FEES**

**WHEREAS**, in *Holmdel Builder's Association v. Holmdel Township*, 121N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules; and

**WHEREAS**, pursuant to PL 2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans, and municipalities that are under the jurisdiction of a court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development; and

**WHEREAS**, pursuant to the March 10, 2015 Order of the New Jersey Supreme Court in *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015), the Court transferred all COAH's functions, powers, and duties to the Courts, and thus, any and all references to COAH shall mean the Courts or successor agency to COAH if such entity is established by statute; and

**WHEREAS**, this ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Court's regulations and in accordance PL 2008, c.46, Sections 8 and 32 through 38.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fanwood in the County of Union and State of New Jersey as follows:

**SECTION 1.** Section 184-43, Developer fees relating to Mount Laurel housing, is hereby deleted in its entirety and replaced with the following new Subsection 43:

§184-43. Affordable Housing Development Fees

(A) Purpose

- (1) In *Holmdel Builder's Association V. Holmdel Township*, 121NJ 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- (2) Pursuant to PL 2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), the Council on Affordable Housing (COAH) is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of a court of competent jurisdiction and have an



approved spending plan may retain fees collected from non-residential development.

- (3) Pursuant to the March 10, 2015 Supreme Court Order, the Court transferred all functions, powers, and duties to the Courts. Any and all references to COAH shall mean the Courts or successor agency to COAH if such entity is established by statute.
- (4) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Court's regulations and in accordance PL 2008, c.46, sections 8 and 32 through 38.

(B) Basic Requirements

- (1) This Ordinance shall not become effective until approved by the Court pursuant to N.J.A.C. 5:96-5.1.
- (2) The Borough of Fanwood shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.
- (3) This Ordinance shall be interpreted within the framework of COAH's last adopted rules on development fees, codified at N.J.A.C. 5:97-8, as same may be interpreted and applied by the Court.

(C) Definitions

- (1) The following terms, as used in this ordinance, shall have the following meanings:
  - [a] "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - [b] "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished the Council and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. As such, any and all references to COAH shall mean the Department.
  - [c] "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
  - [d] "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
  - [e] "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

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

(D) Imposition of Affordable Housing Development Fees

(1) Residential Development

- [a] Within all the Borough zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development, provided that no increased density is permitted.
- [b] Where an increase in density is permitted through a variance granted pursuant to N.J.S.A. 40:55D-70d(5) or a rezoning, redevelopment plan, or redevelopment plan amendment that is adopted after the effective date of this ordinance, developers shall be required to pay a development fee of six percent (6.0%) of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include a set-aside of affordable housing units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

(2) Nonresidential Development

- [a] Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements for all new non-residential construction on an unimproved lot or lots, provided that no increase in floor area is permitted.
- [b] Non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the increase in total equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- [c] Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- [d] Developers that convert any portion of an existing residential structure to a nonresidential use shall pay a development fee of two and one-half percent (2.5%). The development fee shall be calculated based on the increase in the equalized assessed value of the converted structure.



## (E) Eligible Exactions, Ineligible Exactions and Exemptions

## (1) Residential Development

- [a] Developers of low- and moderate-income housing shall be exempt from paying development fees, including developments where the developer is providing affordable units elsewhere in the Borough or is making a payment in lieu of construction of on-site affordable housing units and further provided that the minimum number of affordable units required for the development is completed in accordance with this chapter. A payment-in-lieu-of-construction or development fee payment shall only be used to fund affordable housing activities within the Borough in accordance with N.J.A.C. 5:97 or as approved by COAH or the Court.
- [b] Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The applicable development fee percentage shall be vested on the date that the building permit is issued.
- [c] Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- [d] Development fees shall be imposed and collected when an existing non-owner occupied residential structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- [e] Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, which requires the issuance of a Certificate of Occupancy (for example, when a single-family home is converted to a two-family home or a single-family home is converted to an apartment building). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- [f] Development fees shall be imposed and collected when a Certificate of Occupancy is issued for a new residential unit on a newly created lot that is the result of a subdivision. The development fee shall be calculated on the equalized assessed value of the land and improvements.
- [g] Additions to existing homes and improvements such as decks, patios and like shall be exempt from the payment of a development fee.

## (2) Nonresidential Development

- [a] The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
- [b] The two and one-half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from

alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.

- [c] Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- [d] A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to the development fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the non-residential development, whichever is later.
- [e] If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Fanwood as a lien against the real property of the owner.
- [f] Developers that have received final approval prior to the adoption of a municipal development fee ordinance shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- [g] Exempted from these provisions shall be approvals for the following classes of development:
  - [1] Utility facilities
  - [2] Educational, cultural and outdoor recreational facilities
  - [3] Quasi-public uses, including clubs, lodges and similar uses
  - [4] Public uses
  - [5] Hospital uses

(F) Collection of Fees

- (1) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.



- (3) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Borough of Fanwood fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (8) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of development fees:
  - [a] A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Fanwood. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - [b] A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Fanwood. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (G) Affordable Housing Trust Fund
  - (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the Borough for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.



- (2) The following additional funds, if collected by the Borough, shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - [a] payments in lieu of construction of affordable units, shall be separately identifiable from other payments as a sub-account within the Affordable Housing Trust Fund;
  - [b] developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - [c] rental income from municipally operated units;
  - [d] repayments from affordable housing program loans;
  - [e] recapture funds;
  - [f] proceeds from the sale of affordable units; and,
  - [g] any other funds collected in connection with the Borough of Fanwood's affordable housing program.
- (3) Within seven days from the opening of the trust fund account, the Borough of Fanwood shall provide the Court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and the Court to permit the Court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (4) All interest accrued in the housing trust fund shall only be used to fund eligible affordable housing activities approved by the Court.

(H) Use of Funds

- (1) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Fanwood's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; rehabilitation; new construction of affordable housing units and related costs; accessory apartment, market to affordable, or regional housing partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; or, any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Borough of Fanwood for past affordable housing activities.
- (3) At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
  - [a] Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or



condominium fees and special assessments, and assistance with emergency repairs.

- [b] Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
- [c] Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Borough of Fanwood may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (5) No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.
- (I) Monitoring
  - (1) The Borough of Fanwood shall complete and return to the New Jersey Department of Community Affairs (NJDCA), Local Government Services, all monitoring forms required in connection with the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with its housing program, as well as in connection with the expenditure of revenues and implementation of the plan approved by the Court.
  - (2) All monitoring reports shall be completed on forms designed by the NJDCA or successor entity for that purpose.
- (J) Ongoing Collection of Fees
  - (1) The ability for the Borough of Fanwood to impose, collect and expend development fees shall expire with the end of the repose period covered by its judgment of compliance unless the Borough of Fanwood has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated administrative entity of the State of New Jersey, has petitioned for a judgment of compliance or substantive certification, and has received approval of its development fee ordinance by the entity that will be reviewing the Housing Element and Fair Share Plan.
  - (2) If the Borough of Fanwood fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Fanwood



shall not impose a development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Fanwood retroactively impose a development fee on such a development. The Borough of Fanwood shall not expend any development fees after the expiration of its judgment of compliance.

**SECTION 2.** This Ordinance shall be subject to review and recommendation by the Fanwood Borough Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

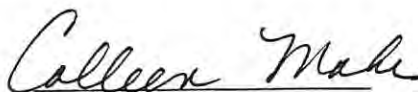
**SECTION 3.** All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

**SECTION 4.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**SECTION 5.** This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Union County Planning Board.

Introduced: November 21, 2016

Public Hearing  
and Adoption: December 5, 2016

  
Colleen Mahr, Mayor

Attest:

  
Eleanor McGovern  
Borough Clerk

**Appendix D: Resolution Appointing the Municipal Housing Liaison**

---

# BOROUGH OF FANWOOD UNION COUNTY, NEW JERSEY

**RESOLUTION:** 2025-06-109

**Date of Adoption:** June 2, 2025

## RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

**WHEREAS**, N.J.S.A. 52:27D-311 et seq., known as the "Fair Housing Act," requires municipalities to take affirmative measures to address the housing needs of low and moderate income households; and

**WHEREAS**, N.J.A.C. 5:96-18.2 requires each municipality subject to the Fair Housing Act to designate a municipal housing liaison to serve as the primary point of contact for all inquiries and applications for affordable housing; and

**WHEREAS**, the municipal housing liaison shall be responsible for oversight and compliance of the municipality's affordable housing program, including administration of controls on affordability, income eligibility of purchasers and tenants of affordable units, and affirmative marketing; and

**WHEREAS**, the Borough of Fanwood desires to comply with all requirements of the Fair Housing Act and applicable regulations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fanwood, in the County of Union, State of New Jersey, as follows:

1. Jesse Moehlman, the Borough Administrator is hereby appointed to serve as Municipal Housing Liaison for the Borough of Fanwood, effective June 2, 2025.
2. The Municipal Housing Liaison shall perform all duties and responsibilities as set forth in N.J.A.C. 5:96-18.2, including but not limited to:
  - o Serving as the primary point of contact for inquiries regarding the municipality's affordable housing program
  - o Implementing affirmative marketing requirements
  - o Compiling, verifying, and submitting annual reports as required
  - o Maintaining records of compliance monitoring activities
  - o Coordinating with other municipal departments and outside agencies as necessary
3. The Municipal Housing Liaison shall serve at the pleasure of the Mayor and Council and may be removed at any time by majority vote of the governing body.
4. This resolution shall take effect immediately upon passage.

Certified to be a true copy of a Resolution adopted by the Governing Body of the Borough of Fanwood at the duly held Meeting on the 2<sup>nd</sup> day of June, 2025.

  
Courtney Agnello, Borough Clerk

**MOTION:** Gina Berry

**SECOND:** Jeffrey Banks

**YES:** Patricia Walsh, Jeffrey Banks, Gina Berry, Anthony Carter, Erin McElroy Barker

**NO:** None

**ABSTAIN:** None

**ABSENT:** Katherine Mitchell



**Appendix E: Draft Ordinance to Increase Set-Aside of Commercial Corridor  
(CC) Zone and Existing Zoning Map**

**DRAFT ORDINANCE – June 12, 2025**  
**Mandatory Affordable Housing Set-Aside**  
**Borough of Fanwood, Union County**  
**Rental Set-Aside Increase in Commercial Corridor (CC) District**  
**Amendment to Zoning Ordinance Section 184-119K**

Intent and purpose. It is the intent and purpose of this Zoning Ordinance Amendment to increase the minimum requirement of affordable housing rental units within the Commercial Corridor District within the Borough and to satisfy a portion of Fanwood's Round 4 unmet need affordable housing obligation.

Note: Language that is strikethrough is proposed to be removed, and language that is bolded and underlined is proposed to be added.

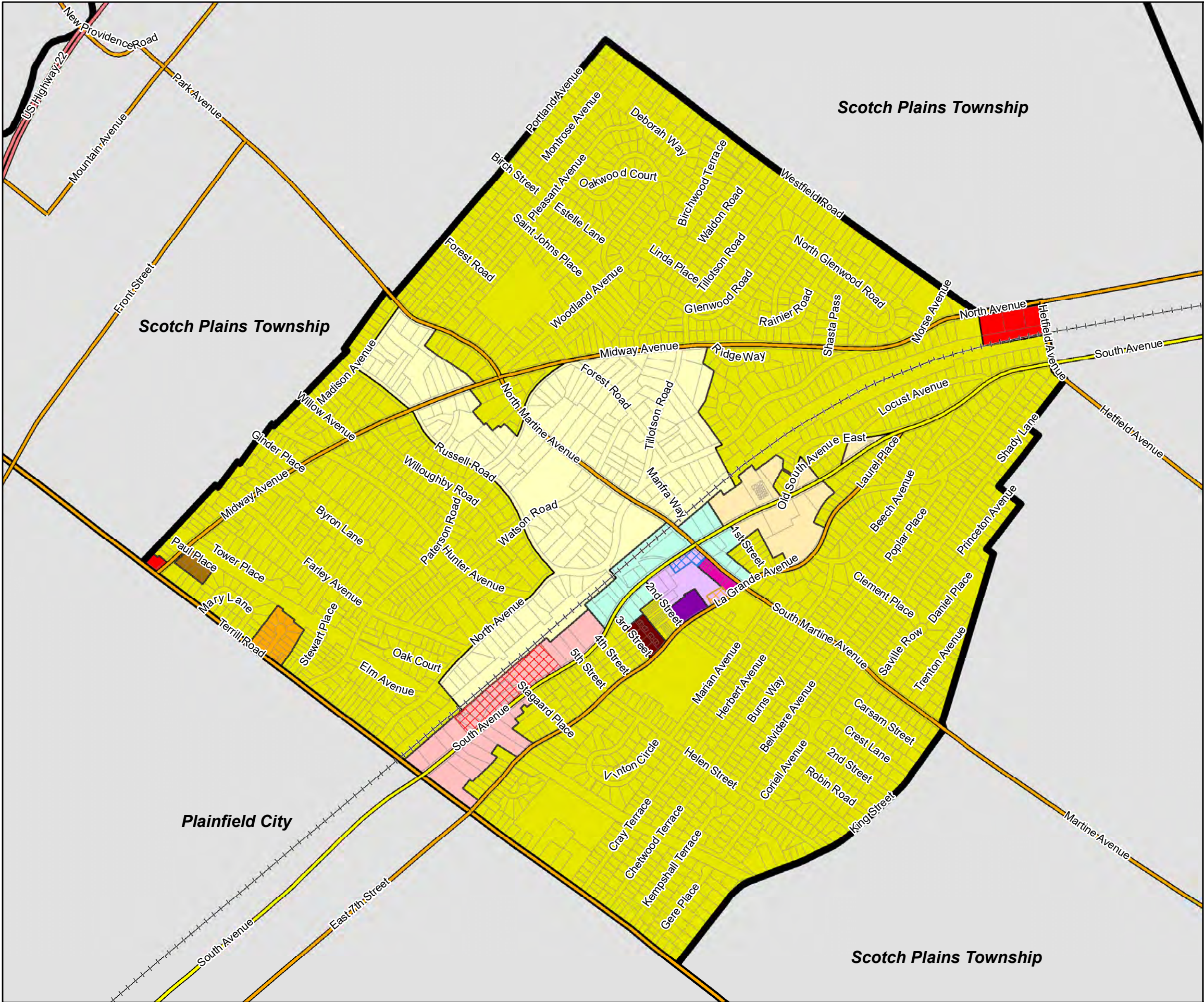
- K. South Avenue Affordable Housing Overlay District. Within each of the Commercial Corridor Districts (CC-E, CC-C, and CC-W), the development of new mixed-use buildings (residential over commercial) with residential on the second or third floors or the conversion of existing buildings into mixed-use buildings with residential on the second or third floors, or any multifamily residential development will be permitted so long as the following conditions are met:
- (1) A minimum of ~~15%~~ **17%** of residential rental units and 20% of for-sale residential units must be affordable units.
  - (2) At least 50% of the affordable units shall be low-income units; if only one affordable unit is created in a project, the unit shall be a low-income unit.
  - (3) The units designated as low- or moderate-income units may be rented or sold only to low- or moderate-income households at the time of the initial occupancy.
  - (4) All applicable bulk requirements for development shall be met, including relevant coverage standards and parking.
  - (5) Building height shall be limited to three stories in the CC-W and CC-E Districts. Building height shall be limited to 3.5 stories in the CC-C District.
  - (6) The ground floor of the building shall contain only nonresidential uses in the CC-C District.
  - (7) The units must be affirmatively marketed to the housing region in accordance with the Borough's Affirmative Marketing Plan.
  - (8) Affordability controls shall be maintained for a minimum of 30 years.
  - (9) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority.

- (10) All affordable units shall be subject to the provisions of the Borough's Affordable Housing Ordinance.[1]

[1] Editor's Note: See Ch. 105, Affordable Housing.

End of Draft Ordinance





## Zoning Map

Adopted on: August 22, 2024

### Legend

#### Zone Districts

- Commercial Corridor District — Central (CC-C)
- Commercial Corridor District — East (CC-E)
- Commercial Corridor District — West (CC-W)
- General Commercial District (GC)
- Residential District (R-75)
- Residential District (R-150)
- LaGrande Affordable Housing District
- Midway Affordable Housing District
- Terrill Affordable Housing District
- Block 64 Redevelopment Plan — Downtown Residential Redevelopment District (DTR)
- Block 64 Redevelopment Plan — Rehabilitation Infill District (RID)
- Block 64 Redevelopment Plan — Retail Residential District (RRD)
- Block 64 Redevelopment Plan — Maximum Height Overlay District (MHO)
- Block 64 Redevelopment Plan — Residential Overlay District (RO)
- Old South Avenue Redevelopment Plan Overlay District (OLD)

#### Contextual Information

- Municipal Boundary
- Other Municipality
- Tax Parcel
- Railroad
- Local Roadway (Connects Federal and County Routes)
- County Route
- State Route
- Federal Route



0 450 900  
Feet



**T&M Associates**  
400 Broadacres Drive, Suite 250  
Bloomfield, NJ 07003  
[www.tandmassociates.com](http://www.tandmassociates.com)



## **Appendix F: Spending Plan**





## **DRAFT BOROUGH OF FANWOOD AFFORDABLE HOUSING SPENDING PLAN**

**June 12, 2025**

### **INTRODUCTION**

The Borough of Fanwood has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance has been adopted and is codified at Section 184-43 of the Code of the Borough of Fanwood. This Spending Plan outlines the manner in which funds in the Affordable Housing Trust Fund will be expended through 2035.

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 into a separate, interest-bearing Affordable Housing Trust Fund for the purposes of affordable housing. These funds shall be spent in accordance with applicable affordable housing regulations.

### **1. REVENUES FOR CERTIFICATION PERIOD**

As of May 31, 2025, the Affordable Housing Trust Fund had a balance of \$519,394.58 (hereinafter rounded to \$519,395).

Based on past development fee collections through the life of the Borough's Affordable Housing Trust Fund, an annual estimated total residential development fee of \$19,000 per year has been used in this analysis. This results in a total development fee projection of \$199,500 through 2035.

No payments in lieu or other sources of income are anticipated through 2035.

Finally, it is estimated that the Borough will collect \$8,610 in interest through 2035.

**TABLE 1: PROJECTED REVENUES****Affordable Housing Trust Fund, July 1, 2025 through 2035**

Source	7/1/25- 12/31/25	1/1/26- 12/31/26	1/1/27- 12/31/27	1/1/28- 12/31/28	1/1/29- 12/31/29	1/1/30- 12/31/30	1/1/31- 12/31/31	1/1/32- 12/31/32	1/1/33- 12/31/33	1/1/34- 12/31/34	1/1/35- 12/31/35	Total
Development Fees	\$9,500	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	<b>\$199,500</b>
PIL Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Interest	\$410	\$820	\$820	\$820	\$820	\$820	\$820	\$820	\$820	\$820	\$820	<b>\$8,610</b>
<b>Total</b>	<b>\$9,910</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$19,820</b>	<b>\$208,110</b>

The Borough of Fanwood projects a total of \$208,110 in revenue and interest to be collected between July 1, 2025 and December 31, 2035. All interest earned on the account shall be used only for the purposes of affordable housing.

When this projection is combined with the Borough's Affordable Housing Trust Fund balance of \$519,395 as of May 31, 2025, a total of \$727,505 for the purposes of affordable housing through 2035 is yielded.

## **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 the Borough of Fanwood

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with all applicable rules, regulations and legislation.

(b) Distribution of development fee revenues:

The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the Trust Fund for the specific use approved in the governing body's resolution.

## **1. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

The Borough of Fanwood anticipates using future trust funds for the following purposes:

(a) **Rehabilitation Program**

As described in Fanwood's Housing Element and Fair Share Plan, the Borough has a present need obligation of zero (0) units. However, the Borough will allocate up to \$30,000 for the continued operation of the Fanwood Housing Rehabilitation Program

through 2035. The intent is to keep the program operational in the event that an income-qualified household should need assistance during Round 4. Should the amount of \$30,000 not be required, the remaining monies will be reallocated toward affordability assistance as described below.

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

At least 30% of the development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipality's Fair Share Plan. One-third of the affordability assistance portion shall be used to provide affordability assistance to very low-income households. Trust Fund fees shall only be used for affordable units.

Fanwood proposes a variety of mechanisms to provide for the affordability assistance requirements, as follows:

- The Borough of Fanwood shall make trust fund monies available for Payment Assistance, including down payments, closing costs (title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees and other necessary closing expenses to third parties), payment of lenders fees (mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses) and rental assistance (rental subsidies, moving expenses and security deposits). This program would also assist with security deposits, homeowners' association and condominium fees, special assessment fees, and for assistance with emergency repairs for low- and moderate-income households. With this program, priority will be given to very low-income households for compliance with the requirement that one-third of the affordability assistance requirement be used for the very low-income population.
- The Borough shall develop a program to fund green building techniques, such as solar panel installations, at 100% affordable and inclusionary developments throughout the Borough. Green building techniques, such as the application of solar panels, could provide affordability assistance by reducing utility expenses. Group home properties would be eligible to participate in this project because they serve the very low-income population; this would assist with compliance that one-third of the affordability assistance requirement be used for the very low-income population. The Borough will initially adopt a resolution committing to establishment of the program, after which a program manual will be prepared and adopted by the Governing Body. The program would be affirmatively marketed, with applicants encouraged to apply. The application would need to include a description of the proposed work, the need for the work, and the income cohorts of the residents living at the subject location. Information about the Green Building Technique proposed, as well as the potential in energy savings would

need to be provided. Price estimates for the proposed installation would need to be provided.

Table 2 includes the calculation of the minimum required affordability assistance amounts through 2035.

<b>TABLE 2: AFFORDABILITY ASSISTANCE CALCULATION</b>		
		<b>Total</b>
Actual development fees and interest through May 31, 2025	+	<b>\$430,162.65</b>
Projected development fees and interest through 2035	+	<b>\$208,110.00</b>
Less Housing Activity Expenditure in the Third Round	-	<b>\$0.00</b>
Total	=	<b>\$638,272.65</b>
30% Requirement	x .30	<b>\$191,481.80</b>
Less Affordability assist. Expenditures thru 5/15/2025	-	<b>\$0.00</b>
Projected Min. Afford. Asst. through 2035	=	<b>\$191,481.80</b>
Projected Min. Afford. Asst. for Very Low Income through 2035	x 1/3	<b>\$63,827.27</b>

As demonstrated in Table 4, the Borough proposes to exceed the minimum required amount of affordability assistance.

(c) Administrative Expenses

Per affordable housing regulations, no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough projects that a maximum of \$36,014.29 will be available from the affordable housing trust fund to be used for administrative expenses.

<b>TABLE 3: ADMINISTRATIVE EXPENSE CALCULATION</b>		
		<b>Total</b>
Actual development fees and interest through May 31, 2025	+	<b>\$430,162.65</b>
Projected development fees and interest through 2035	+	<b>\$208,110.00</b>
Total for Admin. Calculation, through 2035	=	<b>\$638,272.65</b>
20% Maximum for Admin. Expense	x .20	<b>\$127,654.53</b>
Less Admin	-	<b>\$91,640.24</b>
Available for Admin. through 2035	=	<b>\$36,014.29</b>

Legal or other fees related to litigation opposing affordable housing sites or objecting to affordable housing regulations and/or actions are not eligible uses of the affordable housing trust fund.

Projected administrative expenditures, subject to the 20% cap, are as follows:

1. Expenditures for consultant and professional fees in connection with future revisions and amendments to the Housing Element and Fair Share Plan.
2. Preparation of this Spending Plan and revisions thereto as required by any future reviewing body.



3. Expenditures for consultant and professional fees in connection with future revisions to the affordable housing ordinances necessary to implement the Borough's Housing Element and Fair Share Plan.
4. Additional expenses and training for the Municipal Housing Liaison.
5. Expenditures for the provision of Administrative Agent services.
6. Expenditures for consultant and professional fees in connection with planning, development and implementation of affordable housing sites and developments.
7. Expenditures for consultant and professional fees to further any section or proposal from the adopted Housing Element and Fair Share Plan, and revisions and amendments thereto.
8. Expenditures for professional fees for annual affordable housing monitoring and required reviews.
9. Municipal Housing Liaison and Administrative Agent training and on-going certification.
10. Research and preparation of the annual trust fund and affordable housing activity monitoring as required by the Settlement Agreement.
11. Preparation of the very-low income monitoring every three years as required by the Settlement Agreement.
12. Preparation of a Housing Element and Fair Share Plan and a Spending Plan to satisfy future Round 5 requirements.

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

The Borough of Fanwood intends to use affordable housing trust fund revenues as detailed in Table 4.

**TABLE 4: EXPENDITURE SCHEDULE**

<b>Projects/ Program</b>	<b>Projected Expenditure Schedule July 1, 2025 – December 31, 2035</b>											
	<b>7/1/25- 12/31/25</b>	<b>1/1/26- 12/31/26</b>	<b>1/1/27- 12/31/27</b>	<b>1/1/28- 12/31/28</b>	<b>1/1/29- 12/31/29</b>	<b>1/1/30- 12/31/30</b>	<b>1/1/31- 12/31/31</b>	<b>1/1/32- 12/31/32</b>	<b>1/1/33- 12/31/33</b>	<b>1/1/34- 12/31/34</b>	<b>1/1/35- 12/31/35</b>	<b>Total</b>
Affordable Programs	\$0	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	<b>\$30,000</b>
Affordability Assistance	\$31,491	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000	<b>\$661,491</b>
Administrative Expenses	\$1,714	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	\$3,430	<b>\$36,014</b>
<b>Total</b>	<b>\$33,205</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$69,430</b>	<b>\$727,505</b>

## 5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated to rehabilitation and/or affordability assistance program, and/or additional affordable housing activity necessary to address any remaining Unmet Need. In the event that a shortfall of anticipated revenues occurs, the Borough of Fanwood will address the shortfall of funds through an alternative funding source to be identified by the Borough or by adopting a resolution with an intent to bond, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses.

## 6. BARRIER-FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Fanwood's Affordable Housing Ordinance and in accordance with applicable rules.

## **SUMMARY**

The Borough intends to spend affordable housing trust fund revenues pursuant to applicable rules and to be consistent with the housing programs outlined in the 2025 Housing Element and Fair Share Plan.

The Borough estimates a total of \$727,505 to fund its affordable housing program through December 31, 2035. This includes the balance of the Affordable Housing Trust Fund as of May 31, 2025 and projected development fees and interest.

The Spending Plan summary is provided below.

<b>TABLE 5: SPENDING PLAN SUMMARY</b>		
		<b>Total</b>
<b>Balance</b>		<b>\$519,395</b>
<b>Projected Revenue Through 2035</b>		
Development fees	+	<b>\$199,500</b>
Payments in lieu of construction	+	<b>\$0.00</b>
Other funds	+	<b>\$0.00</b>
Interest	+	<b>\$8,610</b>
<b>Total Available Funds</b>		<b>\$727,505</b>
<b>Rehabilitation</b>	+	<b>\$30,000</b>
<b>Affordability Assistance</b>	+	<b>\$661,491</b>
<b>Administration</b>	+	<b>\$36,014</b>
<b>Total Projected Expenditures</b>	=	<b>\$727,505</b>
<b>Remaining Balance</b>	=	<b>\$0</b>

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

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