

# Housing Element & Fair Share Plan

Borough of Dumont

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# Housing Element & Fair Share Plan

Borough of Dumont

Bergen County, New Jersey

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

We would like to acknowledge the members of the Affordable Housing Subcommittee that assisted Maser Consulting throughout the duration of the project:

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## 1) Introduction

According to the Fair Housing Act of 1985, a Housing Plan Element must be designed to address the municipal fair share for low and moderate income housing as determined by the New Jersey Council on Affordable Housing. The process of determining need and creating the standards by which the Act is carried out.

Round Methodology for the period between 2004 and 2018. COAH substantially redesigned the process that provides affordable housing opportunities in New Jersey municipalities. During the First and Second Rounds, using a pre-determined formula, COAH prescribed a specific number of units for which a municipality had to provide a realistic opportunity to create these units. The prescribed number was based on housing and employment conditions in the municipality, any remaining prior round unit obligation that was not constructed and deficient housing units occupied by low and moderate income housing units, known as the rehabilitation share.

This HEFSP is prepared utilizing the current version of the Third Round Rules, which became effective on June 2, 2008 with amendments through October 20, 2008 for the period of 1999 through 2018. The Third Round fair share consist of three elements:

1. Rehabilitation share.
2. The remaining prior round obligation that was not constructed.
3. Growth share, which requires:
  - a. For every four market residential units that receive a certificate of occupancy one new affordable housing unit must be created.
  - b. For every sixteen jobs created as a result of non-residential new construction or expansion of existing non-residential use, one unit affordable to households of low or moderate income must be created.<sup>1</sup>

## Municipal Summary

The Borough of Dumont is located in Bergen County and encompasses roughly two square miles. Dumont is suburban in character and has a small town feel. The Borough is located at the intersection of Madison Avenue and Washington Avenue. The municipality is divided in half north to south by the CSX rail line, which is an active freight railroad. New Jersey Transit bus service connects the Borough to surrounding municipalities as well as New York City.

Dumont is surrounded by Haworth Borough, Demarest Borough, Cresskill Borough, Bergenfield Borough, New Milford Borough and Oradell Borough. Between 2000 and 2008, Dumont grew from 17,503 to 17,479 residents.<sup>2</sup> Looking into the future, the North Jersey Transportation Planning Authority projects Dumont will grow to 19,440 residents by the year 2035.<sup>3</sup>

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<sup>1</sup> It should be noted that the courts have overturned the growth share methodology, but COAH has yet to establish new rules and regulations to replace said methodology. Therefore, for the purposes of this report, we have relied on the existing methodology.

<sup>2</sup> [www.census.gov](http://www.census.gov)

<sup>3</sup> <http://www.njtpa.org/DataMap/Demog/Forecast/documents/2035DemographicForecastsbyMunicipality--FinalApprovedforWebsite20090824.pdf>

## COAH Obligation

The Borough of Dumont has been given a rehabilitation obligation of 31, a prior round obligation of 34 and a growth share/third round obligation of 35. This is a combined total of 100. The chart below illustrates the

DUMONT BOROUGH: COAH OBLIGATION			
Rehabilitation	Prior Round	Growth Share	
31	34	Housing Allocation	Employment Allocation
		17.6	17.63
		35	

## Borough Goal

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

## 2) Content of Housing Element

designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to the Master plan must contain a housing element to give a fair and equitable share of housing to all residents. As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- 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 existing jobs and employment characteristics of the municipality, and a projection of the probable future jobs and employment characteristics of the municipality;
- A consideration of the municipality's prospective fair share for low and moderate income housing and its capacity to accommodate its housing needs, including its fair share for low and moderate income housing; 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.

Following items as per N.J.A.C. 5:97-2.3:

- 
- Employment projection in Appendix
- 
- Rehabilitation share in Appendix
- Projected growth share in accordance with N.J.A.C. 5:97-2.4.

Supporting information that must be submitted to COAH with a Housing Element includes a copy of the most recently adopted municipal zoning ordinance, the most up to date tax map and the most recently adopted Master Plan.

### 3) Dumont's Population Demographics

The population of Dumont increased between 1950 and 1970, but since that time has been decreasing. In 2000, the population was 17,503, which then decreased by 24 population was in 1970, when the municipality contained 20,155 residents.

POPULATION GROWTH			
Year	Population	Population Change	Percent Change
1950	13,013	-	-
1960	18,882	5,869	45.1%
1970	20,155	1,273	6.7%
1980	18,334	-1,821	-9.0%
1990	17,187	-1,147	-6.3%
2000	17,503	316	1.8%
2010	17,479	-24	-0.1%

Source:

<http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The NJTPA projects that the Borough will grow to 19,440 residents by the year 2035.<sup>4</sup> In order for that to occur, Dumont would need to gain 1,961 residents over the next 25 years, which translates to 78 new residents annually. A population of 19,440 residents is within reason; in fact it is 715 less residents than the Boro of 20,155. However, based on the Census data from 1960 through 2010, it is more li population will be roughly 18,250 persons in 2035, which is the average of the six prior Censuses.

#### Age Distribution of Population

of age, while 15.5% of the population was 65 years or older. This represents a slight increase in the senior population from 2000 when persons 65 years or older composed 15.4% of the total population. Moreover, the percentage of the population aged 19 or younger has decreased since 2000, when the age group comprised

AGE DISTRIBUTION (2010)		
Age (Years)	Number of Residents	Percentage of Residents
Under 5 years	846	4.8%
5 to 9 years	1,071	6.1%
10 to 14 years	1,232	7.0%
15 to 19 years	1,191	6.8%
20 to 24 years	925	5.3%
25 to 29 years	844	4.8%
30 to 34 years	971	5.6%
35 to 39 years	1,180	6.8%
40 to 44 years	1,382	7.9%
45 to 49 years	1,555	8.9%
50 to 54 years	1,461	8.4%
55 to 59 years	1,117	6.4%
60 to 64 years	999	5.7%
65 to 69 years	707	4.0%
70 to 74 years	619	3.5%
75 to 79 years	545	3.1%
80 to 84 years	455	2.6%
85 years and over	379	2.2%
<b>Total</b>	<b>17,479</b>	<b>100.0%</b>

38.4.

<sup>4</sup> <http://www.njtpa.org/DataMap/Demog/Forecast/documents/2035DemographicForecastsbyMunicipality--FinalApprovedforWebsite20090824.pdf>

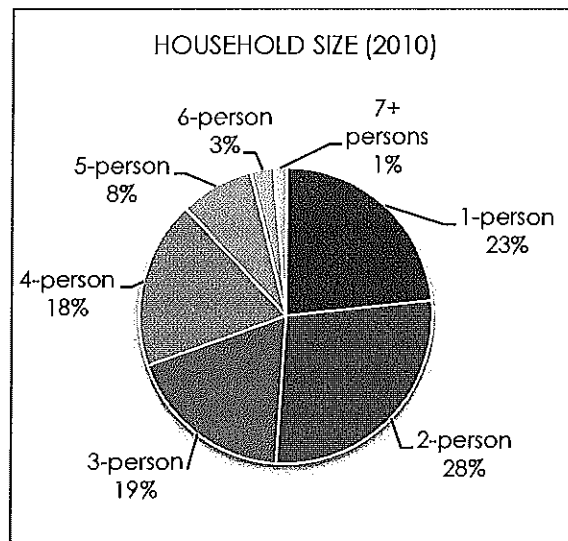
## Household Size & Type

According to the 2010 Census, Dumont had a total of 1,685 or 26.5% non-family households. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home. A total of 1,487 households or 23.4% of households within the Borough are composed of only one person. As for family households, they encompassed 73.5% of the households within the Borough in 2010. Surprisingly, only 33.2% of family households within Dumont contained children under the age of 18. See the table below for additional details.

HOUSEHOLD TYPE & SIZE (2010)		
Type	Number of Households	Percentage of Households
Family Households	4,679	73.5%
Husband-Wife Family	3,706	58.2%
<i>With Children Under 18</i>	1,764	27.7%
Male Householder, No Wife	263	4.1%
Female Householder, No Husband	710	11.2%
Non-Family Households	1,685	26.5%
Male Living Alone	553	8.7%
Female Living Alone	934	14.7%
<b>Total</b>	<b>6,364</b>	<b>100.0%</b>

In 2010, the average household size in Dumont was 2.75 persons, while the average family size was 3.27 persons. As shown in the table below, the most common household size within Dumont Borough in 2010 was a two-person household, which totaled 27.7% or 1,760 households. Second most common were one-person households with 18.4% of households within Dumont.

HOUSEHOLD SIZE (2010)		
Household	Number of Households	Percentage of Households
1-person	1,487	23.4%
2-person	1,760	27.7%
3-person	1,176	18.5%
4-person	1,171	18.4%
5-person	514	8.1%
6-person	166	2.6%
7 or more persons	90	1.4%
<b>Total</b>	<b>6,364</b>	<b>100.0%</b>





## Income & Poverty Status

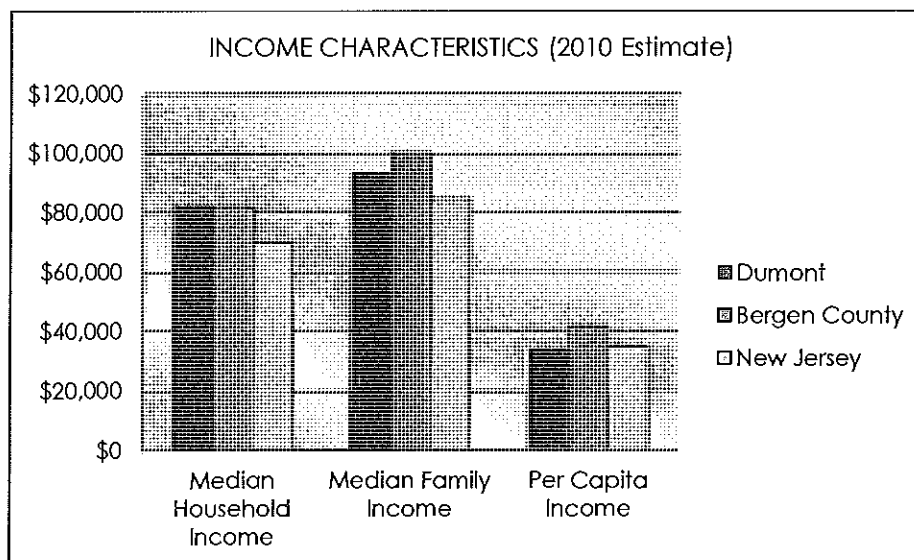
The 2010 Census data has not yet been released for income and poverty. Therefore, five-year American Community Survey (ACS) estimates had to be relied upon. The ACS data indicates that the median household income for Dumont was \$82,286 in 2010. This is \$578 higher than the median household income for Bergen County and \$12,475 higher than the median household income for New Jersey. The median household income for New Jersey was roughly \$7,000 less than the County.

As for per capita income, Dumont was estimated to be \$34,858, which is \$1,852 higher than the County and \$3,052 higher than New Jersey.

Finally, in reviewing poverty status of both people and families, Dumont fairs much better than the County and State. The ACS estimates that Dumont had a people poverty status of 3.2% and a family poverty status of 2.5%. These percentages are roughly half that of the County and approximately a third that of the State. See the table below for details.

INCOME CHARACTERISTICS (2010 Estimate)			
	Dumont	Bergen County	New Jersey
Median Household Income	\$82,286	\$81,708	\$69,811
Median Family Income	\$93,125	\$100,310	\$84,904
Per Capita Income	\$33,518	\$42,006	\$34,858
Poverty Status (% of People)	3.2%	5.8%	9.1%
Poverty Status (% of Families)	2.5%	4.3%	6.7%

Source: 2006-2010 ACS 5-Year Estimates.



Over 1,200 households (20.4%) had an income between \$75,000 and \$99,999 in 2010. A total of 1,129 households (18.4%) had an income of \$100,000 to \$149,999. Only 19.2% of households within Dumont had an income less than \$49,999 in 2010 as shown in the table on page 7.

HOUSEHOLD INCOME (2010 Estimate)		
Income	Number of Households	Percentage of Households
Less than \$49,999	1,180	19.2%
\$35,000 to \$49,999	370	6.0%
\$50,000 to \$74,999	1,113	18.1%
\$75,000 to \$99,999	1,253	20.4%
\$100,000 to \$149,999	1,129	18.4%
\$150,000 to \$199,999	679	11.0%
\$200,000+	423	6.9%
<b>Total</b>	<b>6,147</b>	<b>100.0%</b>

Source: 2006-2010 ACS 5-Year Estimates.

### Marital Status by Sex of Persons 15 Years & Older

In 2010, there were an estimated 1,013 more females than males over the age of 15 in Dumont. The numbers of never married and now married, except separated are nearly identical for men and women. Twenty times as many women are separated than men. There are an estimated 753 widowed women within the Borough and 261 widowed men. A total of 943 divorced persons reside within the Borough.

MARITAL STATUS OF PERSONS 15 YEARS OR OLDER (2010 Estimate)			
Status	Male	Female	Total
Never Married	2,086	2,169	4,255
Married	3,901	3,855	7,756
Separated	10	207	217
Widowed	261	753	1,014
Divorced	328	615	943
<b>Total</b>	<b>6,586</b>	<b>7,599</b>	<b>14,185</b>

Source: 2006-2010 ACS 5-Year Estimates.

## 4) Dumont's Housing Demographics

It should be noted that where 2010 Census data has been released and is readily available, it has been used in the housing demographics which follow. Otherwise, 2000 Census data is relied upon or ACS estimates are utilized.

### Housing Type

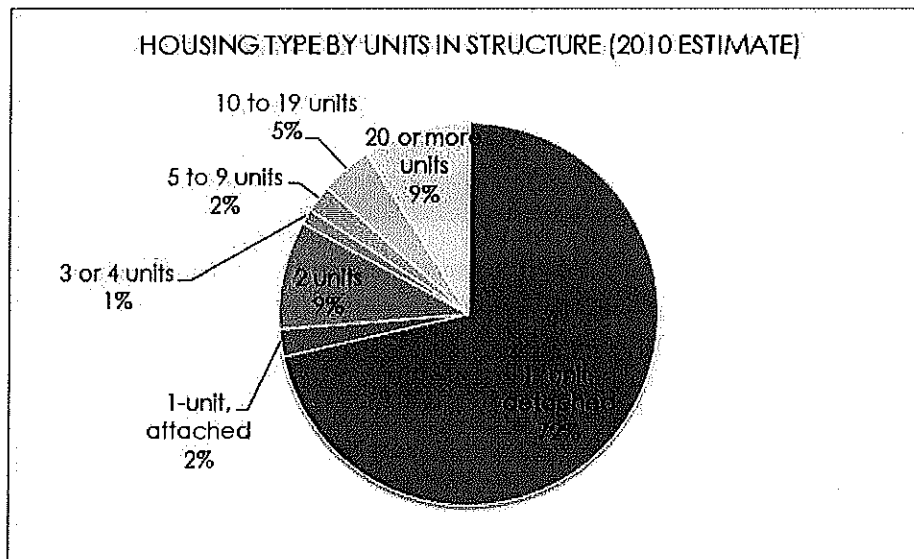
In 2000, the Census reported that there were 6,465 dw stock includes single-family detached units, single-family attached units and multi-family dwellings. Single-family detached dwellings totaled 4,632 or 71.6% of the

g stock in 2000. As the chart below shows, two unit dwellings comprised 10.9% of the housing stock, while 20 or more unit buildings (e.g. David F. Roche Apartments) totaled 7.8%.

According to the five-year ACS estimates, Dumont contained 6,311 housing units in 2010. Single-family detached homes still comprised the overwhelming majority of the housing stock (71.4%), while two unit dwellings and 20 or more unit buildings tied for second highest at 9.1%.

HOUSING TYPE BY UNITS IN STRUCTURE (2000 & 2010 Estimate)				
Unit Type	2000 Census		2010 Estimate	
	# of Units	% of Units	# of Units	% of Units
1-unit, detached	4,632	71.6%	4,509	71.4%
1-unit, attached	139	2.2%	147	2.3%
2 units	702	10.9%	576	9.1%
3 or 4 units	169	2.6%	81	1.3%
5 to 9 units	91	1.4%	146	2.3%
10 to 19 units	228	3.5%	278	4.4%
20 or more units	504	7.8%	574	9.1%
<b>Total</b>	<b>6,465</b>	<b>100.0%</b>	<b>6,311</b>	<b>100.0%</b>

Source: 2000 Census & 2006-2010 ACS 5-Year Estimates.



Of the estimated 6,311 units in 2010, 200 or 3.2% of the housing stock is affordable. This includes the following developments:

- 
- 
- 
- 
- 
- 

According to COAH, 31 homes within the Borough are substandard and are capable of being rehabilitated.

### Occupancy Status

vacancy rate was 2.7%, which was almost half

As the table below shows, the majority of the vacancies were dwellings for rent, at 65 units. Houses for sale Of the housing units within Dumont, 73.0% were owner-occupied, while 27.0% were renter-occupied.

Analyzing Bergen County, the County had a higher percentage of vacant for rent and for sale units, 1.9% and 0.8%, respectively. Conversely, the County had a lower rate of owner-occupied units compared to the Borough, with only 66.1% of units being owner-occupied.

OCCUPANCY STATUS (2010)				
	Dumont Households	Percent of Households	Bergen County Households	Percent of Households
Occupied Total	6,364	97.3%	335,730	95.3%
Owner-Occupied	4,643	73.0%	221,966	66.1%
Renter-Occupied	1,721	27.0%	113,764	33.9%
Vacant Total	178	2.7%	16,658	4.7%
For Rent	65	1.0%	6,807	1.9%
Rented, Not Occupied	5	0.1%	373	0.1%
For Sale	32	0.5%	2,665	0.8%
Sold, Not Occupied	7	0.1%	900	0.3%
<b>Total</b>	<b>6,542</b>	<b>100.0%</b>	<b>352,388</b>	<b>100.0%</b>

The 2010 average household size in Dumont was 2.75 persons, while the average family size was 3.27 persons. Comparing tenure, the average owner-occupied household size was 3.00 persons in 2010, while the average renter-occupied household size was only 2.07 persons.

### Value & Rent of Housing Stock

Census 2010 data for value and rent of housing stock has yet to be released; therefore, five-year ACS estimates have been utilized. The median home value in 2010 was estimated to be \$399,500 for the Borough. This value

has an estimated margin of error of +/- \$12,515, which means that median value within Dumont for 2010 could range from \$386,985 to \$412,015.

cupied housing units, the majority (74.2%) are valued between \$300,000 and \$499,999. A total of 648 homes or 14.8% of the total are approximated to be valued between \$500,000 and \$999,999. According to the ACS, roughly 40 homes or 0.9% of the housing stock is valued over a million dollars.

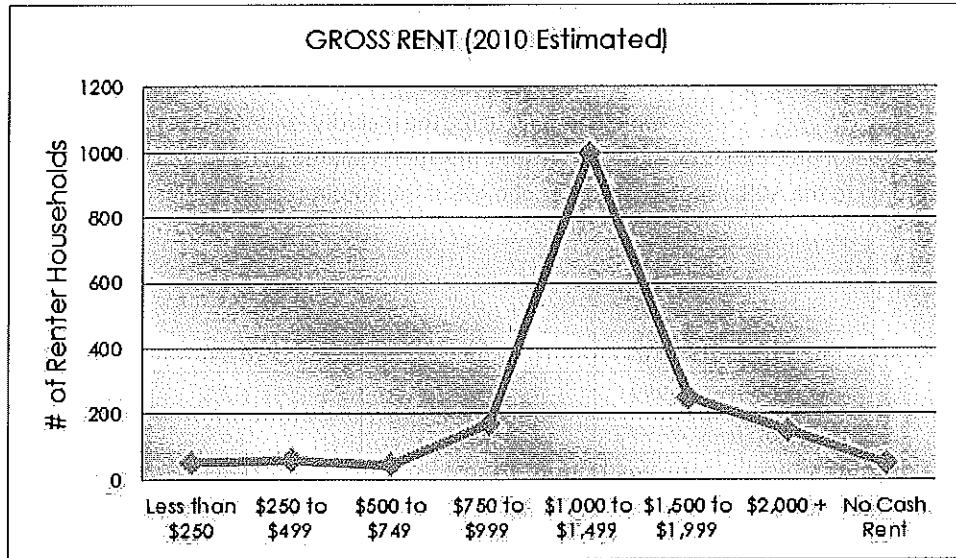
VALUE OF OWNER-OCCUPIED HOUSING UNITS (2010 Estimate)		
Value in Dollars	Number of Units	Percentage of Units
Less than \$50,000	23	0.5%
\$50,000 to \$99,999	55	1.3%
\$100,000 to \$149,999	28	0.6%
\$150,000 to \$199,999	60	1.4%
\$200,000 to \$299,999	271	6.2%
\$300,000 to \$499,999	3,243	74.2%
\$500,000 to \$999,999	648	14.8%
\$1,000,000 +	40	0.9%
<b>Total</b>	<b>4,368</b>	<b>100.0%</b>
Median Value	\$399,500	-

Source: 2006-2010 ACS 5-Year Estimates.

2010 median estimated rent for the Boro rented between \$1,000 and \$1,499 a month in 2010. A total of 251 units (14.1%) rented for \$1,500 to \$1,999 monthly. Surprisingly, 50 or 2.8% of rentals paid no cash rent in Dumont. Within Bergen County, the majority of rental units rented between \$1,000 and \$1,499 a month in 2010. A total of 16.2% of rental units paid between \$1,500 and \$1,499 a month in the County. Two rental cohorts tied for third highest range with 14.1% of rental units - \$750 to \$999 and \$2,000 plus. See the table below for more information.

GROSS RENT (2010 Estimated)				
Rent	Dumont Renter Households	% of Renter Households	Bergen County Renter Households	% of Renter Households
Less than \$250	52	2.9%	1,467	1.3%
\$250 to \$499	60	3.4%	4,240	3.8%
\$500 to \$749	45	2.5%	4,627	4.1%
\$750 to \$999	171	9.6%	15,866	14.1%
\$1,000 to \$1,499	999	56.2%	48,233	42.8%
\$1,500 to \$1,999	251	14.1%	18,308	16.2%
\$2,000 +	151	8.5%	15,949	14.1%
No Cash Rent	50	2.8%	4,133	3.7%
<b>Total</b>	<b>1,779</b>	<b>100.0%</b>	<b>112,823</b>	<b>100.0%</b>

Source: 2006-2010 ACS 5-Year Estimate for Dumont data & 2010 ACS 1-Year Estimates for County data.



### Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low and moderate income households. COAH uses the Census to determine which units are overcrowded plumbing and/or kitchen facilities. COAH computes a number of overcrowded and dilapidated units and then low/moderate income deterioration share. Subtracted from this result is any rehabilitation share credit.

### Year Structure Built

A significant change from the methods presented in the original Third Round Rules. Housing units built in 1949 or earlier are now flagged instead of units built in 1939 or earlier. Research has demonstrated that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room. Finally, COAH includes dilapidated housing kitchen facilities as reported by the 2000 Census.

The table on page 12 provides a comparison between the 2000 Census data and the 2010 ACS estimates. In 2000, housing stock was built before 1950. Units built before 1950 are a factor in the total stock. In 2010, 3,220 units were constructed prior to 1950. COAH has cited an obligation of 31 rehabilitation units for the Borough, reflecting the relatively good conditions of these older homes. The years between 1950 and 1999 saw a significant decline in housing construction (1,881 units). As the chart on page 12 shows, home building has decreased significantly since 1959.

The 2010 ACS data illustrates the huge decline in home construction from 2000 to 2010, with less than 40 homes built during the ten year period.

YEAR STRUCTURE BUILT (2000 & 2010 Estimate)				
Year	2000 Census		2010 Estimate	
	# of Units	% of Units	# of Units	% of Units
2005 or later	-	0.0%	21	0.3%
2000 to 2004	-	0.0%	18	0.3%
1990 to 1999	173	2.7%	155	2.5%
1980 to 1989	240	3.7%	140	2.2%
1970 to 1979	186	2.9%	322	5.1%
1960 to 1969	765	11.8%	1,005	15.9%
1950 to 1959	1,881	29.1%	1,997	31.6%
1940 to 1949	1,624	25.1%	1,294	20.5%
1939 or earlier	1,596	24.7%	1,359	21.5%
<b>Total</b>	<b>6,465</b>	<b>100.0%</b>	<b>6,311</b>	<b>100.0%</b>

Source: 2000 Census & 2006-2010 ACS 5-Year Estimates.

### Persons per Room

Housing with 1.01 or more persons per room is an index of overcrowding. In 2000, the Borough contained 6,370 occupied units. The majority (65.2%) of occupied housing units had 0.50 occupants per room or less according to the 2000 Census data, while 32.6% of units contained 0.51 to 1.00 persons per room. According to the table below, a total of 142 or 2.3% of housing in Dumont has 1.01 or more persons per room and may be considered overcrowded as shown in the table below.

OCCUPANTS PER ROOM (2000)		
Persons	# of Units	% of Units
0.50 or less	4,153	65.2%
0.51 to 1.00	2,075	32.6%
1.01 to 1.50	87	1.4%
1.51 to 2.00	39	0.6%
2.01 +	16	0.3%
<b>Total</b>	<b>6,370</b>	<b>100.0%</b>

Most of the Census indicators available at the municipal level indicate a sound housing stock. Six homes within the Borough lack complete plumbing facilities and six homes lack complete kitchen facilities according to the 2000 Census data. A total of 15 homes have no telephone service, which with the explosion of the use of cell phones is really no longer an indicator of a dilapidated home.

## 5) Dumont's Employment Demographics

Many changes have occurred in the economy between the 2000 and 2010 Census. The stock market crash in 2008 led to many companies either failing or laying off hundreds of workers. Unfortunately, little data regarding employment has been released for the 2010 Census; therefore, 2000 Census data and five-year ACS estimates had to be relied upon. Other sources are cited where the information is available.

According to the 2000 Census, Dumont had 9,072 residents in the labor force. Of those 16 years and older, 64.5% or 8,809 persons were employed. A total of 263 persons were not employed in 2000. The unemployment rate of Dumont was 0.7% lower than Bergen County in 2000.

EMPLOYMENT CHARACTERISTICS (2000)				
Employment	Dumont Population	% of Dumont Population*	Bergen County Population	% of County Population*
In Labor Force	9,072	66.4%	453,774	64.6%
Civilian Labor Force	9,072	66.4%	453,679	64.6%
Employed	8,809	64.5%	435,277	62.0%
Unemployed	263	1.9%	18,402	2.6%
Armed Forces	0	0.0%	95	0.0%
Not In Labor Force	4,581	33.6%	248,843	35.4%

\*Percent of population 16 years and older.

According to the 2012 Annual Average Labor Force Estimates, Dumont Borough had 9,617 residents in the labor force, of which 9,011 were employed. Only 606 persons were unemployed in 2012. The unemployment rate for the Borough was 6.3% in 2012.<sup>5</sup> The unemployment rate for Bergen County was 8.1% during the same year.

These estimates indicate that while the labor force grew by roughly 500 persons, the unemployment rate more than tripled during the 12 year period. Analyzing Berg , one can see that it also tripled in magnitude.

### Occupational Characteristics

In 2010, the ACS estimates that 37.5 ployed in management, professional, science or arts occupations. Over 1,200 residents are approximated to be employed in the service industry. More than 32.0% of those employed are in sales and office professions. Less than 10.0% of residents are employed in the natural resources, construction or maintenance field.

<sup>5</sup> [http://lwd.dol.state.nj.us/labor/lpa/employ/uirate/lfest\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/employ/uirate/lfest_index.html)



EMPLOYED CIVILIAN POPULATION 16+ YEARS (2010 Estimate)		
Occupation	Employed Population	% of Employed Population
Management, professional, science & arts	3,416	37.5%
Service	1,278	14.0%
Sales & office	2,927	32.1%
Natural resources, const. & maintenance	826	9.1%
Production, transportation & material moving	661	7.3%
<b>Total</b>	<b>9,108</b>	<b>100.0%</b>

Source: 2006-2010 ACS 5-Year Estimates.

### Class of Worker

As the 2010 Census data has yet to be released for this category, five-year ACS estimates were relied upon. The majority of workers within the Borough were private wage and salary workers in 2010. Over 7,400 or 81.6% of those employed over age 16 fell into this category.

Approximately 14.2% of workers were government employees and 383 or 4.2% were self-employed. The ACS estimates that no one within the Borough was an unpaid family worker in 2010.

CLASS OF WORKER (2010 Estimate)		
Type of Worker	Number	Percent
Private wage & salary	7,429	81.6%
Government	1,296	14.2%
Self-employed	383	4.2%
Unpaid family	0	0.0%
<b>Total</b>	<b>9,108</b>	<b>100.0%</b>

Source: 2006-2010 ACS 5-Year Estimates.

### Employment Projections

The NJTPA estimates that employment within the Borough will grow to 2,690 by 2035.<sup>6</sup> However, prior NJTPA projections (which projected from 2000 to 2030) estimated that the Borough would have 2,890 employees within the municipality by 2030. The newer projections, which estimate employment in the year 2035, have been reduced to more accurately reflect the current economy.

EMPLOYMENT PROJECTIONS		
Year	# of Persons Employed	Change
2000	2,320	-
2005	2,330	10
2010	2,350	20
2015	2,410	60
2020	2,570	160
2025	2,620	50
2030	2,890	270
2035	2,690	-200

Source:

[http://www.njtpa.org/DataMap/Demog/Forecast/documents/MCDprojectionspresentation\\_final.pdf](http://www.njtpa.org/DataMap/Demog/Forecast/documents/MCDprojectionspresentation_final.pdf) and

<http://www.njtpa.org/DataMap/Demog/Forecast/documents/2035DemographicForecastsbyMunicipality--FinalApprovedforWebsite20090824.pdf>

<sup>6</sup> <http://www.njtpa.org/DataMap/Demog/Forecast/documents/2035DemographicForecastsbyMunicipality--FinalApprovedforWebsite20090824.pdf>

## In-Place Employment By Industry

Employment is the entity that reports on employment and wages within the state of New Jersey. The latest municipal-level report was completed in 2011. As the table on this page shows, the data illustrates employment for each quarter of 2011 as well as the average employment for the particular industry during the year. Additionally, the average number of establishments is shown in the final column. According to the data, there were 1,552 private sector jobs within the Borough, which were provided by an average of 325 employers. The retail trade industry had the largest average employment with 245 jobs. Construction ranked second with an average of 225 jobs, followed by the health/social sector with 215 jobs on average. The local government education sector provided an average of 384 jobs within the Borough in 2011. See the table below for data on each industry sector.

IN-PLACE EMPLOYMENT BY INDUSTRY SECTOR (2011)						
Industry	Employment					Avg. # Establishments
	March	June	September	December	Average	
Construction	234	232	217	218	225	55
Wholesale Trade	30	39	36	39	36	15
Retail Trade	246	245	242	253	245	19
Transpo/W arehousing	27	29	27	26	27	6
Information	14	14	15	16	15	3
Finance/Insurance	62	60	58	58	61	18
Real Estate	23	24	22	24	23	11
Professional/Technical	76	86	87	85	85	25
Admin/Waste Remediation	55	93	88	69	82	21
Education	43	41	33	41	37	5
Health/Social	228	212	220	215	215	32
Accommodations/Food	160	173	174	176	168	34
Other Services	92	116	103	118	108	43
Unclassified	37	42	39	45	41	24
<b>Private Sector Total</b>	<b>1,485</b>	<b>1,585</b>	<b>1,558</b>	<b>1,606</b>	<b>1,552</b>	<b>325</b>
Federal Govt Total	22	21	24	23	22	1
Local Govt Total	502	512	619	675	537	9
Local Govt Education Total	363	371	429	536	384	7

Source: [http://lwd.dol.state.nj.us/labour/lpa/employ/qcew/qcew\\_index.html](http://lwd.dol.state.nj.us/labour/lpa/employ/qcew/qcew_index.html)

## Place of Work

Less than 11.0% of Borough residents worked within Dumont in 2000. A total of 1,818 or 21.0% of residents worked outside the state of New Jersey (most likely New York). A total of 5,688 or 65.7% of residents worked within Bergen County in 2000. See the table on page 16 for details.

PLACE OF WORK FOR RESIDENTS 16 YEARS + (2000)		
Place of Work	# Workers	% Workers
Worked in New Jersey	6,840	79.0%
Worked in Bergen County	5,688	65.7%
Worked Outside Bergen County	1,152	13.3%
Worked in Dumont	941	10.9%
Worked Outside New Jersey	1,818	21.0%
<b>Total</b>	<b>8,658</b>	<b>100.0%</b>

### Travel Time to Work

The mean commute time among Dumont residents in 2000 was 30.4 minutes. In 2000, the majority of Dumont workers (15.6%) drove 30 to 39 minutes to get to work. Just over 14.0% of workers traveled 15 to 19 minutes to get to their place of work.

residents drove less than ten minutes to their workplace in 2000. See the table to the right for details.

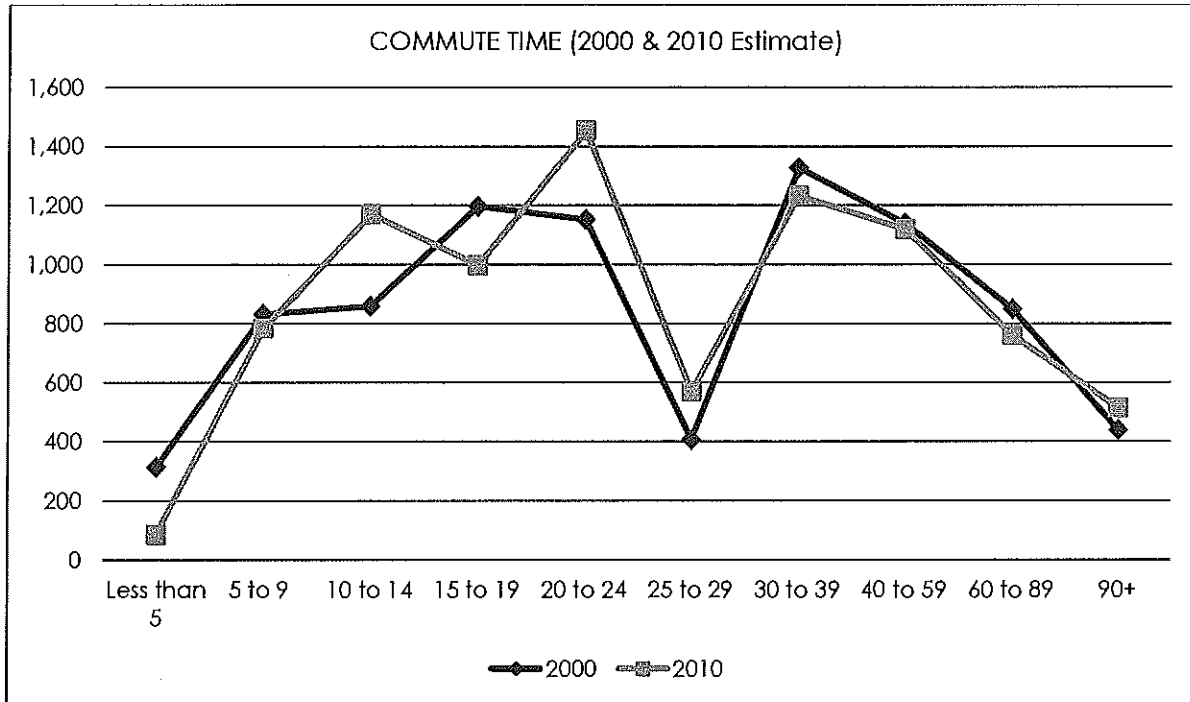
The ACS estimates indicate a slight shift in

The largest commute time category in 2010 is estimated to be the 20 to 24 minute cohort, which contained 1,453 workers or 16.7% of

second highest category is 30 to 39 minutes with 14.2% of workers. In 2010, an estimated 866 or 10.0% of residents drove ten minutes or less to get to their job.

COMMUTE TIME (2000 & 2010 Estimate)				
Time in Minutes	2000		2010 Estimate	
	# Workers	% Workers	# Workers	% Workers
Less than 5	313	3.7%	84	1.0%
5 to 9	830	9.8%	782	9.0%
10 to 14	858	10.1%	1,170	13.5%
15 to 19	1,196	14.1%	997	11.5%
20 to 24	1,151	13.5%	1,453	16.7%
25 to 29	405	4.8%	569	6.6%
30 to 39	1,326	15.6%	1,233	14.2%
40 to 59	1,138	13.4%	1,118	12.9%
60 to 89	848	10.0%	760	8.8%
90+	438	5.2%	513	5.9%
<b>Total</b>	<b>8,503</b>	<b>100.0%</b>	<b>8,679</b>	<b>100.0%</b>

Source: 2000 Census & 2006-2010 ACS 5-Year Estimates.



### Means of Transportation to Work

The table below shows the 2000 Census data as well as the 2010 ACS estimates for mode of transportation to work. In 2000 the overwhelming majority, 6,851 or 79.1%, of workers drove alone to work. This decreased slightly in 2010 to 78.3% of workers. The second most common mode was public transportation with 9.9% of workers in 2000 and 8.8% of workers in 2010. Interestingly, there was an increase in the number of persons who worked at home over the ten year period.

MEANS OF TRANSPORTATION TO WORK (2000 & 2010 Estimate)				
Mode	2000 # Workers	2000 % of Workers	2010 # Workers	2010 % Workers
Drove alone	6,851	79.1%	6,973	78.3%
Carpooled	598	6.9%	693	7.8%
Public transportation	861	9.9%	781	8.8%
Walked	139	1.6%	196	2.2%
Other means	54	0.6%	36	0.4%
Worked at home	155	1.8%	229	2.6%
<b>Total</b>	<b>8,658</b>	<b>100.0%</b>	<b>8,908</b>	<b>100.0%</b>

\* Means of transportation for workers 16+ years old.

Source: 2000 Census & 2006-2010 ACS 5-Year Estimates.

## 6) Projected Growth Share

### Measuring the Actual Growth Share Obligation

"Growth Share" is the affordable housing obligation generated in Dumont Borough by both residential and non-residential development between January 1, 2004 and December 31, 2018. Growth Share is represented by a ratio of one affordable housing unit for every four market-rate units constructed and one affordable housing unit for every sixteen new jobs created by non-residential additions or new construction based on the conversion table located in COAH's Third Round Rules, Appendix D.

Dumont's actual growth share obligation is composed of two components – residential and non-residential. The actual residential growth share obligation is the total number of market-rate residential certificates of occupancy issued within the Borough between January 1, 2004 and December 31, 2018. For every four market-rate residential units issued a certificate of occupancy from January 1, 2004 and later, one unit affordable to a low or moderate income household must be provided. Also for every sixteen new jobs added to the municipality after January 1, 2004, one unit of affordable housing must be provided. Appendix D of the Third Round Rules provides the non-residential ratios for square feet generating one affordable unit and jobs per 1,000 square feet for each use group.

The following table summarizes the non-residential growth share calculation ratios.

APPENDIX D: NON-RESIDENTIAL GROWTH SHARE CALCULATIONS			
Use Group	Use Group Description	Sq. Ft. Generating 1 Affordable Unit	Jobs Per 1,000 Sq. Ft.
B - Office	Office buildings	5,714	2.8
M - Retail	Buildings that display and sell products, includes retail stores, shops, gas stations	9,412	1.7
F - Industrial	Factories where products are made, processed, or assembled	13,333	1.2
S - Storage	Includes warehouses, lumberyards	16,000	1
H - Hazardous	High hazard manufacturing, processing, generation and storage uses	10,000	1.6
A1 - Assembly	Includes theaters, concert halls, tv studios	10,000	1.6
A2 - Assembly	Includes casinos, night clubs, restaurants	5,000	3.2
A3 - Assembly	Includes libraries, lecture halls, arcades, galleries, funeral parlors, gymnasiums	10,000	1.6
A4 - Assembly	Includes arenas, skating rinks and pools	4,706	3.4
A5 - Assembly	Includes amusement park structures and stadiums	6,154	2.6
I - Institutional	Includes assisted living facilities, hospitals, nursing homes, jails and day care facilities	6,154	2.6
R1 - Hotel	Hotel, motel, dormitories and continuing care retirement communities	9,412	1.7

## Housing Projections

COAH requires each municipality to project the municipality's housing stock growth until 2018 based on certificates of occupancy issued, approvals of applications for development and probable future construction of low and moderate income housing. The majority of this information can be found on the Department of Community Affairs' Division of Codes and Standards website. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permits, certificate of occupancy and demolition data that is submitted by the municipal construction officials within the state each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the historic trends of Dumont's development.

Residential construction data from the Construction Reporter for 2000 through 2003 reveals that Dumont had a residential growth of 34 units. However, the Construction Reporter data for 2004 to 2012 was found to be inconsistent with local records. Therefore, the data in Table R-1, which is from the Construction Reporter, may not reflect Dumont's residential building records.

Year	Cos Issued	Demolitions
2000	8	0
2001	9	1
2002	5	8
2003	12	8
<b>Total</b>	<b>34</b>	<b>17</b>

Source: New Jersey Construction Reporter,  
<http://www.state.nj.us/dca/divisions/codes/reporter>.

Since the beginning of the third round in 2004, 40 new homes have been constructed in Dumont. Table R-2 shows the Certificates of Occupancy (hereinafter "COs") that have occurred since January 1, 2004, which will generate an obligation for the Borough. COAH does allow demolitions, in select cases, to be deducted from the total. N.J.A.C. 5:97-2.5(a)1.v. states that deductions may be made where "Certificates of occupancy issued for owner-occupied residential structures that have been issued a demolition permit provided the unit for which the demolition permit has been issued was occupied by its current owner for at least one year prior to the demolition and no change in use has occurred". As Table R-2 shows, 31 residential demolitions have occurred between 2004 and 2013, however, the majority of those demolitions have been real estate "flips" where a company or person purchases a single family home, demolishes it and builds two single-family homes.

Year	Cos Issued	Demolitions
2004	9	6
2005	8	4
2006	7	2
2007	7	5
2008	4	4
2009	3	2
2010	1	1
2011	1	1
2012	0	2
2013	0	4
<b>Total</b>	<b>40</b>	<b>31</b>

\*Demolitions and COs are through September 20, 2013. Information is from the Dumont Borough Building Department.

Table R-3 below presents residential development activity that is anticipated between 2013 and 2018. This includes approved development applications that have yet to receive their COs, pending applications and anticipated residential development. The approved development includes nine single-family homes. Presently, there is one single-family home application pending before the Borough's Planning Board. Anticipated residential construction was based on historic trends between 2000 and 2013, therefore, 14 homes are estimated to be built during the remainder of the Third Round. A total of 24 homes are estimated to be constructed between now and December 31, 2018.

TABLE R-3 ANTICIPATED, PENDING & APPROVED RESIDENTIAL DEVELOPMENT							
	2013	2014	2015	2016	2017	2018	Total
<b>Approved</b>							
120 Oneida Ave	1	1					2
211 Dixon Ave		2					2
146 E. Quackenbush Ave	1						1
300 New Milford Ave		2					2
120 Roosevelt Ave	1						1
65 Erie St			1				1
<b>Pending</b>							
Planning Board Application			1				1
<b>Anticipated</b>							
Future Development/Redevelopment			2	4	4	4	14
<b>Total</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>24</b>

Approved and pending information is from the Dumont Borough Building Department.

Table R-4 shows the total residential growth, which is the sum of both the actual residential development and the projected residential growth from 2004 to 2018. A total of 64 units are estimated for the Borough of Dumont.

TABLE R-4 TOTAL NET RESIDENTIAL GROWTH (ACTUAL & PROJECTED)																
Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
COs	9	5	7	7	4	3	1	1	0	3	5	4	4	4	4	64

As per NJAC 5:97-2.5(a)1 market-rate rental units in an inclusionary or mixed-use development where the affordable housing units are rental units addressing the Third Round obligation may be subtracted from the CO total. As noted previously, certificates of occupancy issued for owner-occupied residential structures that replace a demolished structure that was occupied by its current owner for at least one year prior to the demolition.

Three homes within the Borough meet the criteria established under N.J.A.C. 5:97-2.5(a)1.v. 80 Pearl Street suffered a house fire and in 2005 was demolished via Demolition Permit #20050192. Subsequently, Building Permit #20050313 was issued and on November 29, 2005 the house received a CO. The homeowners purchased

the property on September 2, 1984<sup>7</sup> and according to the 2013 tax records, the same homeowners still reside at Pearl Street.<sup>8</sup>

The home at 109 Oneida Avenue was also lost to a house fire. Demolition Permit #20110110 was issued on April 25, 2011. On September 30, 2011 Building Permit #20110463 was issued and the home subsequently received a CO. The homeowners purchased the property in February of 2010 and still reside in the home today.<sup>9</sup>

120 Roosevelt Avenue was damaged by Superstorm Sandy and as a result, had to be demolished. Demolition Permit #20130097 was issued on July 23, 2013. Building Permit #20130498 was subsequently issued. The house is presently under construction and will be COed by the end of 2013. The homeowner has owned 120 Roosevelt since 2005 and is the present homeowner according to the tax records.<sup>10</sup>

Table R-5 shows the COs that are able to be deducted from Dumont's total.

TABLE R-5 UNITS TO BE EXCLUDED FROM THE GROWTH SHARE OBLIGATION BY YEAR COs ISSUED																
	Actual										Projected					Total
	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	
Market-rate Units in an Inclusionary or Mixed-Use Development																
																0
																0
Owner-Occupied Residential Demolitions																
109 Oneida Ave								1								1
120 Roosevelt Ave										1						1
80 Pearl St		1														1
																0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

Table R-6 shows the net residential growth after subtracting any eligible units as permitted under COAH's rules. A total of three units are eligible to be subtracted from the residential growth, which reduces the total from 64 to 61 units.

TABLE R-6 NET RESIDENTIAL GROWTH AFTER SUBTRACTING ELIGIBLE UNITS																
	Actual										Projected					Total
	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	
Net Residential Growth	9	8	7	7	4	3	1	1	0	3	5	4	4	4	4	64
Excluded Units	0	1	0	0	0	0	0	1	0	1	0	0	0	0	0	3
<b>Grand Net Growth</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>61</b>

<sup>7</sup> Email from Barbara Kozay, Borough Tax Collector, dated September 24, 2013.

<sup>8</sup> <http://tax1.co.monmouth.nj.us/cgi-bin/m4.cgi?district=0210&lot=021000214> 00003 M

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.



COAH requires that one affordable unit be constructed for every four market-rate units that receive a CO. To calculate the projected growth share obligation of the potential residential development, COAH states that the Borough shall divide the total by five. Therefore, the table below divides the projected obligation (from 2013 to 2018) by five. However, COAH's rules require that the actual growth that has already occurred be divided by four. Therefore, housing that has been built between 2004 and 2012 is divided by four.

If built as projected, the final net residential growth will require the construction of a total of 14 affordable housing units as Table R-7 below shows.

TABLE R-7 PROJECTED AFFORDABLE HOUSING OBLIGATION			
	2013-2018	2004-2012	Total
Residential - Actual	20	+ 4	24
Residential - Projected	20	+ 6	26
<b>Total</b>			<b>14</b>

### Employment Projections

To project future employment characteristics, the historical trends will be utilized as well as anticipated, pending and approved non-residential applications. New Jersey Construction Reporter data was gathered to illustrate the pace of non-residential development in Dumont between 2000 and 2003. As Table NR-1 shows, the Borough added 0 square feet between 2000 and 2003. It should be noted that a total of three non-residential demolition permits were issued during this time frame. Non-residential demolitions can be deducted from the total if the structure was occupied at least one year prior to demolition. If a non-residential building meets the criteria, then the square footage or the jobs lost due to the demolition can be deducted from a municipality's obligation. Table NR-1 is on page 23.

TABLE NR-1 HISTORIC TREND OF COS & DEMOLITION PERMITS ISSUED					
	2000	2001	2002	2003	Total
<b>Certificates of Occupancy Issued</b>					
A1 - Assembly					0
A2 - Assembly					0
A3 - Assembly					0
A4 - Assembly					0
A5 - Assembly					0
B - Office					0
F - Industrial					0
I - Institutional					0
M - Retail					0
R1 - Hotel/Multi-Family					0
S - Storage					0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Demolition Permits Issued</b>					
A1 - Assembly					0
A2 - Assembly					0
A3 - Assembly					0
A4 - Assembly				1	1
A5 - Assembly					0
B - Office		1		1	2
F - Industrial					0
I - Institutional					0
M - Retail					0
R1 - Hotel/Multi-Family					0
S - Storage					0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>

Source: New Jersey Construction Reporter, <http://www.state.nj.us/dca/divisions/codes/rep>

As shown in Table NR-2 (page 24) between 2004 and 2013, a total of 95,907 square feet of non-residential space was constructed. The majority, 60%, was multi-family residential. Approximately 29% of the total non-residential space was new retail space within the Borough. During the period a total of 27,341 square feet of retail space was built.

It should be noted that three demolition permits were issued during this time period. The first was in 2008 for an auto body shop building and the second was in 2009 for a grocery store. The last one was in 2013 for 700 square feet of A1 assembly space.

TABLE NR-2 ACTUAL COS & DEMOLITION PERMITS											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Certificates of Occupancy Issued											
A1 - Assembly											0
A2 - Assembly					9,007						9,007
A3 - Assembly											0
A4 - Assembly											0
A5 - Assembly											0
B - Office				2,312							2,312
F - Industrial											0
I - Institutional											0
M - Retail	3,144					3,977	20,220				27,341
R1 - Hotel/Multi-Family		3,600				43,694	9,953				57,247
S - Storage											0
<b>Total</b>	<b>3,144</b>	<b>3,600</b>	<b>0</b>	<b>2,312</b>	<b>9,007</b>	<b>47,671</b>	<b>30,173</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>95,907</b>
Demolition Permits Issued											
A1 - Assembly										700	700
A2 - Assembly											0
A3 - Assembly											0
A4 - Assembly											0
A5 - Assembly											0
B - Office											0
F - Industrial											0
I - Institutional											0
M - Retail					375	45,000					45,375
R1 - Hotel/Multi-Family											0
S - Storage											0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>375</b>	<b>45,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>700</b>	<b>46,075</b>

Source: Dumont Building Department.

Table NR-3 translates actual COs issued between 2004 and 2013 into new jobs and jobs lost due to demolitions where the building was occupied within one year prior to demolition. (Note that the Borough had other non-residential demolitions, but the buildings were not occupied within the one year prior to demolition timeframe, therefore, those demolitions are not included in Table NR-2 or NR-3.) According to the table, the 9,007 square feet of A2 assembly space created a total of 29 new jobs. Retail growth during this period created 46 new jobs. The category of office created six jobs between 2004 and 2013. Overall, an estimated 179 new jobs were generated.

In 2008, an auto body shop at 3 Washington Avenue was demolished, which contained 375 square feet of retail space. In 2009, the 45,000 square foot grocery store at 50 West Madison Avenue was demolished, which was subsequently replaced by a CVS. Finally, in 2013, the bar located at 120 Roosevelt Avenue was torn down to make way for a new two-family home. According to Table NR-3, a total of 78 jobs were lost due to these three demolitions.

TABLE NR-3 ACTUAL COS TRANSLATED INTO JOBS												
Jobs/1,000 SF	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total	
Certificates of Occupancy Issued - New Jobs												
A1 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	28.8	0.0	0.0	0.0	0.0	29	
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
B - Office	2.8	0.0	0.0	0.0	6.5	0.0	0.0	0.0	0.0	0.0	6	
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
M - Retail	1.7	5.3	0.0	0.0	0.0	0.0	6.8	34.4	0.0	0.0	46	
R1 - Hotel/Multi-Family	1.7	0.0	6.1	0.0	0.0	0.0	74.3	16.9	0.0	0.0	97	
S - Storage	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
<b>Total</b>		<b>5</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>29</b>	<b>81</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>179</b>	
Demolition Permits Issued - Jobs Lost												
A1 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.1	1
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
B - Office	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
M - Retail	1.7	0.0	0.0	0.0	0.0	0.6	76.5	0.0	0.0	0.0	0.0	77
R1 - Hotel/Multi-Family	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
S - Storage	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>77</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>78</b>

Based on historic trends, non-residential development between 2014 and 2018 was estimated. It should be noted that at this time there is no known proposed non-residential development within the Borough. Table NR-4 on page 26 shows the estimated non-residential construction within Dumont over the five year period.

A total of 11,000 square feet of retail is projected, while 1,000 square feet of office is estimated. An overall total of 17,000 square feet is estimated for the Borough. In addition to the anticipated COs, 8,000 square feet of retail is expected to be demolished to make way for the aforementioned space.

TABLE NR-4 PROJECTED NEW DEVELOPMENT						
	2014	2015	2016	2017	2018	Total
Certificates of Occupancy Issued						
A1 - Assembly						0
A2 - Assembly						0
A3 - Assembly						0
A4 - Assembly						0
A5 - Assembly						0
B - Office				1,000		1,000
F - Industrial						0
I - Institutional						0
M - Retail			5,000		6,000	11,000
R1 - Hotel/Multi-Family					5,000	5,000
S - Storage						0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>5,000</b>	<b>1,000</b>	<b>11,000</b>	<b>17,000</b>
Demolition Permits Issued						
A1 - Assembly						0
A2 - Assembly						0
A3 - Assembly						0
A4 - Assembly						0
A5 - Assembly						0
B - Office						0
F - Industrial						0
I - Institutional						0
M - Retail		4,000		4,000		8,000
R1 - Hotel/Multi-Family						0
S - Storage						0
<b>Total</b>	<b>0</b>	<b>4,000</b>	<b>0</b>	<b>4,000</b>	<b>0</b>	<b>8,000</b>

Based on historic trends.

The projected non-residential development between 2014 and 2018 will generate an estimated 30 new jobs within Dumont as shown in Table NR-5 on page 27. Furthermore, the expected demolitions will cause 13.6 jobs to be lost.

TABLE NR-5 PROJECTED NEW DEVELOPMENT TRANSLATED INTO JOBS							
Jobs/1,00 SF	2014	2015	2016	2017	2018	Total	
<b>Certificates of Occupancy Issued - Jobs Gained</b>							
A1 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	0.0	0.0
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0
B - Office	2.8	0.0	0.0	0.0	2.8	0.0	2.8
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0
M - Retail	1.7	0.0	0.0	8.5	0.0	10.2	18.7
R1 - Hotel/Multi-Family	1.7	0.0	0.0	0.0	0.0	8.5	8.5
S - Storage	1.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>		<b>0.0</b>	<b>0.0</b>	<b>8.5</b>	<b>2.8</b>	<b>18.7</b>	<b>30.0</b>
<b>Demolition Permits Issued - Jobs Lost</b>							
A1 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	0.0	0.0
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0
B - Office	2.8	0.0	0.0	0.0	0.0	0.0	0.0
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0
M - Retail	1.7	0.0	6.8	0.0	6.8	0.0	13.6
R1 - Hotel/Multi-Family	1.7	0.0	0.0	0.0	0.0	0.0	0.0
S - Storage	1.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>		<b>0.0</b>	<b>6.8</b>	<b>0.0</b>	<b>6.8</b>	<b>0.0</b>	<b>13.6</b>

Table NR-6 shows the total net non-residential employment growth that has occurred between 2004 and 2013 and what is projected from 2014 to 2018. The table also shows jobs lost from 2004 to 2018. A total of 209 jobs have been gained or are projected to occur, while 92 jobs have or will be lost. This results in a net employment growth of 117 jobs.

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Total New Development	5	0	0	6	29	81	51	0	0	0	0	0	9	3	19	209
Total Demolition	0	0	0	0	1	77	0	0	0	1	0	7	0	7	0	92
Total Non-Residential	5	0	0	6	28	4	51	0	0	-1	0	-7	3	-4	19	117

The total projected affordable housing obligation for Dumont is shown in Table T-1. Residential construction will require 9.5 affordable units for residential development between 2004 and 2018. Projected residential development will require 4.6 affordable units to be constructed. Meanwhile, non-residential development will require 7.3 affordable housing units. Combined, residential and non-residential development will generate a total of 21.4 affordable housing units for Dumont's entire Third Round Obligation.

Based on this information, COAH's estimate of 35 for the Borough's Third Round obligation is high.

	Number of Units/Jobs	Divided By	Sub-Total
Residential - Actual	38	÷ 4	9.5
Residential - Projected	23	÷ 5	4.6
Non-Residential	117.2	÷ 16	7.3
<b>Total Obligation</b>			<b>21.4</b>

## 7) Capacity for Fair Share

A determination of Dumont's present and probable fair share for affordable housing, along with the capacity to accommodate those units is required by COAH. As shown in Table T-1 on page 28, Dumont will generate an estimated obligation of 21.4 affordable housing units between 2004 and 2018. This is less than the 35 units estimated by COAH.

Dumont's capacity to accommodate its present and prospective affordable housing need is determined by three components – land available and water and sewer capacity. Note that land development is limited by wetlands, flood plains, easements (conservation, sewer, water, etc.), parcel size and municipal regulations. According to the Borough's tax records there are only 15 properties classified as "vacant". Of those properties, one is a portion of the White Beeches Golf Course located in adjacent Haworth. Nine other properties have buildings on a portion of the lot and one is a parking lot. Therefore, only four lots are truly vacant within the Borough. They are Block 309, Lot 17 (6,100+/- square feet); Block 416, Lot 28 (3,400+/- square feet); Block 713, Lot 19 (0.25 acres); and Block 716, Lot 5 (4,700+/- square feet).<sup>31</sup> Otherwise, in order to build additional housing a building would need to be torn down in order to build something new.

United Water provides the Borough's water and Bergen County Utilities Authority (hereinafter "BCUA") handles Dumont's sewer. There are currently no capacity issues with either water or sewer.<sup>32</sup>

Developers who have expressed an interest in the Borough includes the Domus Corporation, who built a 49 unit senior building at the intersection of New Milford and Washington Avenue. The four story building is located where the former St. Mary's Convent stood until it was demolished in 2008 to make way for the new affordable housing development.<sup>33</sup> In January of 2010 residents began to move into the facility, which has a three-year wait list.<sup>34</sup>

Land that is most appropriate for the construction of low and moderate income housing includes the D'Angelo Farms property, which is located along Washington Avenue and includes roughly seven acres. This document includes D'Angelo Farms as a future mechanism to construct affordable housing.

Existing structures appropriate for conversion to affordable housing include homes in foreclosure, which could be cost effective to buy and convert to affordable housing. Additionally, existing apartment complexes could be appropriate for the market to affordable program, which converts existing market-rate units to affordable units with a subsidy from the municipality.

As for structures suitable for rehabilitation, according to the COAH, there are 31 homes within the Borough that are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Anticipated land use patterns within the Borough of Dumont will most likely follow the established zoning map (shown on page 30). The overwhelming majority of the Borough is zoned RA, which permits one- and two-family homes on lots of 7,500 and 15,000 square feet, respectively. There are three RB Zones within the Borough, which permit multi-family residential development at a maximum of 15 units per acre. The B2 Zone permits retail stores, banks, offices, restaurants, shopping centers and multi-family dwellings. Finally, the LI Zone permits offices, manufacturing, assembling, wholesale distribution centers, warehouses and repair garages.

<sup>31</sup> [http://tax1.co.monmouth.nj.us/cgi-bin/m4.cgi?district=0210&lot=021000724\\_00018\\_COOOHM](http://tax1.co.monmouth.nj.us/cgi-bin/m4.cgi?district=0210&lot=021000724_00018_COOOHM)

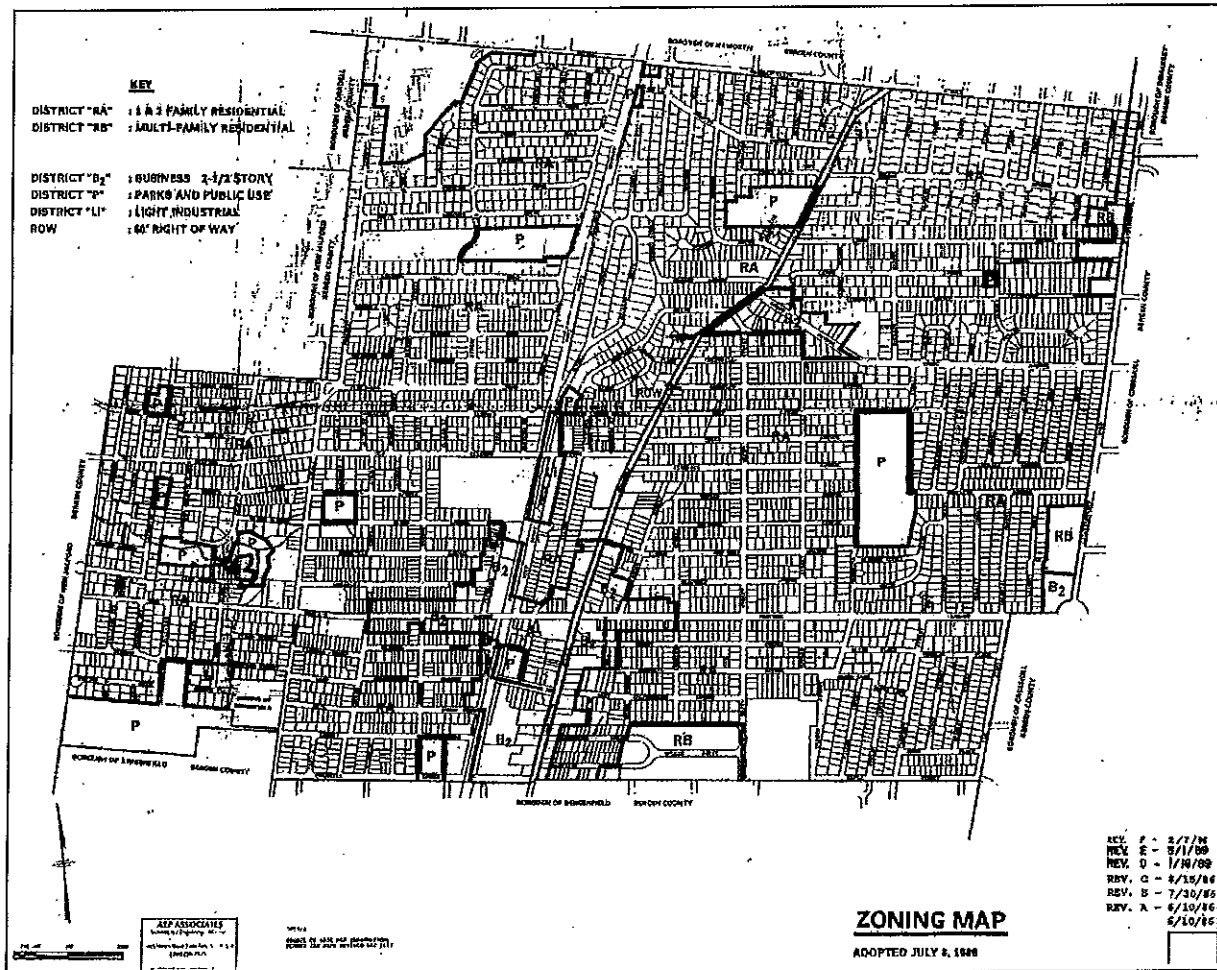
<sup>32</sup> Email dated July 29, 2013 from Dumont Borough Clerk.

<sup>33</sup> <http://www.prlog.org/10341682-delsano-contracting-corp-reports-progress-on-st-marys-senior-housing-project-in-dumont-nj.html>

<sup>34</sup> [http://www.northjersey.com/news/87094362\\_Apartment\\_complex\\_a\\_haven\\_for\\_seniors.html](http://www.northjersey.com/news/87094362_Apartment_complex_a_haven_for_seniors.html)



The anticipated demand for the types of uses permitted by the zoning based on present and anticipated future demographic characteristics will be the continued demolitions of single-family homes, subdivision of the property into two lots and the construction of two single-family homes. Due to the limited vacant land, the majority of new development will be in the form of redevelopment, whereby one use is torn down and replaced with a different use. Older retail uses are likely to be demolished and replaced with more modern structures. Looking at the non-residential historic trends in Chapter 6, most future development is likely to be retail in nature. While future residential development is likely to be the more intensive use of properties and perhaps some redevelopment of properties, converting them to a multi-family use.



The most recent planning document for the Borough of Dumont was the October 2007 Master Plan Reexamination and Land Use Element Update. Page 21 of the document states that the Borough should "maintain a vibrant business community", which is the Borough's broad policy on economic development.

## 8) Content of Fair Share Plan

The following information is required by COAH as part of the Fair Share Plan (N.J.A.C. 5:97-3.2):

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet the new obligation;
- An implementation schedule that sets forth a detailed timetable for units to be provided;
- Include draft and/or adopted ordinances necessary for implementation;
- Demonstrate that existing zoning or planned changes provide adequate capacity to accommodate affordable housing; and
- Demonstrate existing planned water/waste water treatment capacity is sufficient.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. These potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units;
- Zoning for inclusionary development;
- Redevelopment;
- Municipally-sponsored and 100% affordable developments;
- Accessory apartment program;
- Market to affordable program (formally referred to as a buy down program);
- Supportive and special needs housing;
- Assisted living residences;
- Utilization of funds generated by development fees on new construction to build affordable units; or
- Other innovative strategies.

## 9) Fair Share Plan

### Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH provides income limits based upon the median gross household income of the COAH housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30% or less of the median gross household income. Dumont is located in Region 1, which contains Bergen, Hudson, Passaic and Sussex County.

Using the 2013 regional income limits adopted by COAH, a four-person household moderate income is capped at \$67,538. Two-person households could make up to \$54,030 and be considered a moderate income household or make up to \$33,769 and be considered a low income household. See the table below for greater detail.

2013 REGIONAL INCOME LIMITS FOR REGION 1 MUNICIPALITIES					
Income	Household Size				
	1 Person	2 Person	3 Person	4 Person	5 Person
Median	\$59,096	\$67,539	\$75,980	\$84,422	\$91,176
Moderate	\$47,276	\$54,030	\$60,784	\$67,538	\$72,941
Low	\$29,548	\$33,769	\$37,990	\$42,211	\$45,588
Very Low	\$17,729	\$20,261	\$22,794	\$25,327	\$27,353

Source: [http://www.nj.gov/dca/services/lps/hss/admin\\_files/incomelimits.pdf](http://www.nj.gov/dca/services/lps/hss/admin_files/incomelimits.pdf)

### COAH Requirements

COAH has specific requirements on unit distribution, affordable unit sales price and rental costs and bedroom mix among other regulations, which are provided in N.J.A.C. 5:80-26.1 et seq. In each affordable development, at least 50% of the restricted units within each bedroom distribution must be low income and the remainder moderate income. For affordable developments that are not age-restricted, not more than 20% of the units may be efficiency or one-bedroom units, and at least 30% shall be two-bedroom units and at least 20% shall be three-bedroom units. Age-restricted affordable developments can provide a modified bedroom distribution. The monthly cost of owner-occupied units, which includes mortgage (principal and interest), taxes, insurance and homeowner's or condominium association fees may not exceed 28% of gross monthly household income. In addition, moderate-income sales units must be available for at least three different prices and low-income sales units available for at least two different prices for each bedroom type.

Under COAH regulations, rents may not exceed 30% of the eligible monthly income of the appropriate household size. The maximum average rent must be affordable to households earning not more than 60% of median income; the average rent for low and moderate-income units must be affordable to households earning no more than 52% of median income. There must be rents established for each bedroom type having both low and moderate-income units provided that 10% must be affordable to families earning no more than 35% of median income.

Dumont's Fair Share Plan describes the projects, strategies and funding sources that the Borough proposes to address as part of its affordable housing obligation as set by COAH. The Borough's HEFSP addresses a growth share obligation of 35 units.

It should be noted that the Borough is required by COAH to determine its present and prospective Third Round obligation in this Housing Element and Fair Share Plan. This analysis revealed that the Borough has a projected Third Round obligation of 21.4 units, as shown on page 28. While COAH requires a municipality to determine its present and prospective Third Round obligation, COAH does not allow a municipality to utilize that number as its Third Round obligation, but rather the municipality must use the COAH projected number.

The three components that must be addressed by this plan are contained in the table below.

DUMONT BOROUGH: COAH OBLIGATION			
Rehabilitation	Prior Round	Growth Share	
		Housing Allocation	Employment Allocation
31	34	17.6	17.63
		35	

## 10) Dumont's COAH Obligation

Dumont's Fair Share Plan describes the projects, strategies and funding sources with which the Borough proposes to address its affordable housing obligation, as it has been set by COAH. The three components addressed by this plan are:

Rehabilitation: 31 units

COAH determined Dumont's share for rehabilitation units to be 31 homes. This number was calculated by COAH utilizing 2000 Census characteristics that included overcrowded units, older housing units built before 1949 and units without complete plumbing or kitchen facilities.

Prior Round: 34 units

Dumont has a Prior Round obligation of 34 units to address in this plan. There are minimum and maximum requirements regarding the development of rentals and age-restricted units for the Prior Round obligation (hereinafter "PRO"):

$$\text{Minimum rental requirement} = 25\% (\text{PRO} - \text{Prior Cycle Credits}) = 25\%(34-99-0) = 0$$

$$\text{Maximum age-restricted} = 25\%(\text{PRO} + \text{Rehabilitation Share} - \text{Prior Cycle Credits} - \text{Rehabilitation Credits}) = 25\%(34+31-99-7-0) = 0$$

Third Round: 35 units

Dumont must plan for a Third Round or Growth Share obligation (hereinafter "GSO") of 35 units, which is based on a combination of projected housing unit construction and job creation. COAH's rules required that 50% of the GSO for Dumont be family housing units, not restricted to any age or specific segment of the population. Additionally, there are other requirements regarding the development of affordable units that are listed below:

$$\text{Minimum family units} = 50\%(\text{GSO}) = 50\%(35) = 17.5 = \underline{18}$$

$$\text{Minimum rental requirement} = 25\%(\text{GSO}) = 25\%(35) = 8.75 = \underline{9}$$

Minimum family rental units = 50%(Minimum Rental Requirement) = 50%(9) = 4.5 = 5

Maximum age-restricted units = 25%(GSO) = 25%(35) = 8.75 = 8

Maximum bonus credits = 25%(GSO) = 25%(35) = 8.75 = 8

## Existing Credits

Dumont has a total of seven rehabilitation credits and 200 existing credits from group homes and senior facilities.

### Rehabilitation Credits (7)

COAH's rules require hard costs to average at least \$10,000 per unit and include the rehabilitation of a major system<sup>35</sup> in order for a home to qualify as a credit. Bergen County's Office of Community Development runs a Home Improvement Program for residents. Since April 1, 2000 a total of seven Dumont homeowners have utilized the program. All seven of the homes are owner occupied and all homes were raised to code. Liens are held on the home until they are paid in full.<sup>36</sup> The chart below shows the seven homes where rehabilitation work has been completed and that the average expenditure has been over \$13,000.

BERGEN COUNTY HOME IMPROVEMENT PROGRAM INFORMATION				
Address	Unit type	Amount Spent	Final Inspection Date	Work Completed
Derby Ln.	Single Family	\$6,950.00	9.26.00	Driveway
W. Quackenbush Ave.	Single Family	\$17,500.00	6.7.00	Smoke Detectors, Roof, Gutters, Leaders, Windows, Electrical, Siding
New Milford Ave.	Single Family	\$4,003.50	8.3.00	Sewer Line Repairs
Glen Ave.	Two Family	\$6,150.00	7.24.00	Smoke Detectors, Plumbing Repairs, Repair Furnace Oil Line
Lenox Ave.	Single Family	\$16,750.00	7.24.00	Smoke Detectors, Storm Door, Roof, Gutters, Leaders, Windows
Sherwood Pl.	Single Family	\$17,500.00	4.29.03	Furnace, Storm Doors, Windows, New GFI Run
Lincoln Ave.	Single Family	\$22,450.00	3.10.10	Roof, Steps, Entry Doors, Window
Average Spent		\$13,043.36		

Source: Fax from Barbara Ruzanski, Secretary Bergen County Home Improvement Program, received on August 27, 2013.

### Credits (200)

#### I. David F. Roche Apartments

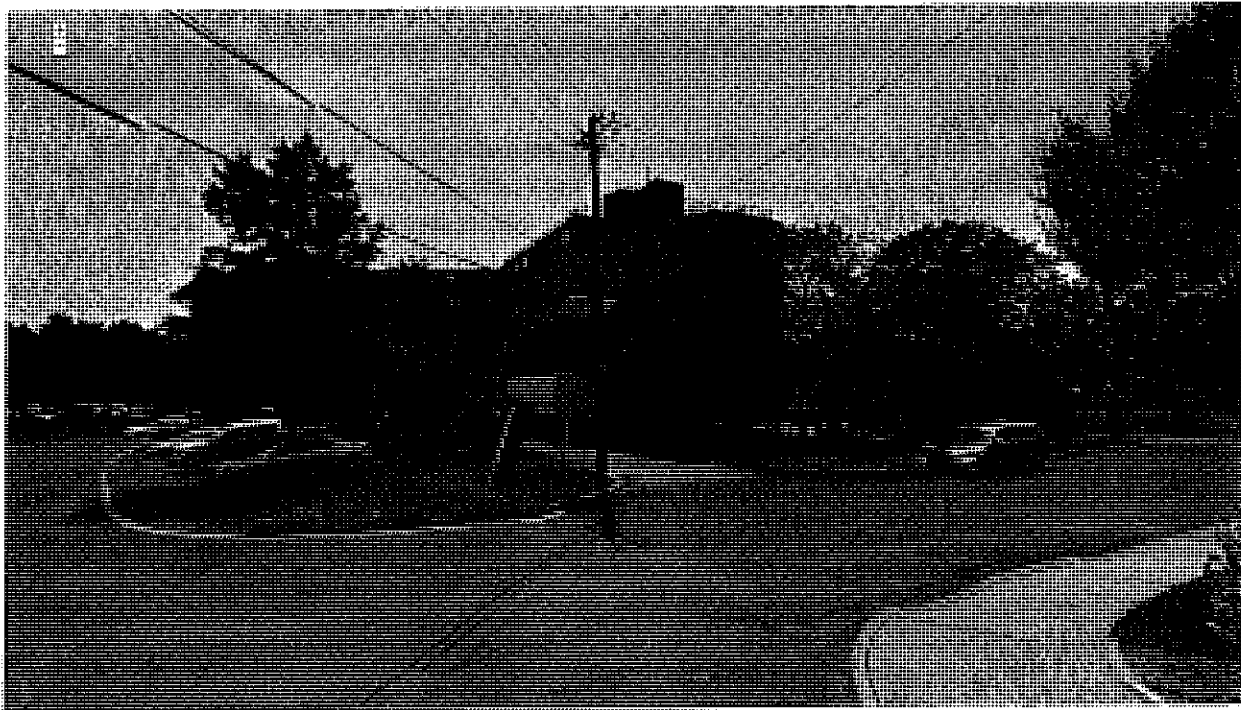
David F. Roche apartments is located at 2 Aladdin Avenue in the Borough of Dumont on Block 1105, Lot 16. The six story public housing building is owned by Housing Authority of Bergen County (hereinafter "HABC"). According to HABC's website, the building contains 99 one bedroom units (see image below<sup>37</sup>). Furthermore, the

<sup>35</sup> A major system is defined by COAH as the primary structure, mechanical, plumbing, electrical, fire protection or occupant service components of a building, which include but are not limited to – weatherization, roofing, plumbing, heating, electricity, lead paint abatement or load bearing structural systems.

<sup>36</sup> Fax from Barbara Ruzanski, Secretary Bergen County Home Improvement Program, received on August 27, 2013.

<sup>37</sup> Image courtesy of Google maps.

income limits are \$31,850 for a one person household and \$36,400 for a two person household.<sup>18</sup> However, the HUD rules state that the rent is only allowed to be 30% of a tenant's income. Therefore, if a tenant only receives \$10,000 a year in income, they pay HABC \$3,000 or \$250 a month. The building was dedicated in 1983, constructed with HUD funding. HUD's guidelines require that the facility accept two types of tenants – those age 62 and older and disabled persons; therefore, the building is not age-restricted. At the present, roughly 10% of tenants are non-senior disabled.<sup>19</sup> Finally, HUD's rules mandate that the 99 rental units' affordability controls are perpetual.



COAH has a special category for developments constructed between 1980 and 1986 – Prior Cycle Credits. Prior Cycle Credits is defined by COAH as a credit granted by the Council for eligible low and moderate income units that were constructed on or after April 1, 1980 and before December 15, 1986. N.J.A.C. 5:97-4.2 outlines the requirements for Prior Cycle Credits. A housing unit created during the aforementioned time period is eligible for one credit when it has been developed specifically for households whose income does not exceed 80% of the median income and the unit was governed by controls on affordability that are not less than 20 years. Roche Apartments meets the timeframe requirement, has perpetual affordability controls and is occupied by low and moderate income tenants. Therefore, Roche Apartments meets the criteria for Prior Cycle Credits.

Based on the aforementioned information, Roche Apartments is eligible for **99 Prior Cycle Credits**.

## 2. Bethesda Lutheran

Bethesda Lutheran Services operates a group home for four persons licensed by the Department of Human Services' Division of Developmental Disabilities.<sup>20</sup> The facility is located at 59 Sherwood Road on Block 410, Lot 9.

<sup>18</sup> <http://www.habcnj.org/buildings.html>

<sup>19</sup> Email from Domingo Senande, Executive Director of Housing Authority of Bergen County, dated September 13, 2013.

<sup>20</sup> Email from Linda Brinkman, Area Director of Bethesda Lutheran Communities, dated September 24, 2013.

Bethesda Lutheran Services purchased the home in 2001 and received their initial license to operate in 2003. The property has five bedrooms; however, the fifth bedroom is used for recreation. Therefore, the home's four bedrooms are occupied by four very-low income clients. Based on this information, the Bethesda Lutheran facility is eligible for **four credits**.

### 3. Community Options

Community Options, Inc. operates a group home for three persons licensed by the Department of Human Services' Division of Developmental Disabilities. The facility is located at 186 Knickerbocker Road on Block 616, Lot 8. Community Options purchased the home in 1998. The property has three bedrooms, occupied by three clients. Clients are age 18 or older. Based on this information, the Community Options facility is eligible for **three credits**.

### 4. ARC of Bergen & Passaic County at 261 Depew Street

ARC (Association of Retarded Citizens) of Bergen and Passaic County operates a licensed group home for five very-low income clients. The home is located at 261 Depew Street on Block 918, Lot 16. ARC bought the property in 1996. The group home is licensed by the Department of Human Services' Division of Developmental Disabilities. Clients are age 18 or older. Based on this information, the ARC facility is eligible for **five credits**.

### 5. Saint Mary's Senior Residence, Inc.

In January of 2010 Dumont's newest affordable housing complex opened. Saint Mary's Senior Residence, Inc. is located at 258 Washington Avenue on the site of a former church convent. The 43,694 square foot, 4 story building offers rental units for residents ages 62 and older. Totaling \$10.4 million to build, the project was made possible by the collaboration between the Domus Corporation (the housing arm of the Archdiocese of Newark), the Borough of Dumont, the County of Bergen and the US Department of Housing and Urban Development.<sup>21</sup>

The 49 one-bedroom apartments are deed restricted for 40 years. (Images of the new structure are shown on page 37.<sup>22</sup>) Based on this information, Saint Mary's is eligible for **49 age-restricted credits**.

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<sup>21</sup>

[http://www.northjersey.com/news/88330272\\_New\\_senior\\_housing\\_complex\\_officially\\_dedicated\\_in\\_Dumont.html?c=y&pag](http://www.northjersey.com/news/88330272_New_senior_housing_complex_officially_dedicated_in_Dumont.html?c=y&pag)

<sup>22</sup>

Images courtesy of Google maps.





## 6. Schraalenburgh Senior Housing

Penwal Affordable Housing Corporation operates 94 W. Schraalenburgh Way and 95 E. Schraalenburgh Way, which are referred to as the Dumont Senior Housing complex. 94 W. Schraalenburgh Way is referred to as Block 1217, Lot 4 and is owned by the New Jersey Housing and Mortgage Finance Agency (hereinafter "HMFA") according to the tax card. HMFA acquired the parcel in 1995, prior to that property was owned by Penwal Affordable Housing Corporation for roughly a year. The Borough of Dumont was the owner from August of 1993 until it sold the property in August of 1994 to Penwal.<sup>23</sup>

A three story building containing 24 age-restricted apartments occupies 94 W. Schraalenburgh Way. See the image below of the property.<sup>24</sup>



95 E. Schraalenburgh Way is located on Block 1218, Lots 1 and 2 and is owned by Penwal Affordable Housing Corporation according to the tax card. The lot contains a three story building with 16 age-restricted apartments as well as the Dumont Senior Center. See the image on page 39.

94 W. Schraalenburgh Way and 95 E. Schraalenburgh Way were built in 1995 and received a CO on May 12, 1995. The properties offer a total of 40 age-restricted rental units. The development has a 45 year deed restriction, which began in 1995. The units are moderate income. This facility is eligible for **40 age-restricted credits**.

<sup>23</sup> [http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?&ms\\_user=glou&passwd=data&srch\\_type=0&adv=0&out\\_type=3&district=0201](http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?&ms_user=glou&passwd=data&srch_type=0&adv=0&out_type=3&district=0201)

<sup>24</sup> Image courtesy of Google maps.



## Proposed Mechanisms

### Rehabilitation Mechanisms

According to COAH, Dumont has a 31 unit rehabilitation obligation. The Borough has a total of 7 existing rehabilitation credits, all of which were completed through the Bergen County Housing Improvement Program. Dumont proposes the following mechanisms to satisfy the remaining 24 unit rehabilitation obligation.

#### 1. Saint Mary's Senior Residence

N.J.A.C. 5:97-6.2, entitled "Rehabilitation", states units, which are eligible to receive new a construction credit, may be used to address a Town's rehabilitation share. Dumont has a surplus of age-restricted units; therefore, this plan proposes to utilize a portion of the age-restricted new construction units at Saint Mary's Senior Residence to address the outstanding rehabilitation obligation. A total of 22 of the project's 49 credits shall be used to address the rehabilitation obligation.

#### 2. Bergen County Housing Improvement Program

In addition to the new construction credits, the Borough will continue to encourage residents to utilize the Bergen County Housing Improvement Program. It is anticipated that 2 homes will be rehabilitated through the program between now and December 2018.

See the table on page 40 that illustrates how the Borough intends to satisfy the Rehabilitation obligation.

EXISTING & PROPOSED REHABILITATION CREDITS				
Project	Credit Type	Credit	Bonus	Total
Rehabilitation				
Bergen County Housing Improvement Program	Rehabilitation	7	-	7
BC Housing Improvement Program	Rehabilitation	2	-	2
Saint Mary's Senior Residence	New Construction	22		22
<b>Rehabilitation Total</b>				<b>31</b>
Yellow Highlight Denotes Proposed Mechanisms				

### Prior Round Mechanisms

#### 1. David F. Roche Apartments

Roche Apartments qualifies as Prior Cycle Credits and is eligible to receive one credit for each unit, which may be applied towards the PRO. Therefore, 34 of the development's 99 units are allocated to the PRO.

EXISTING & PROPOSED PRIORITY CREDITS				
Project	Credit Type	Credit	Bonus	Total
David F. Roche	Prior Cycle (Rental)	34	-	34
<b>Prior Round Total</b>				<b>34</b>

### Third Round Mechanisms

#### 1. David F. Roche Apartments

Roche Apartments qualifies as Prior Cycle Credits and is eligible to receive one credit for each unit applied towards the Growth Share Obligation if the controls on affordability are in place through December 31, 2018. The controls on affordability are perpetual for the complex; therefore, it qualifies for one credit per unit. However, the Borough can only apply eight credits to the GSO due to the family housing requirements.

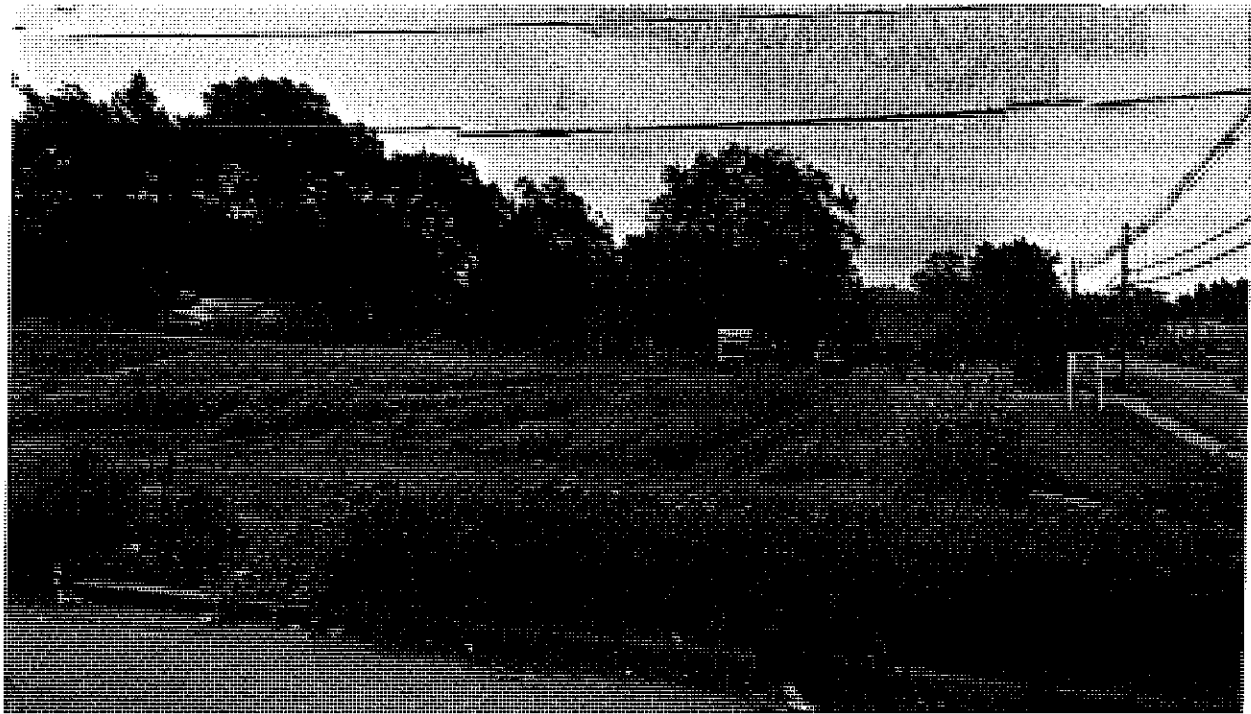
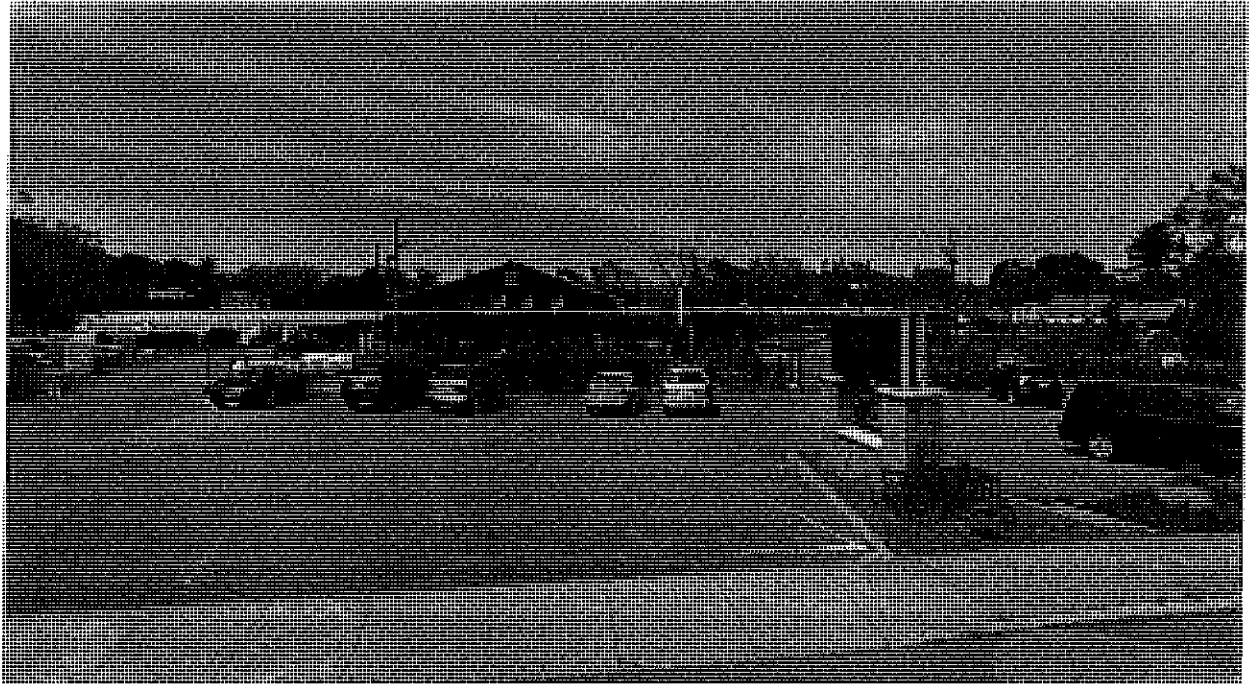
#### 2. Bethesda Lutheran

Bethesda Lutheran Services operates a group home for four persons licensed by the Department of Human Services' Division of Developmental Disabilities.<sup>25</sup> The facility is located at 59 Sherwood Road on Block 410, Lot 9. Bethesda Lutheran Services purchased the home in 2001. The property has five bedrooms; however, the fifth bedroom is used for recreation. Therefore, the home's four bedrooms are occupied by four clients. All four clients are very low income residents. Based on this information, the Bethesda Lutheran facility is eligible for **four credits**.

#### 3. D'Angelo Farm Inclusionary Development

D'Angelo Farm consists of two properties along Washington Avenue. Block 212, Lot 20 contains the greenhouses and is the larger of the two properties with approximately 6.09 acres. (See image on page 41, which shows the

<sup>25</sup> Email from Linda Brinkman, Area Director of Bethesda Lutheran Communities, dated September 24, 2013.



greenhouses and retail building.<sup>26</sup>) Block 215, Lot 1 is located across the street at the intersection of Washington Avenue and Essex Place. Lot 1, shown at the bottom of page 41, is vacant and encompasses roughly one acre.<sup>27</sup> D'Angelo Farm has been a fixture of the Dumont community since 1923. However, the current owners closed the garden center at the end of October due to competition from surrounding big box stores.<sup>28</sup> This document proposes to rezone D'Angelo Farm to permit an inclusionary multi-family development. The properties have access to public water and sewer and are also walkable to transit. There are three New Jersey Transit bus lines that stop at the intersection of Essex Place and Washington Avenue – 167 (connects to Port Authority Bus Terminal in New York), 177X (express bus that connects to the Port Authority Bus Terminal) and the 186 (connects to George Washington Bridge Bus Station).

The Borough proposes to create a new zone that would permit an inclusionary development at a density of 12 units to the acre, but require a 20% set-aside for affordable family units. COAH's rules, specifically N.J.A.C. 5:97-6.4, requires a municipality to provide a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20% of the total number of units in the development. This new zone would allow for approximately 84 total units to be constructed, of which, 17 would have to be affordable units. This mechanism could produce up to 17 credits and multiple bonus credits.

A preliminary draft ordinance is attached to the petition, which will be further refined by the Borough Land Use Board and Council in 2014.

#### 4. Market to Affordable: Rental

The Borough of Dumont is proposing to create a market to affordable program, which would take advantage of the existing rental market within the Borough. According to the 2010 Census, the Borough had 1,721 renter-occupied households, which composed 27.0% of all households. The 2010 ACS 5 Year Estimates indicate that Dumont's median rent was \$1,194 in 2010. Only 18.4% of renters paid less than \$1,000 a month in rent according to the 2010 ACS estimates.

COAH's 2011 Illustrative Rents for Region 1 (most recent available), where Dumont is located, permitted a gross rent of \$937 and a net rent of \$784 for a one-bedroom moderate unit (60% of median income) and a gross rent of \$1,124 and a net rent of \$926 for a two-bedroom moderate unit. Comparing this information to the 2010 estimates, the gross rent of a two-bedroom unit is slightly less than the median rent.

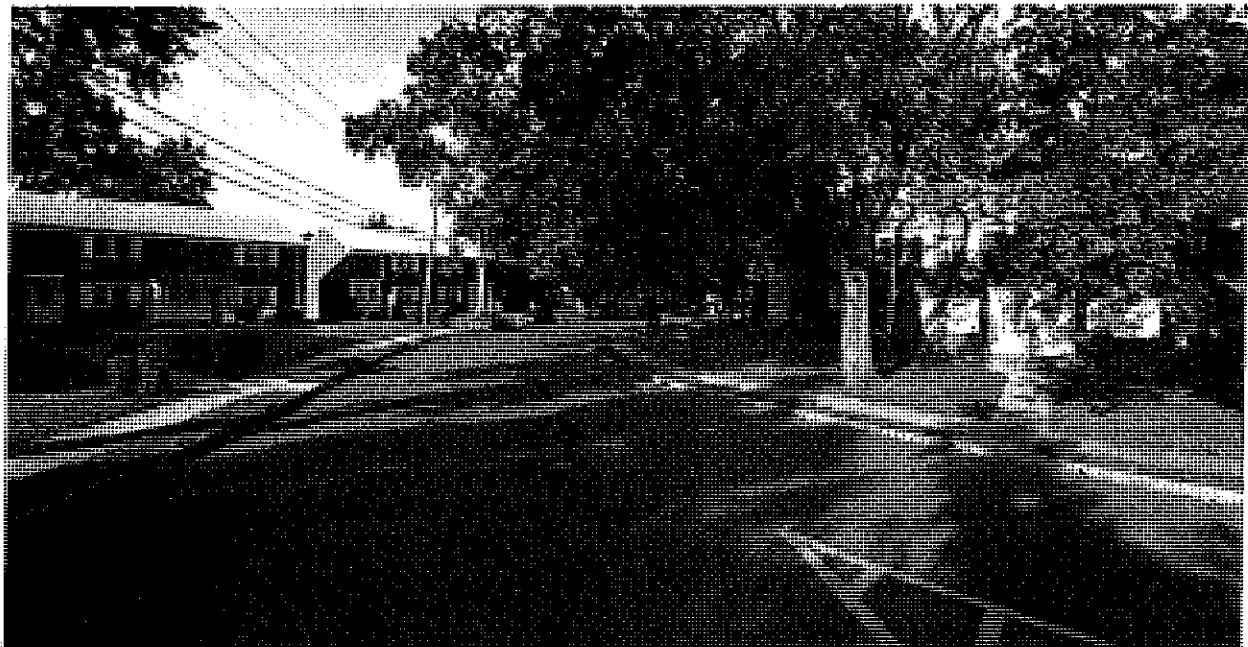
There are a total of 24 properties that contain market-rate rental complexes within the Borough of Dumont. These properties comprise 760 market-rate rental apartments. The chart on page 44 shows each of the properties and notes the block, lot address, development name (if known) and number of apartments. The apartment complexes range from converted single-family homes to garden apartment complexes to three story buildings. The images on page 43 show the typical two-story garden apartment style that is prevalent throughout the Borough. The top image is Birchwood Gardens, while the bottom image is Dumont Terrace Apartments, the largest complex within the municipality.

As there are over 700 apartments within the municipality, the Borough should have no problem finding and converting one unit from a market-rate unit to an affordable unit. Dumont understands that the unit will need to

<sup>26</sup> Image courtesy of Google maps.

<sup>27</sup> Ibid.

<sup>28</sup> [http://www.northjersey.com/dumont/End\\_of\\_an\\_era\\_as\\_Dumonts\\_DAngelo\\_Farms\\_closes\\_citing\\_big-box\\_competition.html?c=y&page=1](http://www.northjersey.com/dumont/End_of_an_era_as_Dumonts_DAngelo_Farms_closes_citing_big-box_competition.html?c=y&page=1)



be certified to be in sound condition as a result of an inspection performed by a licensed building inspector and that the municipality is required under COAH's rules to provide a minimum of \$25,000 per unit for moderate-income units or \$30,000 per unit for low-income units.

The Borough plans to meet with rental property owners to gauge interest in the program. Once approved by COAH, the Borough will begin an aggressive campaign to advertise the program, its requirements and benefits for both the property owner and the Borough. Dumont proposes to convert one market-rate apartment to a deed-restricted affordable family unit. This mechanism would yield **one credit**.

APARTMENT COMPLEXES WITHIN THE BOROUGH OF DUMONT				
Block	Lot	Location	Development Name	Apartments
321	14	269 Larch Ave.		28
322	18	Knickerbocker Rd.		18
325	5	360 Knickerbocker Rd.	Birchwood Gardens	36
507	13	445 Washington Ave.		5
507	16	8 Grant Ave.		18
510	1	Wood Pl.		16
513	26	8 East Linden Ave.		1
601	23	34-38 Grant Ave.		24
724	17	186-192 West Madison Ave.		32
823	22	16 Roosevelt Ae.		8
824	12	Veterans Pl.		16
825	8	31 McKinley Ave.		22
1012	9	10 Knickerbocker Rd.		106
1101	1	403 West Madison Ave.		31
1201	18	90 Niagra St.		5
1211	2	Columbia Ave.	Kent Apts	48
1215	13	46 Washington Ave.		23
1217	13	32 East Quackenbush Ave.		16
1217	16	79 Washington Ave.	Brookwood Gardens	18
1219	5	45 Washington Ave.		13
1219	6	35 Washington Ave.		12
1219	30	Dulles Dr.	Dumont Terrace Apts	264
1220	15			
1221	14			
<b>Total</b>				<b>760</b>

#### 5. Development Fee Ordinance

Dumont proposes to adopt a development fee ordinance, which is attached to the HEFSP. The monies generated from the development fee ordinance will be used to create a local affordability assistance program (as required per COAH's rules), fund a market to affordable program and to pay for administrative expenses.

See the table on page 45 that illustrates how the Borough intends to satisfy the Third Round obligation.

EXISTING & PROPOSED THIRD ROUND CREDITS				
Project	Credit Type	Credit	Bonus	Total
David F. Roche	Prior Cycle (Rental)	8	-	8
Bethesda Lutheran	Group Home (VLI)	4	1	5
Third Round Total				38

### Summary of Strategies

The Borough of Dumont proposes a variety of mechanism to satisfy its outstanding Rehabilitation, Prior Round and Third Round obligations as follows:

EXISTING & PROPOSED CREDITS				
Project	Credit Type	Credit	Bonus	Total
<b>Rehabilitation</b>				
Improvement Program	Rehabilitation	7	-	7
BC Housing Improvement Program	Rehabilitation	2		2
Saint Mary's Senior Residence	New Construction	22		22
Rehabilitation Total				31
<b>Prior Round</b>				
David F. Roche	Prior Cycle (Rental)	34	-	34
Prior Round Total				34
<b>Third Round</b>				
David F. Roche	Prior Cycle (Rental)	8	-	8
Bethesda Lutheran	Group Home (VLI)	4	1	5
D'Angelo Inclusionary	Family (Rental)	14	7	21
D'Angelo Inclusionary	Family (Rental VLI)	3		3
Market to Affordable	Family (Rental)	1		1
Third Round Total				38
<b>Surplus Credits</b>				
94 W. & 95 E. Schraalenburgh Way	Age-Restricted (Rental)	40	-	40
ARC of Bergen & Passaic	Group Home (VLI)	5	-	5
Community Options	Group Home	3	-	3
Saint Mary's Senior Residence	Age-Restricted (Rental)	27	-	27
Surplus Total				75

Yellow Highlight Denotes Proposed Mechanisms



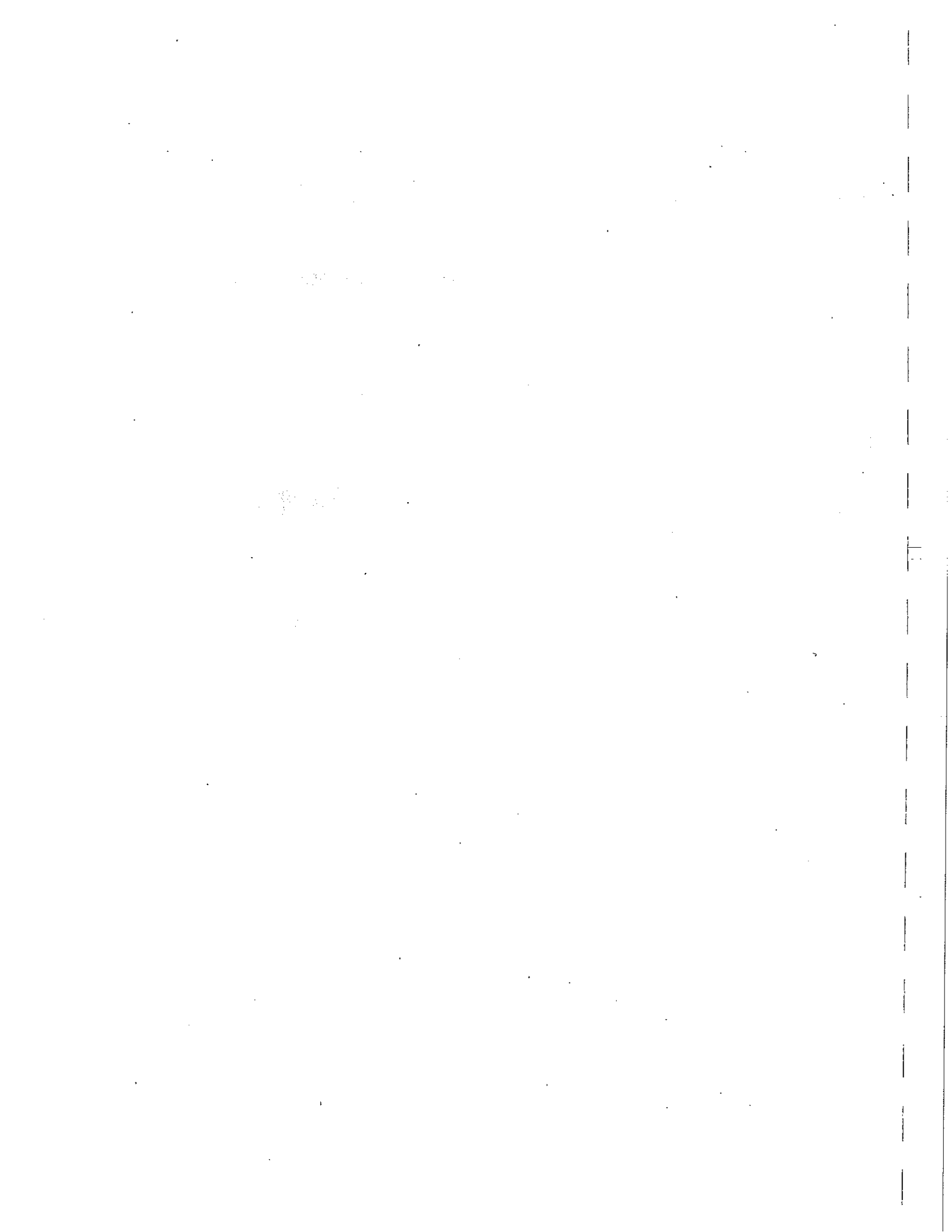
## 11) Implementation Schedule

IMPLEMENTATION SCHEDULE						
Project	2013	2014	2015	2016	2017	2018
Bergen County Home Improvement Program						
Improve homes						
D'Angelo Farms Inclusionary Development						
Rezone property						
Developer submits site plans						
Construction						
Residents occupy units						
Market to Affordable: Rental						
Outreach to apartment owners						
Execute Memorandum of Understanding						
Inspect Units						
Execute Deed Restriction						
Residents occupy units						
Development Fee Ordinance						
Collect Fees						

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## 12) Appendix

1. Certified Land Use Board Resolution #13-12-01
2. Certified Mayor and Council Resolution #13-238
3. Certified Mayor and Council Resolution #13-239
4. Service List
5. Draft Affordable Housing Ordinance
6. Draft Development Fee Ordinance



RESOLUTION NO. 13-12-01

RESOLUTION OF THE BOROUGH OF DUMONT PLANNING BOARD  
ADOPTING THE HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of Borough of Dumont, Bergen County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on 12/17/13; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b(3); and

WHEREAS, N.J.A.C. 5:94-2.2(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

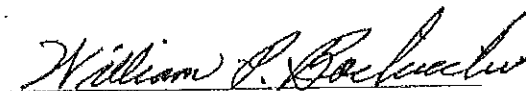
WHEREAS, N.J.A.C. 5:94-4.1(a) requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan; and

WHEREAS, N.J.A.C. 5:94-4.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and


WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Borough of Dumont held a public hearing(s) on the Housing Element and Fair Share Plan on December 17, 2013; and

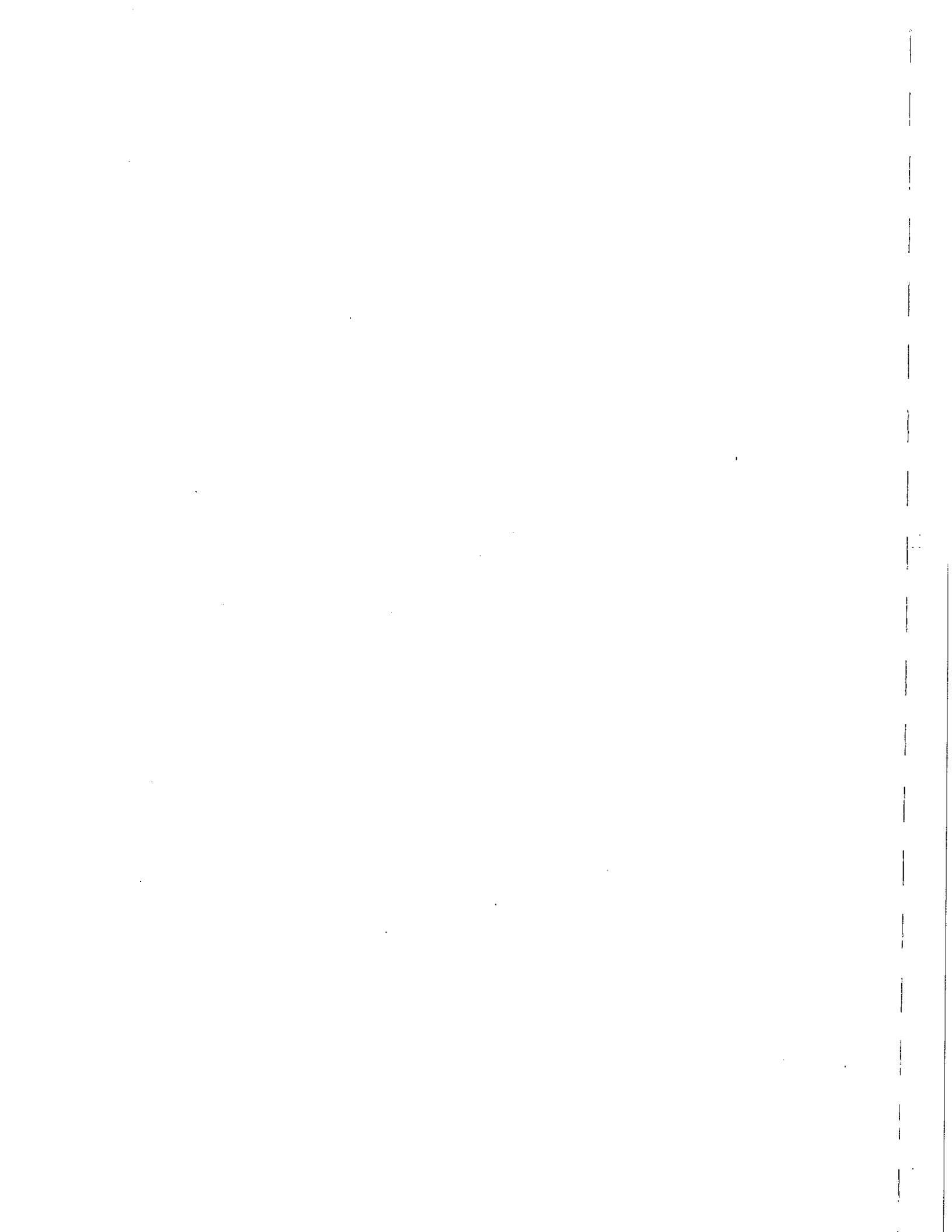
WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Borough of Dumont's October 2007 (date) Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of Borough of Dumont, Bergen County, State of New Jersey, that the Planning Board hereby adopts the December 17, 2013 Housing Element and Fair Share Plan.

  
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Borough of Dumont, Bergen County, on December 17, 2013.

  
Rosalia Bob  
Planning Board Secretary





**2013  
BOROUGH OF DUMONT  
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Resolution No. 238  
Date: December 17, 2013  
Page: 1 of 3  
Subject: Housing Element and Fair Share Plan  
Purpose: Endorsement  
Dollar Amount: \_\_\_\_\_  
Prepared By: Gregg Paster, Esq.

Offered by: Brophy  
Seconded by: Zamechansky

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Susan Connelly  
**Susan Connelly, RMC, Municipal Clerk**  
**Borough of Dumont, Bergen County, New Jersey**

**RESOLUTION OF THE DUMONT BOROUGH COUNCIL PETITIONING WITH AN  
ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of the Borough of Dumont, Bergen County, State of New Jersey, adopted the Housing Element of the Master Plan on December 17, 2013; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on December 17, 2013; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan

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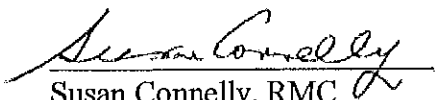
is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

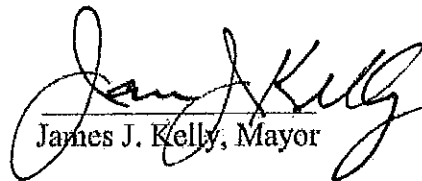
**NOW THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of Dumont, Bergen County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Dumont Planning Board; and

**BE IT FURTHER RESOLVED**, that the Governing Body of Borough of Dumont, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Department of Community Affairs for review and certification; and

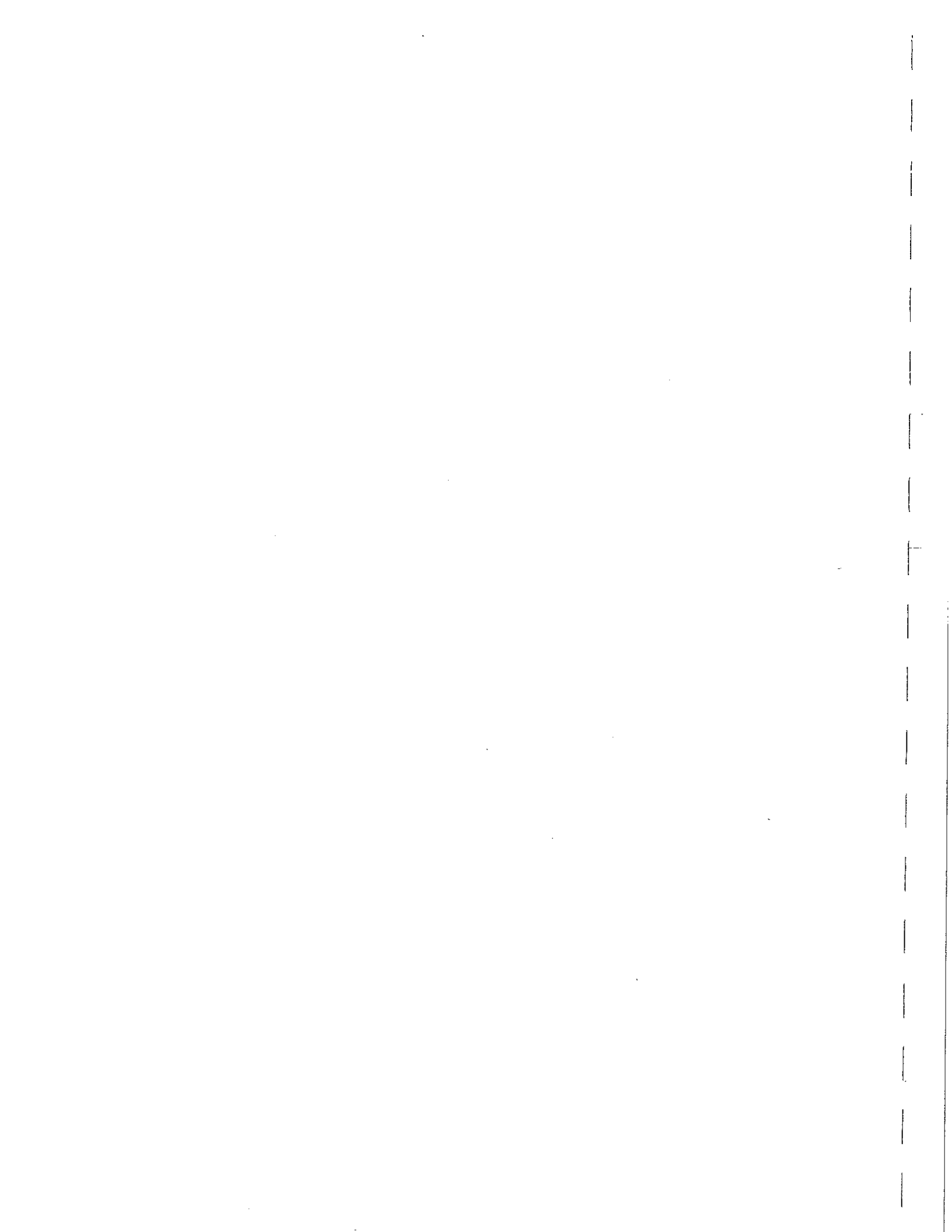
**BE IT FURTHER RESOLVED**, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

**BE IT FURTHER RESOLVED**, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Commissioner of the Department of Community Affairs indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Dumont municipal clerk's office located at 50 Washington Avenue, Dumont, NJ 07628, during the hours of 9AM to 4:30PM on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

  
Susan Connelly, RMC  
Municipal Clerk

  
James J. Kelly, Mayor

Date: December 17, 2013







**2013  
BOROUGH OF DUMONT  
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Resolution No. 239  
Date: December 17, 2013  
Page: 1 of 2  
Subject: Intent to Bond if necessary  
Purpose: Approval  
Dollar Amount: \_\_\_\_\_  
Prepared By: Gregg Paster, Esq.

Offered by:  
Seconded by:

Brophy  
Zamechansky

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Susan Connelly

---

**Susan Connelly, RMC, Municipal Clerk  
Borough of Dumont, Bergen County, New Jersey**

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**RESOLUTION OF INTENT TO BOND IN THE EVENT THAT THERE IS A  
SHORTFALL IN FUNDING TO PURCHASE AND DEVELOP PROPERTY FOR  
AFFORDABLE HOUSING**

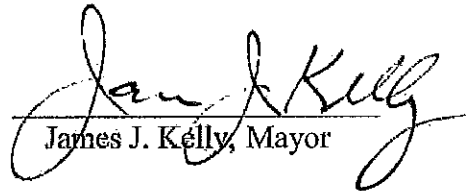
WHEREAS, the Borough of Dumont is submitting a Third Round Housing Element and Fair Share Plan to the Council on Affordable Housing, (hereinafter, COAH), which included within it provisions to potentially create a Market to Affordable Program for affordable housing purposes; and

WHEREAS, the Third Round Housing Element and Fair Share Plan required compliance with various COAH restrictions, rules and regulations; and

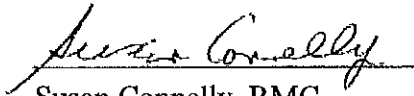


**WHEREAS**, the Borough of Dumont acknowledges the COAH rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with Housing Element and Fair Share Plan, that the mechanism must have an alternative in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion for the purpose of creating a Market to Affordable Program for affordable housing purposes.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Dumont that it does hereby establish its intent that in the event that the projected funding from the mandatory development fee ordinance the Borough will adopt in the near future and from other sources is insufficient to create a one unit Market to Affordable Program, it is the intention of the Borough Council of the Borough of Dumont to adopt appropriate bond ordinances in order to accomplish the funding in an appropriate time frame.

  
James J. Kelly, Mayor

ATTEST:

  
Susan Connelly, RMC  
Municipal Clerk

*CERTIFICATION*

I, Susan Connelly, RMC, Municipal Clerk, hereby certify that this resolution was duly adopted by the Borough of Dumont Council at a meeting duly held on the 17th day of December, 2013; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.



**MUNICIPALITY, COUNTY  
SERVICE LIST**

N.J.A.C. 5:96-3.7

A municipality that petitions the Department of Community Affairs (Department) for substantive certification or is otherwise participating in the Department's substantive certification process must include an updated service list in order for the Department to review its submittal. At the time it files or petitions for substantive certification a municipality must provide the Department with a Service List that includes the following information (Please print clearly):

- I. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

<b>PROJECT NAME</b>		<b>BLOCK</b>	
		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

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**MUNICIPALITY, COUNTY  
SERVICE LIST**

N.J.A.C. 5:96-3.7

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<b>PROJECT NAME</b>		<b>BLOCK</b>	
		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

		<b>BLOCK</b>	
<b>PROJECT NAME</b>		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

**MUNICIPALITY, COUNTY  
SERVICE LIST  
N.J.A.C. 5:96-3.7**

2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

		<b>BLOCK</b>	212, 215
<b>PROJECT NAME</b>	D'Angelo Farms	<b>LOT</b>	20, 1
<b>PROPERTY OWNER</b>	Jack & Marylou D'Angelo	<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>	17 Heritage Court Hillsdale, NJ 07642	<b>FAX NO.</b>	

		<b>BLOCK</b>	
<b>PROJECT NAME</b>		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

		<b>BLOCK</b>	
<b>PROJECT NAME</b>		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

		<b>BLOCK</b>	
<b>PROJECT NAME</b>		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

		<b>BLOCK</b>	
<b>PROJECT NAME</b>		<b>LOT</b>	
<b>PROPERTY OWNER</b>		<b>TITLE</b>	
<b>EMAIL</b>		<b>PHONE NO.</b>	
<b>ADDRESS</b>		<b>FAX NO.</b>	

**MUNICIPALITY, COUNTY  
SERVICE LIST**

N.J.A.C. 5:96-3.7

3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by the Department, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

<b>NAME</b>	Joseph J. Layton	<b>TITLE</b>	Planner
<b>EMAIL</b>	jjlayton@maserconsulting.com	<b>PHONE NO.</b>	908-238-0900
<b>ADDRESS</b>	53 Frontage Rd., PO Box 4017	<b>FAX NO.</b>	908-238-0901
	Clinton, NJ 08809		

<b>NAME</b>	Darlene A. Green	<b>TITLE</b>	Planner
<b>EMAIL</b>	Dgreen@maserconsulting.com	<b>PHONE NO.</b>	908.238.0900
<b>ADDRESS</b>	53 Frontage Rd, PO Box 4017	<b>FAX NO.</b>	908.238.0901
	Clinton, NJ 08809		

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
	_____		

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
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<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
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<b>NAME</b>	_____	<b>TITLE</b>	_____
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**MUNICIPALITY, COUNTY  
SERVICE LIST**

N.J.A.C. 5:96-3.7

4. The names and addresses of relevant County, Regional and/or State entities; AND

<b>NAME</b>	Bergen County Planning Dept.	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	201-336-6446
<b>ADDRESS</b>	One Bergen County Plaza, Fourth Floor Hackensack, NJ 07601	<b>FAX NO.</b>	201-336-6449

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
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<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

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<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

**MUNICIPALITY, COUNTY  
SERVICE LIST**  
N.J.A.C. 5:96-3.7

5. Names of known interested party(ies).

<b>NAME</b>	Domingo Senande	<b>TITLE</b>	Exec. Director
<b>EMAIL</b>	Senande@habcnj.org	<b>PHONE NO.</b>	201-336-7600
<b>ADDRESS</b>	1 Bergen County Plaza Hackensack, NJ 07601	<b>FAX NO.</b>	201-336-7630

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
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<b>NAME</b>	_____	<b>TITLE</b>	_____
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<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

AN ORDINANCE OF BOROUGH OF DUMONT TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

**Section 1. Affordable Housing Obligation**

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Dumont Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Dumont shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Borough of Dumont shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Dumont Municipal Building, Municipal Clerk's Office, 50 Washington Avenue, Dumont, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, [www.nj.gov/dca/affiliates/coah](http://www.nj.gov/dca/affiliates/coah).

**Section 2. Definitions**

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

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

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

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

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

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

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

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

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

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

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

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

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

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

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

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing,

plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“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.

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

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

**Section 3. Affordable Housing Programs [\*\*NOTE: Include only programs identified as mechanisms in the Fair Share Plan that will satisfy the municipal affordable housing obligation]**

The Borough of Dumont has determined that it will use the following mechanisms to satisfy its affordable housing obligations: County Rehabilitation Program, Market to Affordable Program and Inclusionary Zoning.

- (a) Bergen County Home Improvement (Rehabilitation) Program.
1. Bergen County’s rehabilitation program is be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
  2. Both owner occupied and renter occupied units shall be eligible for County rehabilitation funds.
  3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. The County of Bergen shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The County contact for program information is Barbara Ruzanski, who can be reached at 201.336.7200.
6. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
  - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) A Market to Affordable program.

1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
2. The following provisions shall apply to market to affordable programs:
  - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
  - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - iii. The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
  - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10

percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)

3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
  - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
  - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
  - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
    - A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    - B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

#### **Section 4. Inclusionary Zoning**

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. For Sale Developments

- i. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the D'Angelo Farms properties (Zone name TBD) provides for a 25 percent set-aside for restricted units and a density of eight units per acre.

2. Rental Developments

- i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 13 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the D'Angelo Farms properties (Zone name TBD) provides for a 20 percent set-aside for restricted units and a density of twelve units per acre.

3. Where an executed development agreement exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each: None to date.



4. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

(b) **Phasing.** In inclusionary developments the following schedule shall be followed:

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

(c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(d) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.

(e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

### **Section 5. New Construction**

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

(a) **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:
  - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
  - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

- iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted 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.
- (b) Accessibility Requirements:
1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
  2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
    - i. An adaptable toilet and bathing facility on the first floor;
    - ii. An adaptable kitchen on the first floor;
    - iii. An interior accessible route of travel on the first floor;
    - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
    - v. 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
    - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Dumont has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
      - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
      - B. To this end, the builder of restricted units shall deposit funds within the Borough of Dumont's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
      - C. The funds deposited under paragraph B. above shall be used by the Borough of Dumont for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Dumont.
- E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Dumont's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) 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 and in COAH, utilizing the regional income limits established by COAH.
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 low- and moderate-income 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.
  - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
  - ii. A minimum of 13 percent of all low- and moderate-income rental units in an inclusionary development shall be affordable to households earning no more than 30 percent of median 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 prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

- i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
  - iii. A two-bedroom unit shall be affordable to a three-person household;
  - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. 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 household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
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 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.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

## **Section 6. Affirmative Marketing Requirements**

- (a) The Borough of Dumont shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex County.
- (d) The Administrative Agent designated by the Borough of Dumont shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Dumont.

## **Section 7. Occupancy Standards**

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - 1. Provide an occupant for each bedroom;
  - 2. Provide children of different sex with separate bedrooms; and
  - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

**Section 8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Dumont elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this 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.
- (e) 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.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**Section 9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

- (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 method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

- (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 capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**Section 10. Buyer Income Eligibility**

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 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.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

**Section 11. Limitations on indebtedness secured by ownership unit; subordination**

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

**Section 12. Control Periods for Restricted Rental Units**

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Dumont elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the

County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit; or
  3. The entry and enforcement of any judgment of foreclosure.

**Section 13. Price Restrictions for Rental Units; Leases**

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed 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.

**Section 14. Tenant Income Eligibility**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:



1. 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;
  2. 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;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

#### **Section 15. Administration**

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Dumont is established by this ordinance. The Borough Council shall make the actual appointment of the MHL by means of a ~~resolution~~.
1. The MHL must be either a full-time or part-time employee of the Borough of Dumont.
  2. The person appointed as the MHL must be reported to COAH for approval.
  3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
  4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Dumont, including the following responsibilities which may not be contracted out to the Administrative Agent:
    - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
    - iii. When applicable, supervising any contracting Administrative Agent.
    - iv. Monitoring the status of all restricted units in the Borough of Dumont's Fair Share Plan;
    - v. Compiling, verifying and submitting annual reports as required by COAH;

- vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Borough of Dumont shall designate by resolution of the Borough Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
  - (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
  - (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
    1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
    2. Affirmative Marketing;
    2. Household Certification;
    3. Affordability Controls;
    4. Records retention;
    5. Resale and re-rental;
    6. Processing requests from unit owners; and
    7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
    8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**Section 16. 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, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (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 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 found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
  - i. A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
  - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Dumont Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
  - (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
  - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a

claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

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

### **Section 17. Appeals**

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

### **REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

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

DRAFT

AN ORDINANCE TO AMEND CHAPTER \_\_\_, ARTICLE \_\_\_, SECTION \_\_\_  
"DEVELOPER FEES" OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE  
OF NEW JERSEY

**WHEREAS**, Section \_\_\_ shall be amended by inserting the text below to include revisions mandated by the Council on Affordable housing that address the requirements regarding DEVELOPER FEES;

NOW, THEREFORE IT BE ORDAINED, by the Mayor and Common Council of the Borough of Dumont, in the County of Bergen that Chapter \_\_\_, Article \_\_\_, Section \_\_\_ shall read as follows:

**1. Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (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. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. Any and all references to COAH shall mean the Department of Community Affairs (the Department).
- d) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Department's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of the Department's rules on development fees, codified at N.J.A.C. 5:97-8.

2. **Basic requirements**

- a) This ordinance shall not be effective until approved by the Department pursuant to N.J.A.C. 5:96-5.1.
- b) The Borough of Dumont shall not spend development fees until the Department 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. **Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. **"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 (100%) affordable development.
  - ii. **"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.
  - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
  - iv. **"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.
  - v. **"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).
  - vi. **"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.

4. **Residential Development fees**

a) **Imposed fees**

- i. Within the all Borough zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of a half percent (0.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

b) **Eligible exactions, ineligible exactions and exemptions for residential development**

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be **exempt** from development fees.
- ii. 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 fee percentage shall be vested on the date that the building permit is issued.
- iii. 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.
- iv. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- v. 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.

- vi. 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.

## 5. Non-residential Development fees \*

### a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, 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.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

### b) Eligible exactions, ineligible exactions and exemptions for non-residential development

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

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\*It should be noted that pursuant to P.L. 2009, c. 90 and P.L.2011, c. 122, the non-residential statewide development fee of 2.5% for non-residential development is suspended for all non-residential projects that received preliminary or final site plan approval subsequent to July 17, 2008 until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

- ii. The two and a half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. 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.
- iv. 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 it at such time 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 of the non-residential development, whichever is later.
- v. If a property which 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 non-residential development fees under these circumstances may be enforceable by the Borough of Dumont as a lien against the real property of the owner.

## **6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For 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.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Dumont 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).
- h) 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.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Dumont. 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.
  - 2) 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 Borough of Dumont. 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.

**7. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. payments in lieu of on-site construction of affordable units;
  - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - 3. rental income from municipally operated units;
  - 4. repayments from affordable housing program loans;
  - 5. recapture funds;
  - 6. proceeds from the sale of affordable units; and
  - 7. any other funds collected in connection with the Borough of Dumont's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Borough of Dumont shall provide the Department with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and the Department to permit the Department to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Department.

**8 Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by the Department. Funds deposited in the housing trust fund may be used for any activity approved by the Department to address the Borough of Dumont'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.

- b) Funds shall not be expended to reimburse Borough of Dumont for past housing activities.
- c) At least 30 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 of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent (30%) or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent (30%) or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent (30%) or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Borough of Dumont may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 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 Department'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.

**9. Monitoring**

- a) Borough of Dumont shall complete and return to the Department all monitoring forms included in monitoring requirements related to 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 Borough of Dumont's housing program, as well as to the expenditure of revenues and implementation of the plan certified by the Department. All monitoring reports shall be completed on forms designed by the Department.

**10. Ongoing collection of fees**

- a) The ability for Borough of Dumont to impose, collect and expend development fees shall expire with its substantive certification unless Borough of Dumont has filed an adopted Housing Element and Fair Share Plan with the Department, has petitioned for substantive certification, and has received the Department's approval of its development fee ordinance. If Borough of Dumont fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, 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). Borough of Dumont shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Borough of Dumont retroactively impose a development fee on such a development. Borough of Dumont shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

## Income & Poverty Status

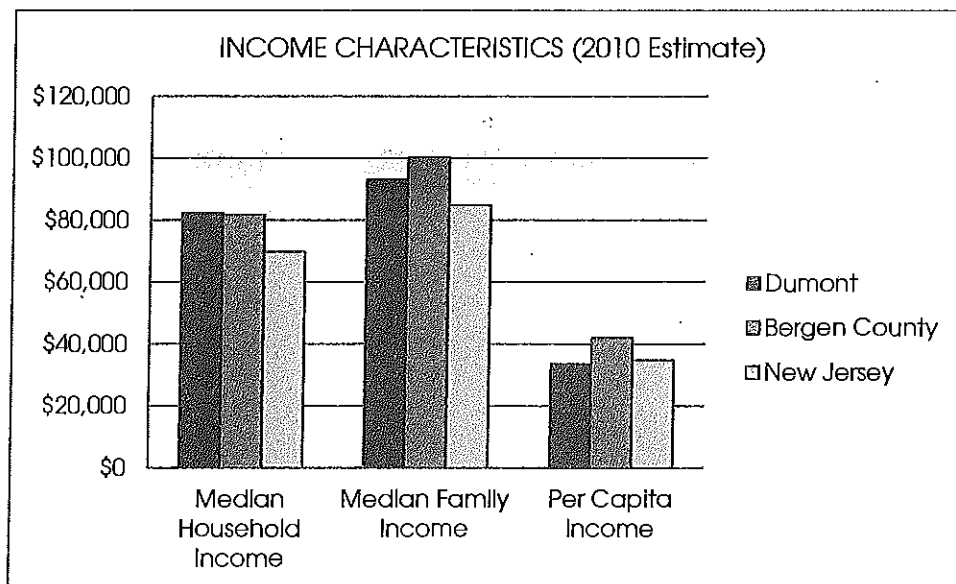
The 2010 Census data has not yet been released for income and poverty. Therefore, five-year American Community Survey (hereinafter "ACS") estimates had to be relied upon. The ACS data indicates that the median household income for Dumont was \$82,286 in 2010. This is \$578 higher than the median household income for Bergen County and \$12,475 higher than the State's median household income. The Borough's median family income was roughly \$7,000 less than the County's, but \$8,000 more than the State's.

As for per capita income, Dumont's is estimated at \$33,518. The County's per capita income is projected to be \$42,006, while the State's is estimated to be \$34,858.

Finally, in reviewing poverty status of both people and families, Dumont fares much better than the County and State. The ACS estimates that Dumont had a people poverty status of 3.2% and a family poverty status of 2.5%. These percentages are roughly half that of the County and approximately a third of the State's poverty rate. See the table below for details.

INCOME CHARACTERISTICS (2010 Estimate)			
	Dumont	Bergen County	New Jersey
Median Household Income	\$82,286	\$81,708	\$69,811
Median Family Income	\$93,125	\$100,310	\$84,904
Per Capita Income	\$33,518	\$42,006	\$34,858
Poverty Status (% of People)	3.2%	5.8%	9.1%
Poverty Status (% of Families)	2.5%	4.3%	6.7%

Source: 2006-2010 ACS 5-Year Estimates.



Dumont's household income data is sourced from the ACS five-year estimates. Over 1,200 households (20.4%) had an income between \$75,000 and \$99,999 in 2010. A total of 1,129 households (18.4%) had an income of \$100,000 to \$149,999. Only 19.2% of households within Dumont had an income less than \$49,999 in 2010 as shown in the table on page 7.

HOUSEHOLD INCOME (2010 Estimate)		
Income	Number of Households	Percentage of Households
Less than \$49,999	1,180	19.2%
\$35,000 to \$49,999	370	6.0%
\$50,000 to \$74,999	1,113	18.1%
\$75,000 to \$99,999	1,253	20.4%
\$100,000 to \$149,999	1,129	18.4%
\$150,000 to \$199,999	679	11.0%
\$200,000+	423	6.9%
<b>Total</b>	<b>6,147</b>	<b>100.0%</b>

Source: 2006-2010 ACS 5-Year Estimates.

### Marital Status by Sex of Persons 15 Years & Older

In 2010, there were an estimated 1,013 more females than males over the age of 15 in Dumont. The numbers of never married and now married, except separated are nearly identical for men and women. Twenty times as many women are separated than men. There are an estimated 753 widowed women within the Borough and 261 widowed men. A total of 943 divorced persons reside within the Borough.

MARITAL STATUS OF PERSONS 15 YEARS OR OLDER (2010 Estimate)			
Status	Male	Female	Total
Never Married	2,086	2,169	4,255
Married	3,901	3,855	7,756
Separated	10	207	217
Widowed	261	753	1,014
Divorced	328	615	943
<b>Total</b>	<b>6,586</b>	<b>7,599</b>	<b>14,185</b>

Source: 2006-2010 ACS 5-Year Estimates.



## 4) Dumont's Housing Demographics

It should be noted that where 2010 Census data has been released and is readily available, it has been used in the housing demographics which follow. Otherwise, 2000 Census data is relied upon or ACS estimates are utilized.

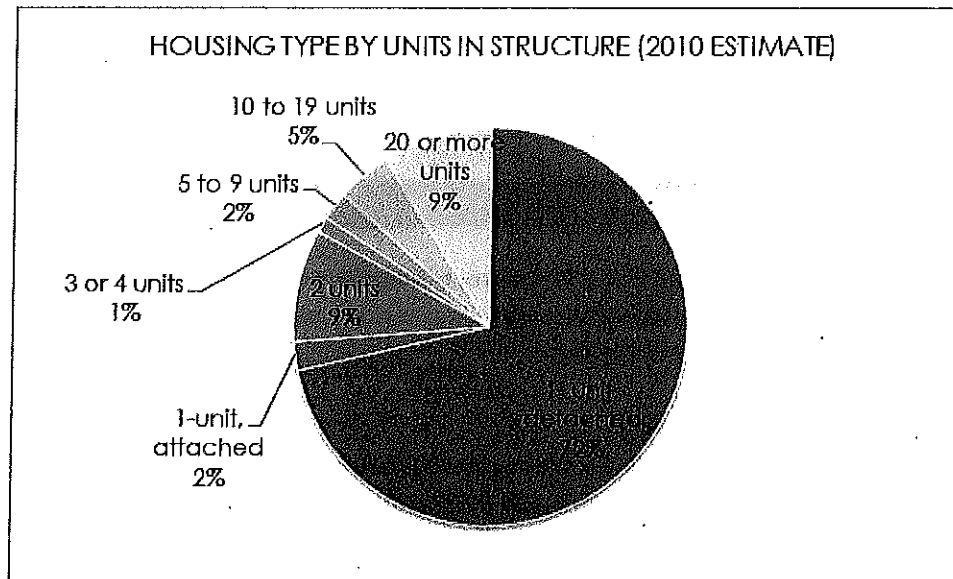
### Housing Type

In 2000, the Census reported that there were 6,465 dwelling units in Dumont Borough. The Borough's housing stock includes single-family detached units, single-family attached units and multi-family dwellings. Single-family detached dwellings totaled 4,632 or 71.6% of the Borough's housing stock. Single-family attached houses (e.g. townhomes) composed 139 or 2.2% of Dumont's housing stock in 2000. As the chart below shows, two unit dwellings comprised 10.9% of the housing stock, while 20 or more unit buildings (e.g. David F. Roche Apartments) totaled 7.8%.

According to the five-year ACS estimates, Dumont contained 6,311 housing units in 2010. Single-family detached homes still comprised the overwhelming majority of the housing stock (71.4%), while two unit dwellings and 20 or more unit buildings tied for second highest at 9.1%.

HOUSING TYPE BY UNITS IN STRUCTURE (2000 & 2010 Estimate)				
Unit Type	2000 Census		2010 Estimate	
	# of Units	% of Units	# of Units	% of Units
1-unit, detached	4,632	71.6%	4,509	71.4%
1-unit, attached	139	2.2%	147	2.3%
2 units	702	10.9%	576	9.1%
3 or 4 units	169	2.6%	81	1.3%
5 to 9 units	91	1.4%	146	2.3%
10 to 19 units	228	3.5%	278	4.4%
20 or more units	504	7.8%	574	9.1%
<b>Total</b>	<b>6,465</b>	<b>100.0%</b>	<b>6,311</b>	<b>100.0%</b>

Source: 2000 Census & 2006-2010 ACS 5-Year Estimates.



Of the estimated 6,311 units in 2010, 200 or 3.2% of the housing stock is affordable. This includes the following developments:

- David F. Roche Apartments – 99 units
- Bethesda Lutheran Services Group Home – 4 bedrooms
- Community Options Group Home – 3 bedrooms
- ARC Group Home – 5 bedrooms
- St. Mary's Senior Residence – 49 units
- Schraalenburgh Senior Housing – 40 units

According to COAH, 31 homes within the Borough are substandard and are capable of being rehabilitated.

## Occupancy Status

In 2010 the Borough's housing vacancy rate was 2.7%, which was almost half of the County's vacancy rate of 4.7%. As the table below shows, the majority of the vacancies were dwellings for rent, at 65 units. Houses for sale totaled 32 units or 0.5% of the Borough's dwellings. Of the housing units within Dumont, 73.0% were owner-occupied, while 27.0% were renter-occupied.

Analyzing Bergen County, the County had a higher percentage of vacant for rent and for sale units, 1.9% and 0.8%, respectively. Conversely, the County had a lower rate of owner-occupied units compared to the Borough, with only 66.1% of units being owner-occupied.

OCCUPANCY STATUS (2010)				
	Dumont Households	Percent of Households	Bergen County Households	Percent of Households
Occupied Total	6,364	97.3%	335,730	95.3%
Owner-Occupied	4,643	73.0%	221,966	66.1%
Renter-Occupied	1,721	27.0%	113,764	33.9%
Vacant Total	178	2.7%	16,658	4.7%
For Rent	65	1.0%	6,807	1.9%
Rented, Not Occupied	5	0.1%	373	0.1%
For Sale	32	0.5%	2,665	0.8%
Sold, Not Occupied	7	0.1%	900	0.3%
<b>Total</b>	<b>6,542</b>	<b>100.0%</b>	<b>352,388</b>	<b>100.0%</b>

The 2010 average household size in Dumont was 2.75 persons, while the average family size was 3.27 persons. Comparing tenure, the average owner-occupied household size was 3.00 persons in 2010, while the average renter-occupied household size was only 2.07 persons.

## Value & Rent of Housing Stock

Census 2010 data for value and rent of housing stock has yet to be released; therefore, five-year ACS estimates have been utilized. The median home value in 2010 was estimated to be \$399,500 for the Borough. This value