

2025 Housing Element & Fair Share Plan

PREPARED FOR:

BOROUGH OF ALPINE PLANNING BOARD

BA# 4128.02

JUNE 10, 2025

ADOPTED JUNE 24, 2025





Community Planning
Land Development and Design
Landscape Architecture

Principals:

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2025 HOUSING ELEMENT AND FAIR SHARE PLAN

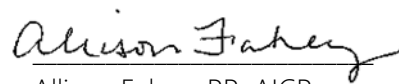
BOROUGH OF ALPINE
BERGEN COUNTY, NEW JERSEY

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The original document was appropriately signed and sealed on June 10, 2025, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.


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EXECUTIVE SUMMARY

The 2025 Borough of Alpine Housing Element and Fair Share Plan (HE&FSP) of the Master Plan is designed to address how the Borough will fulfil its affordable housing obligations. These obligations and the way they are addressed are derived from a variety of sources, including regulatory provisions from the Council on Affordable Housing (COAH), prior settlement agreements with Fair Share Housing Center (FSHC), and the most recent New Jersey legislation on the 4th Round of the affordable housing issue and associated calculations provided by the Department of Community Affairs (DCA).

The 4th Round obligations are summarized as follows:

Rehabilitation Obligation:	0 units
Prospective Obligation:	117 units (adjusted from 257 per the 20% cap rule and a VLA which further adjusted prospective need to 0 units)

FIRST AND SECOND ROUND OBLIGATION

The Borough of Alpine has prepared several Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. As noted above, COAH had originally adopted in 1987 and again in 1994 a 'fair share' methodology to determine housing-need numbers for all municipalities in the state, and the adopted, combined first and second round housing need numbers for Alpine indicated a 214-unit affordable housing new construction obligation. In accordance with COAH's 20 percent cap rule, this first and second round 'combined' number was reduced to 108 units, which was ultimately further reduced to 32 units through a vacant land adjustment awarded as part of a Judgment of Compliance and Repose received December 28, 2000.

The Borough addressed its 32-unit new construction obligation through a combination of a 16 unit Regional Contribution Agreement (RCA) with the Borough of Fairview, a 100 percent affordable municipally-sponsored development containing 8 rental units, and 8 rental bonus credits. Each of these plan components have been fully implemented.

THIRD ROUND OBLIGATION

Alpine addressed its 3rd Round obligations through participation in the Bergen County Rehabilitation Program. Its Prior Round realistic development potential was previously addressed. Its prospective need realistic development potential was addressed through development on the Sylco site on Closter Dock Road with 40 townhouses, of which 8 will be deed restricted as affordable units, an additional four bedroom group home and a mix of one- and two-bedroom supportive housing apartments – aggregating 14 bedrooms – to be placed on Alpine's existing 100% 8 unit affordable housing site, and 4 accessory apartment units. Additionally, the 3rd Round Plan called for an affordable housing overlay zone on Block 80 Lots 10 and 11 (the Radio/Telecommunications Tower site) where a total of 35 dwellings inclusive of 7 affordable units shall be permitted, along with a mandatory affordable housing set-aside ordinance

designed to capture unmet need units.

FOURTH ROUND OBLIGATION

In response to new legislation adopted by the State of New Jersey in March of 2024, the Borough adopted Resolution No. 048:01'2025 on January 22, 2025 which established its affordable housing obligations for the Fourth Round. The Borough has a 4th Round rehabilitation obligation of zero and a prospective need obligation of 117 housing units. A vacant land adjustment analysis undertaken for the 4th Round indicates the Borough has a zero-unit RDP. Irrespective of that, the Borough has 4 units from the 3rd round to fulfill during the 4th Round in place of the accessory apartment units previously proposed during the 3rd round. The Borough intends to fulfill these four units expanding upon the existing 100% affordable housing site with two additional family units and 2 additional beds.

STRUCTURE OF THE REPORT

This 2025 HE&FSP is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP introduces what constitutes affordable housing, identifies what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan as a component of the municipal master plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough. It offers an overview of the community, with information regarding the Borough's existing land use, population, housing, and employment characteristics. It also provides a projection of the Borough's housing stock and employment projections through the 4th Round period.

❖ Section 3: Fair Share Obligation

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

❖ Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough has addressed its prior obligations and how it will address its 4th Round prospective need obligations.

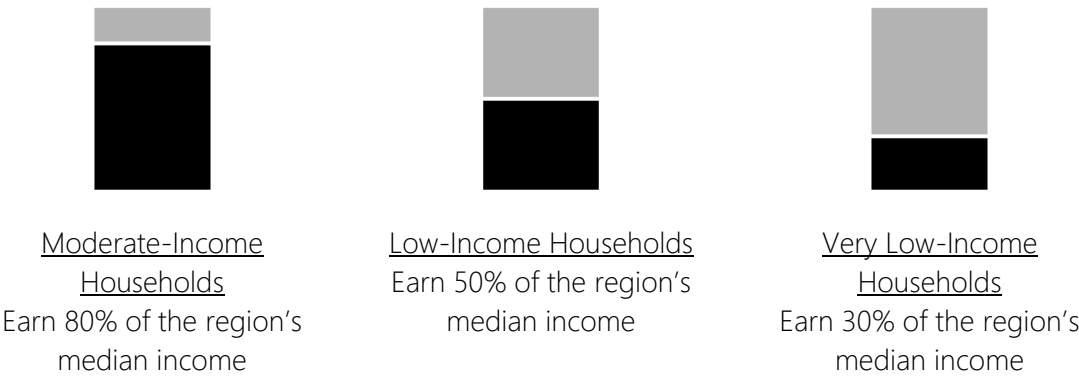
SECTION I: INTRODUCTION

The following section introduces what constitutes affordable housing. It identifies what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan as a component of the municipal master plan.

1.1: WHAT IS AFFORDABLE HOUSING?

Affordable housing is income-restricted housing that is available for sale or for rent. Generally speaking, it is defined as housing for very-low, low-, and moderate-income households (noted below), although there are exceptions, such as specific types of special-needs housing. The categories are derived from the state’s median regional income limits (which for the current year are noted in the table below).

New Jersey is segmented into six different affordable housing regions. Upper Saddle River is located in Region 1 which includes Bergen, Hudson, Passaic, and Sussex Counties.



Regional income limitations are typically updated annually by the state, based on household size. The table below identifies the 2024 regional income limits by household size for Region 1. As an example, as shown, a three-person family with a household income of up to \$86,697 could qualify for affordable housing in region.

Table 4: 2024 Affordable Housing Region 1 Income Limits by Household Size

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

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

1.2: WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?

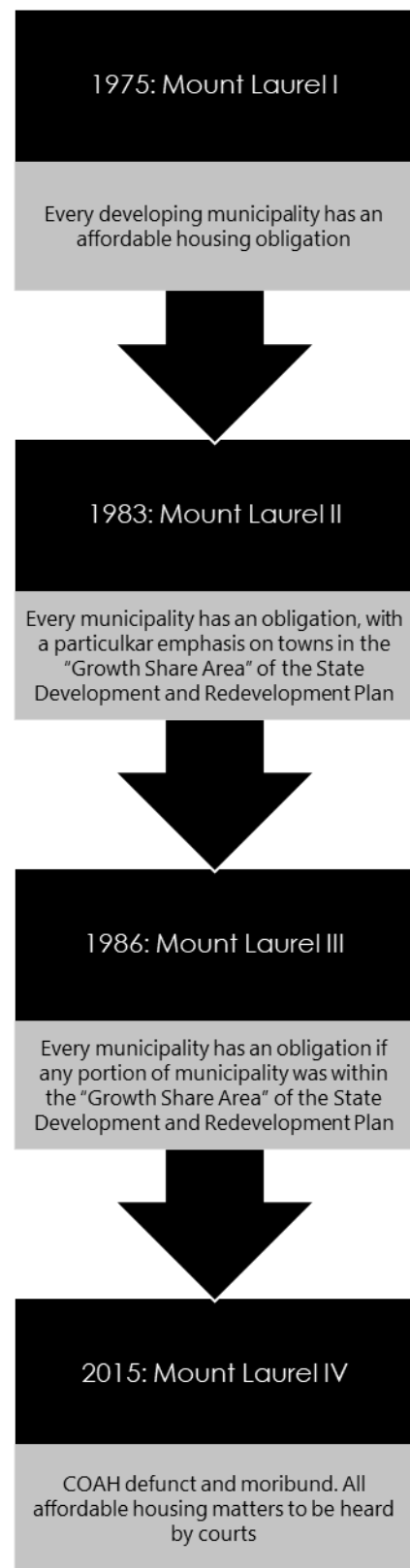
The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Township of Mount Laurel* (known as Mount Laurel I) that every developing municipality in New Jersey had an affirmative obligation to provide for its fair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

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

COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

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

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. At the same time, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the Growth Share methodology and indicated that COAH should adopt regulations pursuant to the Fair



Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the 3rd Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

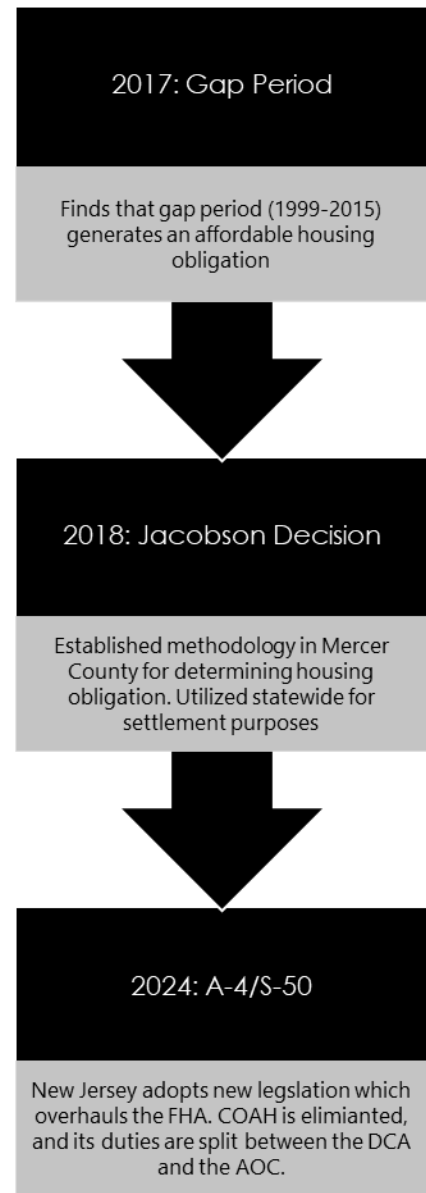
Deadlocked at a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October 2014. FSHC, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued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

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

The Supreme Court subsequently ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015 when COAH was not able to adopt 3rd Round regulations. The Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

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

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



1.3: WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN?

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

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

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

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

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.
4. An analysis of the existing and probable future employment characteristics of the municipality.
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing.
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission.

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

An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

SECTION II: HOUSING ELEMENT

The following section represents the Borough’s housing element of the Borough master plan. It offers an overview of the community’s characteristics regarding existing land use, population, housing, and employment. It also provides a projection of the local housing stock and its employment projections.

Information Regarding Data Sources

The information contained in Section 1.2 entitled “Population Demographics,” Section 1.3 entitled “Inventory of Housing Stock,” Section 1.4 entitled “Employment Demographics,” and Section 1.5 entitled “Housing & Employment Projections” was obtained from a variety of publicly available data sources. These are summarized below:

United States Decennial Census

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

American Community Survey (ACS)

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

New Jersey Department of Health

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

New Jersey Department of Community Affairs (DCA)

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

New Jersey Department of Labor and Workforce Development

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

2.1 COMMUNITY OVERVIEW

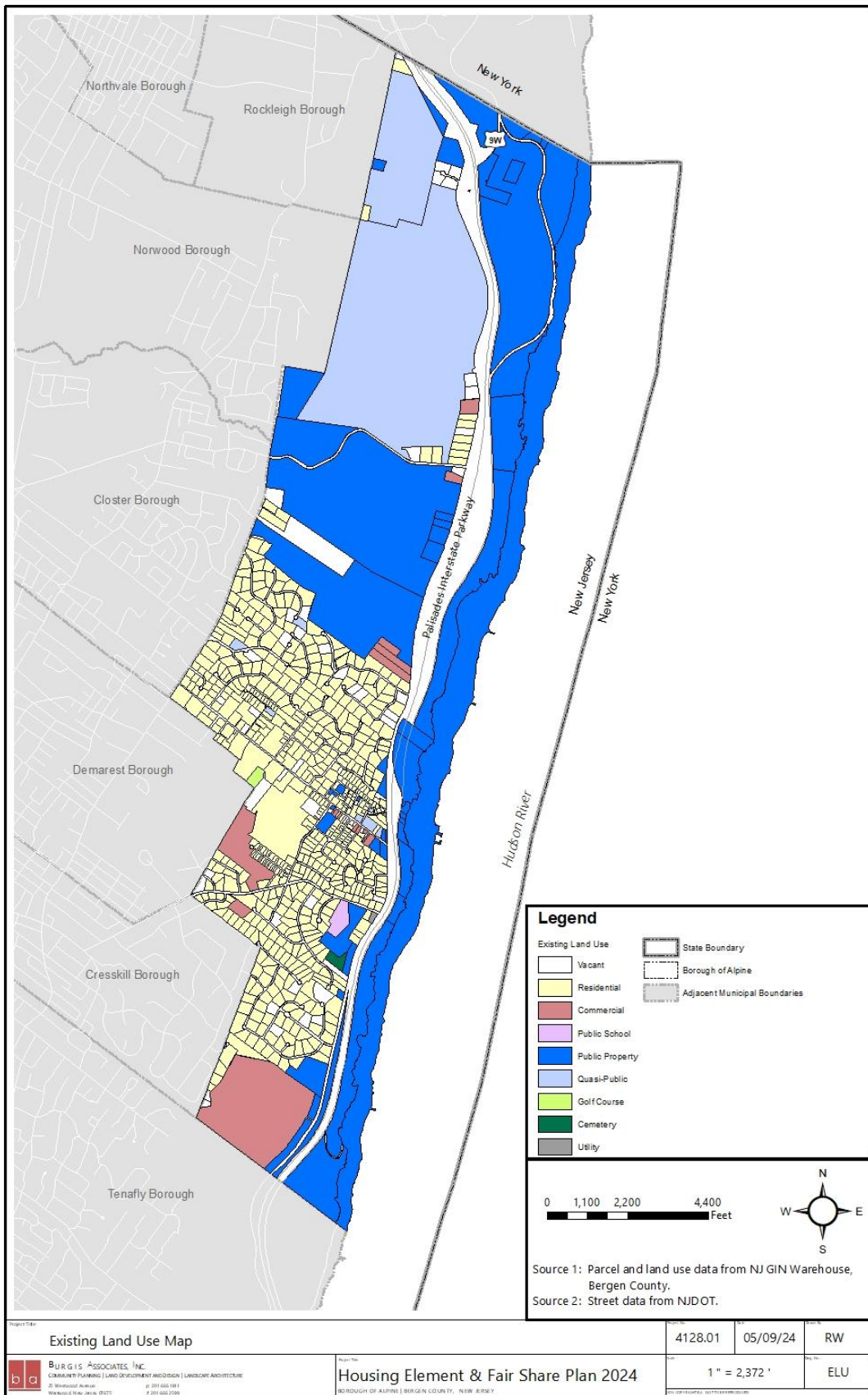
The Borough of Alpine is located in the northeastern-most corner of Bergen County and occupies an area of 4,095 acres, or 6.4 square miles. It is adjoined by seven municipalities, including Rockleigh, Norwood, Closter, Demarest, and Cresskill to the west, Tenafly to the south, and Rockland County, New York to the north. Regional access to the Borough is provided by the Palisades Interstate Parkway and Route 9W, which run north-south through the Borough. Closter Dock Road and Hillside Avenue are County roadways serving the Borough, which run east-west. There is no local access to mass transit.

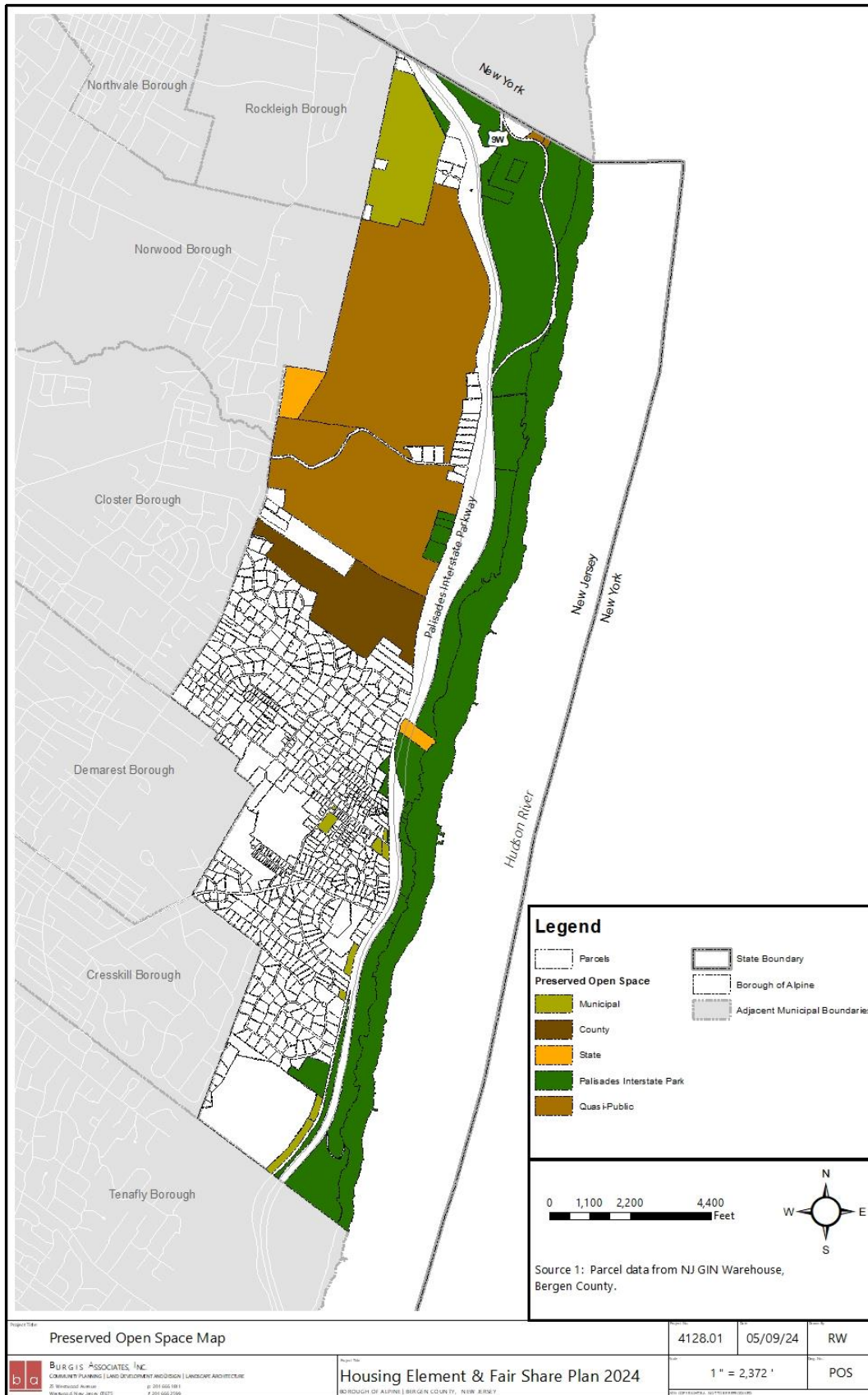
Alpine is essentially a fully developed community, with its little remaining vacant land characterized by undersized lots and environmentally sensitive features. As shown in the accompanying Existing Land Use Map, the majority (two-thirds) of the Borough's land area is devoted to public and quasi-public uses, much of it being part of the Palisades Interstate Park. Single-family detached residential uses comprise nearly all of the remaining land area in the community. Commercial uses make up less than 1 percent (approximately 25 acres) of the Borough's total land area and these are primarily existing nonconforming uses on small lots. There is no commercial district. Other uses include two private golf country clubs, including the Alpine Country Club and Montammy Golf Club, the Monument Lane cemetery, as well as various utility uses owned by Hackensack Water Company.

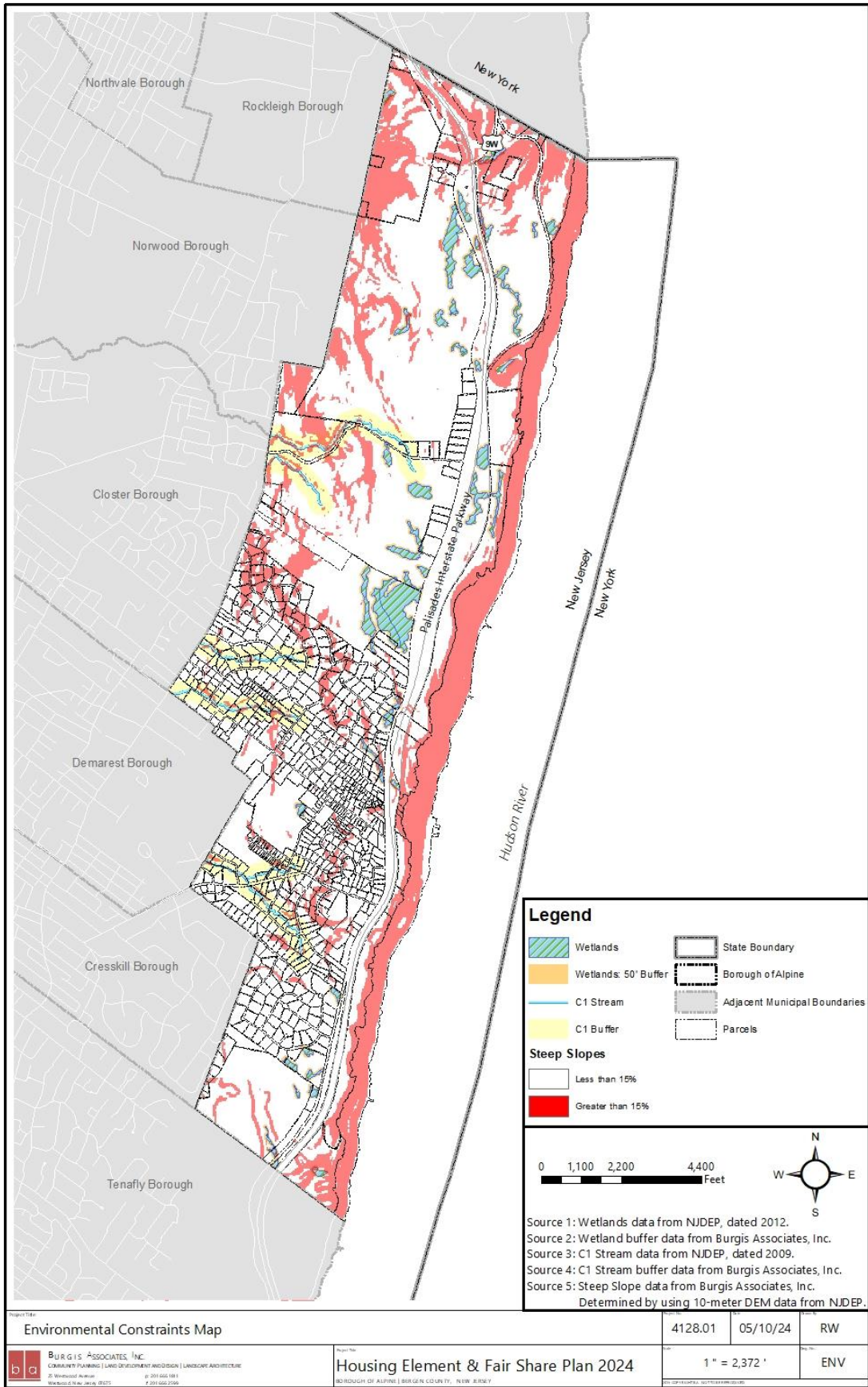
The accompanying Preserved Open Space Map identifies the 2,538 acres of preserved land area within the Borough of Alpine. As shown, the Borough's preserved open space is primarily concentrated in the northern portion of the municipality and to the east of the Palisades Interstate Parkway. One-half of Alpine's preserved land area is part of the Palisades Interstate Park, encompassing the Palisades cliffs on the west bank of the Hudson River. An additional 35 percent of the Borough's preserved land area are quasi-public properties, including Camp Alpine, operated by the Boy Scouts of America, as well as the Nature Conservancy properties along Alpine's northern border.

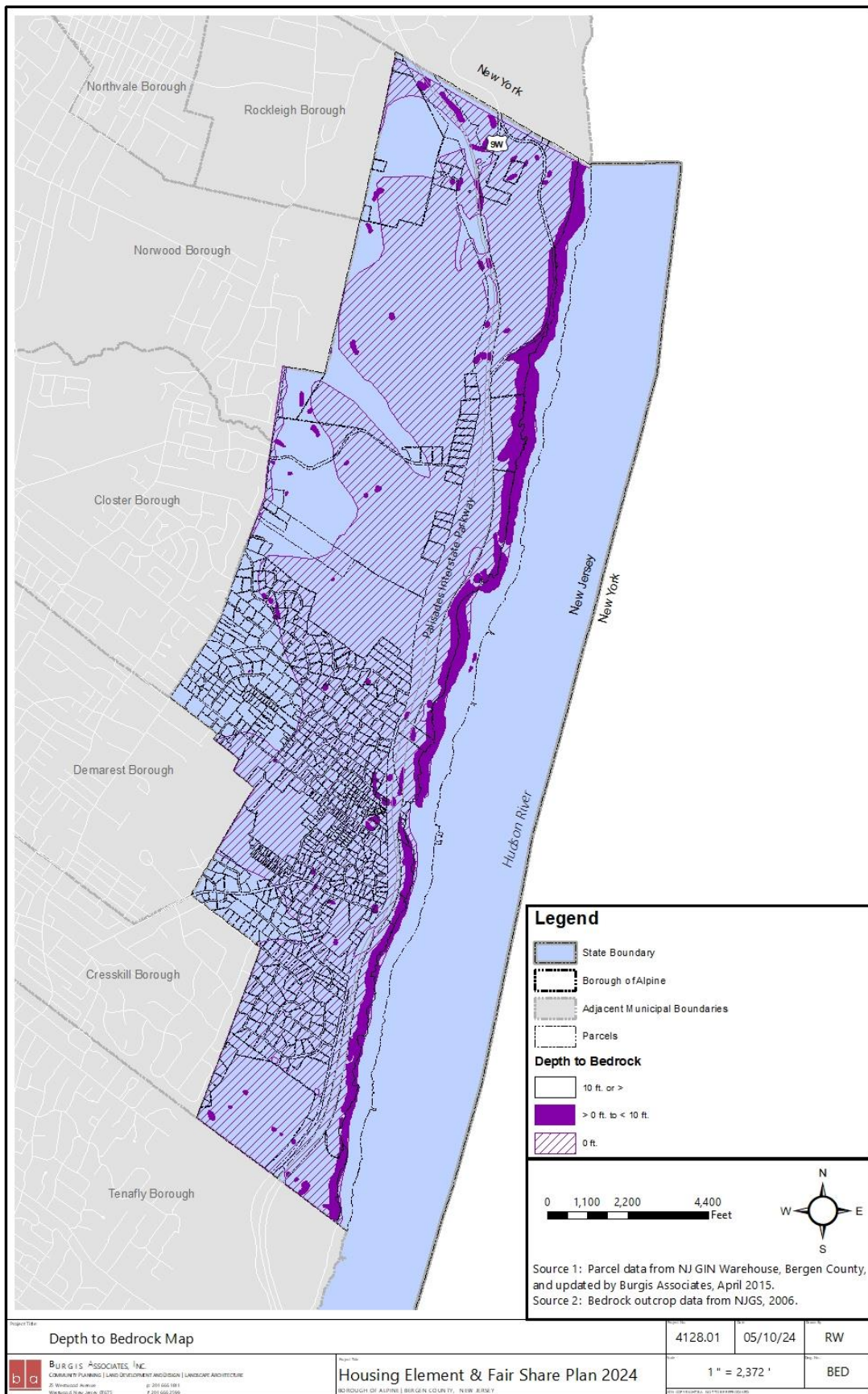
Environmental constraints pose a challenge to development throughout the community, as demonstrated on the accompanying Environmental Constraints Map. As shown, Alpine is characterized by a varied topography, including several areas of moderate to steep slopes (defined as slopes greater than 15 percent). Wetlands and Category One streams are also located throughout the Borough, which require minimum buffer areas of between 50 and 300 feet. Much of the community also faces significant stormwater management obstacles owing to problematic subsurface conditions, including rock at very shallow depths and high groundwater conditions. This is illustrated on the accompanying Depth to Bedrock Map.

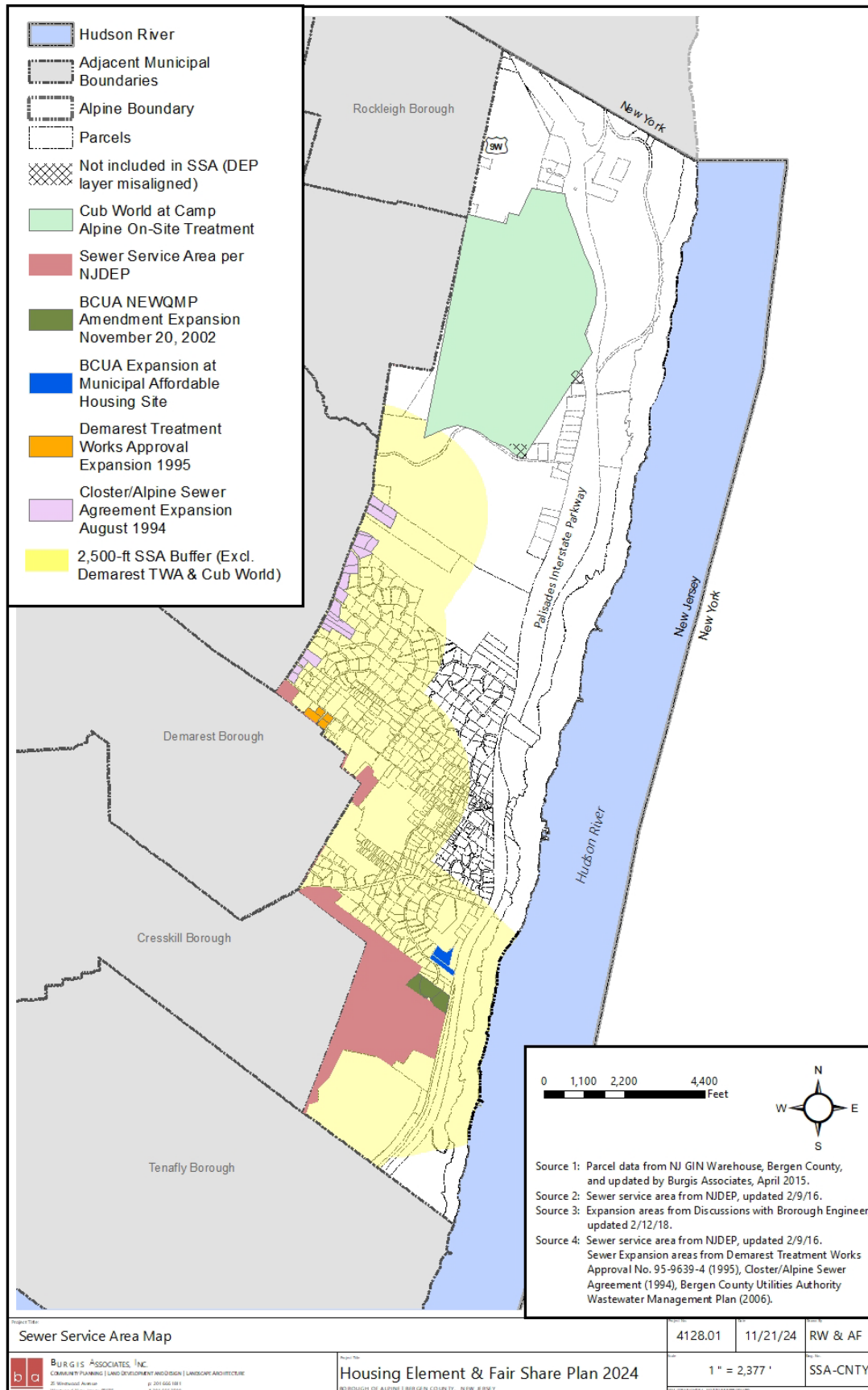
Another challenge to development is a lack of infrastructure. Whereas the majority of lots in the Borough are serviced publicly by United Water, Alpine has limited infrastructure when it comes to sanitary sewers. As shown on the accompanying Sewer Service Area, a select few properties are serviced by public sewer while the majority of Alpine's households and businesses are serviced by private septic tanks.











2.2 DEMOGRAPHIC AND POPULATION DATA

A. INVENTORY OF MUNICIPAL HOUSING STOCK AND VALUES

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units

As shown in the accompanying table, the Borough's housing stock grew slightly between 2010 and 2020 and the ACS 5-year estimate for 2023 shows a decrease of 14 percent between 2020 and 2023.

Table 1: Dwelling Units (2010 to 2023)

Alpine, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
2010	670	--	--
2020	676	6	1
2023*	593	-83	-14

* 2023 data is the average between January 2018 and December 2022.

Sources: U.S. Census – 2010 & 2020; & 2023 American Community Survey 5-Year Estimates.

The following table provides additional detail regarding the tenure and occupancy of the Borough's housing stock. More than 80 percent of the Borough's housing stock was estimated to be owner-occupied in 2023, up from 76 percent in 2020. The number of vacant units has slightly increased since 2010, from 8.8 percent to then hold steady around 13 percent in 2020 and 2023.

Table 2: Housing Units by Tenure and Occupancy Status (2010, 2020 and 2023)

Alpine, New Jersey

Category	2010		2020		2023*	
	No. Units	Percent	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	534	79.7	513	75.9	481	81.1
Renter-Occupied Units	77	11.5	74	10.9	36	6.1
Vacant Units	59	8.8	89	13.2	76	12.8
Total Units	670	100	676	100	593	100.0

* 2023 data is the average between January 2018 and December 2022.

Sources: U.S. Census – 2010 & 2020; & 2023 American Community Survey 5-Year Estimates.

2. Housing Characteristics

The following tables provide additional information on the characteristics of the Borough's housing stock, including data on the number of units in the structure and the number of bedrooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represented 94 percent of all dwelling units in 2023. The majority of all dwelling units in Alpine contain five or more bedrooms.

Table 3: Units in Structure (2010, 2020 and 2023)
Alpine, New Jersey

Units in Structure	2010*		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
One Unit Detached	731	97.9	502	96.9	556	93.8
One Unit Attached	7	0.9	5	1.0	14	2.4
2 Units	9	1.2	1	0.2	7	1.2
3 to 4 Units	0	0.0	0	0.2	0	0.0
5 to 9 Units	0	0.0	10	1.9	8	1.3
10 to 19 Units	0	0.0	0	0.0	0	0.0
20 or More Units	0	0.0		0.0	8	1.3
Mobile Home	0	0.0	0	0.0	0	0.0
Total	747	100	518	100	593	100

* Data is the 5-year period estimate which is the average of the 5-year period leading up through end of year displayed.

Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

Table 4: Number of Bedrooms in Housing Units (2010, 2020 and 2023)
Alpine, New Jersey

Number of Bedrooms	2010*		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
Zero	3	0%	4	1%	3	0.5%
One	25	3%	3	1%	20	3.4%
Two	18	2%	151	29%	1	0.2%
Three	130	17%		0%	116	19.6%
Four	169	23%	360	69%	205	34.6%
Five or More	402	54%		0%	248	41.8%
Total	747	100%	518	100%	593	100%

* Data is the 5-year period estimate which is the average of the 5-year period leading up through the end of year displayed.

Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

3. Housing Age

The following table details the age of the Borough's housing stock. As shown, 43 percent of the Borough's housing units were constructed before 1980, whereas only 19 percent were constructed since 2000.

Table 5: Year Structure Built
Alpine, New Jersey

Year Units Built	Number of Units	Percent
2020 or later	0	0.0%
2010 to 2019	51	8.6%
2000 to 2009	61	10.3%
1990 to 1999	57	9.6%
1980 to 1989	167	28.2%
1970 to 1979	67	11.3%
1960 to 1969	77	13.0%
1950 to 1959	30	5.1%
1940 to 1949	38	6.4%
1939 or earlier	45	7.6%
Total	594	100.0%

Source: 2023 American Community Survey 5-Year Estimates.

4. Housing Conditions

An inventory of the Borough's housing conditions is presented in the following tables. The table below identifies the extent of overcrowding in the Borough, defined as occupied housing units with more than one occupant per room. The data indicates that none of the housing units in Alpine from 2010 through 2023 were overcrowded.

Table 6: Occupants Per Room (2010, 2020 and 2023)
Alpine, New Jersey

Occupants Per Room	2010*		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	683	100	518	100%	517	100%
1.01 to 1.50	0	0	0	0%	0	0%
1.51 or more	0	0	0	0%	0	0%
Total	683	100.0	518	100%	517	100%

* Data is the 5-year period estimate which is the average of the 5-year period leading up through the end of year displayed.

Sources: 2010, 2020 & 2022 American Community Survey 5-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the number of occupied housing units lacking complete kitchen facilities decreased from 2010 to 2020 and then increased to 3 units which lack these facilities in 2023. However, the data indicates that none of the housing units have been lacking standard heating facilities across all three time periods.

Table 7: Equipment and Plumbing Facilities (2010, 2020 and 2023)
Alpine, New Jersey

Facilities	2010*		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u>						
With Complete Facilities	742	99.3	518	100	517	99.4
Lacking Complete Facilities	5	0.7	0	0	3	0.6
<u>Plumbing:</u>						
With Complete Facilities	744	99.6	518	100	517	99.4
Lacking Complete Facilities	3	0.4	0	0	3	0.6
<u>Heating Equipment:</u>						
Standard Heating Facilities	747	100	518	100	517	100
Other Fuel	0	0	0	0	0	0
No Fuel Used	0	0	0	0	0	0
Total	747	100	518	100	517	100

* Data is the 5-year period estimate which is the average of the 5-year period leading up through the end of year displayed.
Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values

Table 8 below shows that 66 percent of Alpine's rental housing stock has monthly rents of \$1,500 or more, down from 77 percent of Alpine's rental units in 2010. The Borough's median monthly rent in 2023 was \$2,357.

Table 8: Gross Rent of Renter-Occupied Housing Units (2010, 2020 and 2023)
Alpine, New Jersey

Rent	2010		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
Less than \$500	0	0	0	0	0	0
\$500 to \$999	0	0	15	33.3	0	0
\$1,000 to \$1,499	9	23	16	35.6	7	20.0
\$1,500 or More	30	77	14	0.3	24	66.6
No Cash Rent	0	X	18	X	0	X
Total	39	100.0	45	100.0	36	100.0
Median Gross Rent	\$1,977		\$1,117		\$2,357	

* Data is the 5-year period estimate which is the average of the 5-year period leading up through end of year displayed.
Sources: U.S. Census – 2010; 2020 & 2023 American Community Survey 5-Year Estimates.

Table 9 below shows that over 87 percent of Alpine's owner-occupied units had a value of \$1 million or more in 2023, which is up from 74 percent above this threshold in 2010. The Borough's median housing value of \$2 million+ (the highest value category measured by the American Community Survey) also is substantially higher than the \$1 million+ in 2010.

Table 9: Value of Owner-Occupied Housing Units (2010, 2020* and 2023*)
Alpine, New Jersey

Value Range	2010		2020*		2023*	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	4	1%	3	1%	1	0.2%
\$50,000 to \$99,999	0	0%	0	0%	0	0.0%
\$100,000 to \$149,999	14	2%	15	7%	0	0.0%
\$150,000 to \$199,999	0	0%			0	0.0%
\$200,000 to \$299,999	6	1%			17	3.5%
\$300,000 to \$499,999	30	5%	6	3%	16	3.3%
\$500,000 to \$999,999	110	17%	20	9%	29	6.0%
\$1,000,000 or More	476	74%	170	79%	418	86.9%
Total	640	100%	214	100%	481	100%
Median Value	\$1,000,000+		\$2,000,000+		\$2,000,000+	

* Data is the 5-year period estimate which is the average of the 5-year period leading up through end of year displayed.
Sources: U.S. Census – 2010; 2020 & 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households

The Borough is located in COAH Housing Region One, which is comprised of Bergen, Passaic, Hudson and Sussex Counties. Based on the 2024 Affordable Housing Professionals of New Jersey (AHPNJ) regional income limits (attached hereto as Appendix A-1, the median household income for a three-person household in COAH Region One is \$108,371. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$86,697. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$54,185.

Assuming a 30-year fixed-rate mortgage with an interest rate of 6%, a downpayment of 5%, and spending 28% of income towards housing, an affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$404,000. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$253,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. According to the 2023 ACS 5-year data, less than 4% of owner-occupied units in the Borough fall below the affordable sales price the moderate-income household and only 0.2% of the units fall below the threshold for an affordable sales price for a low-income household.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$2,300. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,443. According to the 2023 ACS 5-year data, Approximately one third of Alpine's rental units had a gross monthly rent of less than \$1,500 and approximately 14% of the rental units in the Borough require with a gross monthly rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated

According to the DCA methodology for the 4th Round, there are no units in Alpine that are in need of rehabilitation and are not likely to experience “spontaneous rehabilitation”.

B. PROJECTION OF MUNICIPAL HOUSING STOCK

The following section includes a projection of Alpine’s housing stock, including the probable future construction of low- and moderate-income housing, for the ten years after the adoption of the Housing Element. This projection is based upon an assessment of data including the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. These data are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years

The table below provides data concerning residential building permits issued for new construction during the past ten years. During this period, a total of 45 residential building permits were issued for new construction, all but one of which were for one- and two-family residences and just one permit for mixed use development.

**Table 10: Number of Residential Building Permits Issued
For New Construction (2013 to 2023)
Alpine, New Jersey**

Year Issued	One & Two Family	Multi-Family	Mixed-Use	Total
2014	5	0	0	5
2015	5	0	0	5
2016	2	0	1	3
2017	4	0	0	4
2018	2	0	0	2
2019	2	0	0	2
2020	5	0	0	5
2021	2	0	0	2
2022	5	0	0	5
2023	12			
Total	44	0	1	45

Source: New Jersey Construction Reporter.

2. Approved But Not Yet Built Residential Development

The next table on the following page (Table 11) identifies residential applications for development that have been approved but have not yet been issued building permits. All applications are for single family construction.

**Table 11: Approved But Not Yet Built Residential Development
Alpine, New Jersey**

Address	Block	Lot	# of Units
11 Autumn Terrace	81.04	19	1
14 Autumn Terrace	81.04	16	1
14 Church Street	39.02	16.07	1
35 Tamarack Road	39.01	12.19	1
46 Tamarack Road	22	26	1
27 Warren Lane	72	23	1
Total	--	--	6

Source: Borough of Alpine Construction Office.

Probable Residential Development of Lands. Since the early 2000s, the Borough has issued, on average, approximately 3 building permits annually for residential new construction. These permits have been for single-family dwelling units. This trend reflects not only economic downturn and the pandemic years, but also the limited availability of developable vacant land in the Borough. It is anticipated that a similar rate of limited growth will occur over the next ten-year period. Most, if not all, of the new dwelling units created are expected to be the result of knock-downs and rebuilds within the Borough, as has been the trend in Alpine for the past two decades, aside from the development of the developments provided for in this Plan.

C. POPULATION ANALYSIS

The COAH regulations require that a Housing Element provide an analysis of the community's demographic characteristics, including an assessment of population size, rate of population growth, age characteristics, income levels, and household size. Each of these items is described in this section of the report.

1. Population Size

As seen in the table below, the Borough experienced growth in every decade between 1920 and 2000, with the greatest increases occurring in the 1920s, 1950s, 1960s and 1990s. However, the 2023 population estimate of 1,503 people, provided by the American Community Survey, reflects a significant population loss, down approximately 14 percent from 2020 and down 31 percent from 2000. This may be reflective of children moving out of the homes as they become adults while their parents remain, or possibly some residents who now utilize a second home as their primary address and their Alpine house becomes a secondary address.

Table 12: Population Growth (1920 to 2023)
Alpine, New Jersey

Year	Population	Population Change	Percent Change
1920	350	--	--
1930	521	171	48.8
1940	626	105	20.2
1950	644	18	2.9
1960	921	277	43.0
1970	1,344	423	46.0
1980	1,549	205	15.3
1990	1,716	167	10.8
2000	2,183	467	27.2
2010	1,849	-334	-15%
2020	1,762	-87	-5%
2023	1,503	-259	-15%

Sources: Bergen County Data Book – 2003; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics

The Borough's age characteristics, which are outlined in the table below, indicate an aging community. As shown, the percentage of the population age 65 -84 increased by more than 50 percent between 2010 and 2020 and then by more than 75% between 2020 and 2023. Alpine's median age in 2010 was 48.2 years, which then increased to 50.9 in 2020 and decreased to 50.4 in 2023.

Table 13: Age Characteristics (2010, 2020 and 2023)
Alpine, New Jersey

Age	2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	74	4.0	62	3.5	70	4.7
5 to 19 years	244	13.2	222	12.6	333	22.1
20 to 24 years	213	11.5	172	9.8	27	1.8
25 to 34 years	126	6.8	146	8.3	78	5.2
35 to 44 years	169	9.1	152	8.6	159	10.6
45 to 54 years	313	16.9	227	12.9	189	12.6
55 to 64 years	357	19.3	277	15.7	165	11.0
65 to 84 years	196	10.6	279	15.8	423	28.2
85 years and over	121	6.5	153	8.7	59	3.9
Total	1,849	100	1,762	100	1,503	100
Median Age	48.2		50.9		50.4	

Sources: U.S. Census – 2010 & 2020; & 2023 American Community Survey 5-Year Estimates.

3. Average Household Size

The average household size for the Borough declined steadily from 1970 through 2020 with a slight tick up from 2.82 in 2020 to 2.91 in 2023 according to the ACS data.

Table 14: Average Household Size (1970 to 2023)
Alpine, New Jersey

Year	Total Population	Number of Households	Average Household Size
1970	1,344	369	3.63
1980	1,549	495	3.13
1990	1,716	534	3.21
2000	2,183	708	3.08
2010	1,849	611	3.03
2020	1,762	518	2.82
2023	1,503	517	2.91

Sources: Bergen County Data Book – 2003; 2010 & 2020 U.S. Census; 2023 American Community Survey 5-Year Estimates.

4. Household Income

Detailed household income figures are shown in the table below. In 2023, more than half of all Alpine households earned annual incomes of \$200,000 or more.

Table 15: Household Income (2020* and 2023*)
Alpine, New Jersey

Income Category	2020		2023	
	Number	Percent	Number	Percent
Less than \$10,000	17	3%	12	2.30%
\$10,000 to \$14,999	22	4%	3	0.60%
\$15,000 to \$24,999	15	3%	3	0.60%
\$25,000 to \$34,999	10	2%	3	0.60%
\$35,000 to \$49,999	20	4%	20	3.90%
\$50,000 to \$74,999	27	5%	22	4.30%
\$75,000 to \$99,999	39	8%	36	7.00%
\$100,000 to \$149,999	81	16%	55	10.60%
\$150,000 to \$199,999	67	13%	77	14.90%
\$200,000 or more	220	42%	286	55.30%
Total	518	100%	517	100.0
Median Household Income	\$161,346		\$250,000+	

Sources: 2020 & 2023 American Community Survey 5-Year Estimates.

D. EMPLOYMENT ANALYSIS

The following section is an analysis of the existing and probable future employment characteristics of the community. The associated tables present information on historic trends, employment characteristics, occupational patterns, and related data.

1. Employment Status

Table 16 provides information on the employment status of Borough residents age 16 and over. As shown, the unemployment rate for Alpine's civilian labor force went from 1.7 percent in 2010 up to 4.5 percent in 2020 and was estimated to be as high as 7.1 percent according to the 2023 ACS data. Unemployment rates across the country rose to unprecedented levels as a result of the Covid-19 pandemic. The percentage of Alpine's population not in the labor force is higher than national averages, and is likely reflective of retirees remaining in the community.

Table 16: Employment Status, Population 16 and Over (2010, 2020 and 2023)

Employment Status	2010		2020		2023	
	#	%	#	%	#	%
In labor force	904	57.3	606	52.7	708	59.0
Civilian labor force	904	57.3	606	52.7	708	59.0
Employed	889	56.3	579	50.3	659	54.8
Unemployed	15	0.9	27	2.3	50	4.2
% of civilian labor force	--	1.7	--	4.5	--	7.1
Armed Forces	0	0.0	0	0	0	0.0
Not in labor force	675	42.7	544	47	493	41.0
Total Population 16 and Over	1,579	100	1,150	100	1,201	100.0

Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents

The following two tables detail information on the employment characteristics of employed Alpine residents. Table 17 details occupation characteristics, while Table 18 details industry characteristics.

Table 17: Employed Residents Age 16 and Over, By Occupation (2010, 2020 and 2023)

Occupation	2010		2020		2023	
	#	%	#	%	#	%
Management, business, science & arts	521	58.6	395	68.2	410	62.3
Service	89	10.0	39	6.7	47	7.1
Sales & office	249	28.0	128	22.1	172	26.1
Natural resources, construction & maintenance	23	2.6	14	2.4	15	2.3
Production, transportation & material moving	7	0.8	3	0.5	14	2.1
Total	889	100	579	100	658	100

Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

Table 18: Employed Residents Age 16 and Over, By Industry (2010, 2020 and 2023)
Alpine, New Jersey

Industry	2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	10	1.1%	0	0.0	0	0.0%
Construction	41	4.6%	17	2.9	48	7.3%
Manufacturing	46	5.2%	40	6.9	40	6.1%
Wholesale trade	98	11.0%	71	12.3	36	5.5%
Retail trade	60	6.7%	21	3.6	36	5.5%
Transportation, warehousing and utilities	22	2.5%	12	2.1	11	1.7%
Information	16	1.8%	15	2.6	21	3.2%
Finance, insurance, real estate and rental and leasing	180	20.2%	102	17.6	133	20.2%
Professional, scientific, management, administrative and waste management services	145	16.3%	65	11.2	77	11.7%
Educational, health and social services	141	15.9%	137	23.7	192	29.2%
Arts, entertainment, recreation, accommodation and food services	54	6.1%	44	7.6	42	6.4%
Other services	51	5.7%	55	9.5	22	3.3%
Public administration	25	2.8%	0	0.0	0	0.0%
Total	889	100	579	100	658	100

Sources: 2010, 2020 & 2023 American Community Survey 5-Year Estimates.

3. Employment Projections

A projection of the Borough's probable future employment characteristics are based on an assessment of historic employment trends, the number of non-residential construction permits issued, approvals of applications for non-residential development, and probable non-residential development of lands. Each of these items are identified and outlined below.

Historic Employment Trends. The table below provides data on Alpine's average annual employment covered by unemployment insurance between 2013 and 2023 (the latest available data). As shown, the Borough's employment fluctuated, ranging from a peak in 2013 of 673 jobs down to 452 jobs in 2020. The job numbers have since increased back up to above 500.

Table 19: Average Covered Employment (2013 to 2023)
Alpine, New Jersey

Year	Number of Jobs	Change in Number of Jobs	Percent Change (%)
2013	673	-	-
2014	587	-86	-14.7%
2018	538	-49	-9.1%
2019	498	-40	-8.0%
2020	452	-46	-10.2%
2021	467	15	3.2%
2022	508	41	8.1%
2023	515	7	

*Private sector job data unavailable for 2015, 2016 and 2017.

Source: New Jersey Department of Labor and Workforce Development.

Non-Residential Square Footage Constructed During the Last Ten Years. The table below provides data concerning the amount of non-residential square footage authorized by building permits during the past ten years. As shown, building permits were issued for more than 20,000 square feet of non-residential space during this period, the majority of which was office space. It is noted that non-residential building permits were issued in only three of the past ten years.

Table 20: Square Feet of Non-Residential Space
Authorized by Building Permits (2014 to 2023)
Alpine, New Jersey

Year Issued	Office	Storage	Total
2014	16,050	3,250	19,300
2015	0	0	0
2016	0	306	306
2017	0	0	0
2018	0	0	0
2019	816	0	816
2020	0	0	0
2021	380	0	380
2022	0	0	0
2023	0	0	0
Total	17,246	3,556	20,802

Source: New Jersey Construction Reporter.

Approved But Not Yet Built Non-Residential Development. There are currently no non-residential developments that have received approval from the Borough's land use boards yet are still awaiting the issuance of building permits.

Probable Non-Residential Development of Lands. The Borough has experienced light non-residential growth in the past ten years. The Borough does not anticipate any significant non-residential development over the next decade.

Probable Future Employment Characteristics. As detailed in Table 19 above, Alpine's employment fluctuated between 2014 and 2023. It is noted that the basis for the number of jobs in a given community comes from the use of postal addresses. The available data suggests that there are a significant number of reported jobs which are the result of firms using Alpine as a postal box address. As such, many of the reported jobs are not physically situated in the Borough. This trend, combined with the lack of any significant amount of developable acreage for non-residential purposes, suggests that future employment within the Borough will not increase appreciably over the next ten years.

SECTION III: FAIR SHARE OBLIGATION

3.1 CALCULATION OF FAIR SHARE OBLIGATION

The Borough's fair share affordable housing obligation is a function of the Borough's rehabilitation share, the remaining 3rd round obligation, and the 4th Round prospective need obligation. These three components determine the municipality's total affordable housing obligation. Details regarding each of the components is provided below.

A. FOURTH ROUND REHABILITATION OBLIGATION

The rehabilitation share component of the affordable housing obligation is based on the Borough's existing housing deficiencies. It is defined as the number of deficient housing units occupied by low- and moderate-income households within a municipality. A deficient housing unit is a unit with health and safety code violations that require the repair or replacement of a major system. A major system includes any of the following: weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems. The Borough has been assigned a rehabilitation obligation of 0 units as part of its Fourth Round obligations.

B. REMAINING THIRD ROUND OBLIGATION

As previously stated, the Borough's 3rd Round prospective need RDP was addressed through the development of deed restricted townhouses, an additional four bedroom group home and a mix of one- and two-bedroom supportive housing apartments, as well as an overlay zone and 4 accessory apartment units. As the accessory apartment units were not realized during the 3rd Round, 4 units become part of the obligation which the Borough must satisfy before 2035.

C. FOURTH ROUND PROSPECTIVE NEED OBLIGATION

As discussed previously in this report, the Borough has unique characteristics that, in their totality, pose serious challenges to development and, furthermore, are not conducive to the development of high-density housing. This is a function of the fully developed nature of the community, the substantial amount of environmental constraints impacting vacant land, and the lack of sanitary sewer infrastructure. Much of the community also faces significant stormwater management obstacles owing to problematic subsurface conditions, including rock at very shallow depths and high groundwater conditions. The lack of a commercial district, as well as the lack of access to mass transit, also underscores the Borough's incompatibility with higher intensity development.

This was recognized in a report entitled "Master's Report on the Mount Laurel Compliance Plan of the Borough of Alpine," dated June 23, 2000 ("2000 Master's Report"), prepared by the Borough's initial Special Master, Philip B. Caton, PP, AICP, wherein he recommended the Borough have no additional obligation unless new land became available for affordable housing.

The Borough is, and has been, entitled to adjust its Prospective Need obligation in accordance with a procedure

set forth in the FHA which permits the Borough to perform a VLA to determine its Realistic Development Potential (RDP). A VLA is intended to determine which sites in a municipality are most likely to develop for low- and moderate-income housing. Municipalities are required to consider all privately- and municipally-owned vacant parcels, as well as underutilized sites such as driving ranges, farms in SDRP Planning Areas 1 and 2, nurseries, golf courses not owned by their members, and non-conforming uses.

However, municipalities are also permitted to eliminate a site or a portion of a site based on a variety of factors, including: lands dedicated for public uses other than housing since 1997; park lands or open space; vacant contiguous parcels in private ownership of a size which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

Fourth Round RDP. Alpine continues to lack vacant, developable land and is entitled to rely on a vacant land adjustment to determine its realistic development potential. As such, we undertook detailed analysis of potential changed circumstances in the Borough since the 3rd VLA in order to evaluate whether any such changed circumstance would warrant a recalibration of the RDP. This analysis included a review of all vacant lots in private and public ownership (Class 1 and Class 15), as well as all farm qualified (Class 3B) properties in the Borough. At this time, we have determined that no properties represent a changed circumstance requiring a 4th Round RDP obligation. As such, we find that the Borough has a 4th Round RDP obligation of zero (0) units.

3.2 SUMMARY OF FAIR SHARE OBLIGATION

As discussed above, the Borough’s total fair share affordable housing obligation is the remaining Third-Round prospective need obligation which is a total of 4 units.

**Table 21: Total Fair Share Obligation
Alpine, New Jersey**

Plan Component	Obligation
Fourth Round Present Need obligation	0
Fourth Round RDP	0
Remaining Third round prospective need obligation	4
Total	4

SECTION IV: FAIR SHARE PLAN

4.1 PLAN COMPONENTS

As noted above, the Borough's total fair share affordable housing obligation is the sum of the rehabilitation share, any remaining prior round obligation, and the Third-Round prospective need obligation. As detailed herein, Alpine has a total fair share obligation of 4 prospective need units. The projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligation are detailed below.

A. FOURTH ROUND REHABILITATION OBLIGATION

While the Borough has a rehabilitation obligation of zero, the Borough will continue participation in the Bergen County Rehabilitation Program.

B. REMAINING THIRD ROUND OBLIGATION

Alpine proposes to address its remaining 3rd Round housing obligations through expansion of the existing 100% affordable housing site off of Route 9W in the southerly portion of the municipality. The plan calls for the construction of two (2) additional family apartments and two additional bedrooms. This is a site that was previously developed as part of the Borough's Prior Round affordable housing plan. During the Third Round, it was proposed for an expansion with an additional four bedroom group home and a mix of affordable rental supportive housing units that will, in the aggregate, contain 14 bedrooms. For this reason, the Borough entered into an agreement with Bergen County United Way to develop this site with the additional affordable units. It is noted in the Third Round plan that the site can accommodate additional septic system capacity. The Borough is working with BCUW to ensure capacity for further expansion. If that is not the case, the Borough has agreed that it shall provide for any shortfall in unit count on a different site to be identified within 120 days of the issuance of a final non-appealable decision of the NJDEP on the septic issue.

A. FOURTH ROUND PROSPECTIVE NEED OBLIGATION

No properties represent a changed circumstance requiring a 4th Round RDP obligation. As such, the Borough has a 4th Round RDP obligation of zero (0) units.

Mandatory Set-aside Ordinance. The municipality shall continue to require any development proposed with five or more units must provide a 20 percent set-aside for income qualified low- and moderate-income households

Development Fees. The Borough shall continue to impose development fees, as permitted by the development fee ordinance that was adopted in 2024 at the end of the Third Round. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough's Housing Element and Fair Share Plan.

Plan to address 4th Round Affordable Housing. In response to new legislation adopted by the State of New Jersey in March of 2024, the Borough adopted Resolution No. 048:01'2025 on January 22, 2025 which established its affordable housing obligations for the Fourth Round. The Borough has a 4th Round rehabilitation obligation of zero and a prospective need obligation of 117 housing units. A vacant land adjustment analysis undertaken for the 4th Round indicates the Borough has a zero-unit RDP. Irrespective of that, the Borough has 4 units from the 3rd round to fulfill during the 4th Round in place of the accessory apartment units previously proposed during the 3rd round. The Borough intends to fulfill these four units expanding upon the existing 100% affordable housing site with two additional family units and 2 additional beds.

APPENDICES

- A-1 Affordable Housing Ordinance
- A-2 Affordable Housing Mandatory Set-Aside Ordinance
- A-3 Draft Spending Plan
- A-4 Affirmative Marketing Plan
- A-5 Accessory Apartment Ordinance
- A-6 Development Fees Ordinance

Chapter 60

AFFORDABLE HOUSING

§ 60-1.	Affordable housing obligation.	§ 60-13.	Limitations on indebtedness secured by ownership unit; subordination.
§ 60-2.	Definitions.		
§ 60-3.	Applicability.		
§ 60-4.	Rehabilitation program.	§ 60-14.	Control periods for restricted rental units.
§ 60-5.	Accessory apartment program.	§ 60-15.	Rent restrictions for rental units; leases.
§ 60-6.	Alternative living arrangements.	§ 60-16.	Tenant income eligibility.
§ 60-7.	Inclusionary zoning.	§ 60-17.	Municipal Housing Liaison.
§ 60-8.	New construction.	§ 60-18.	Administrative agent.
§ 60-9.	Occupancy standards.	§ 60-19.	Affirmative marketing requirements.
§ 60-10.	Control periods for restricted ownership units and enforcement mechanisms.	§ 60-20.	Enforcement of affordable housing regulations.
§ 60-11.	Price restrictions for restricted ownership units, homeowner association fees and resale prices.	§ 60-21.	Appeals.
		§ 60-22.	Reporting and monitoring requirements.
§ 60-12.	Buyer income eligibility.		

[HISTORY: Adopted by the Borough Council of the Borough of Alpine 8-28-2024 by Ord. No. 834. Amendments noted where applicable.]

§ 60-1. Affordable housing obligation.

- A. This chapter is intended to assure that affordable housing units are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Alpine Planning 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 Housing Element and Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Alpine shall address its fair share for affordable housing as directed by the Superior Court and documented in the Housing Element.
- C. This chapter implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended.

§ 60-2. Definitions.

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

ACCESSORY APARTMENT — 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 — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended.

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for administering the affordability controls with respect to specific restricted units in accordance with this chapter, the applicable regulations of the Council on Affordable Housing, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

AFFIRMATIVE MARKETING — 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 — The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT — A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 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.

AGE-RESTRICTED UNIT — 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% 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.

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

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

ASSISTED LIVING RESIDENCE — 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 — A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH — The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — 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 — 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 — 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 — 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 nonresidential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM — 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 — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable housing region, as adopted annually by DCA.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

MUNICIPAL HOUSING LIAISON — The employee charged by the governing body with the

responsibility for oversight and administration of the affordable housing program for the Borough of Alpine.

NONEXEMPT SALE — Any sale or transfer of ownership other than the transfer of ownership between spouses; 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 — 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 — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted regional income limits published annually by DCA.

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

RENT — 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 — 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 the New Jersey Housing and Mortgage Finance Agency's Urban Homeownership Recovery Program (UHORP) or the Agency's Market Oriented Neighborhood Investment Program (MONI).

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§ 60-3. Applicability.

- A. The provisions of this chapter shall apply to all developments that contain low- and/or moderate-income housing units, including any affordable housing developments that currently exist, any affordable housing developments that are proposed to be created within the Borough of Alpine pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan, as well as any currently unanticipated future developments that will provide low- and/or moderate-income housing units.
- B. All affordable housing developments, including those intended to be funded through federal low income housing tax credit programs, shall be deed restricted to comply with the applicable COAH and/or UHAC Rules pertaining to the income and bedroom distributions of the units.

§ 60-4. Rehabilitation program.

- A. The Borough will work with the Bergen County Home Improvement Program to address the Borough's Rehabilitation Obligation. Any such rehabilitation programs shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. All rehabilitated rental and owner-occupied 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.
- C. The Borough of Alpine shall dedicate \$10,000 for each unit to be rehabilitated through this program, up to the rehabilitation obligation.
- D. The Borough shall adopt a resolution committing to fund any shortfall in the Borough's Rehabilitation Program.
- E. Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (1) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is rerented 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 §§ 60-8C and 60-9, and UHAC.
 - (2) 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 § 60-8C and UHAC.
 - (3) Rents in rehabilitated units may increase annually based on the standards in § 60-8C.
 - (4) Applicant and/or tenant households shall be certified as income-eligible in accordance with § 60-8C and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 60-5. Accessory apartment program.

- A. It is the purpose of this program to help meet the Borough of Alpine's fair share housing obligation through the subsidization of at least four accessory apartments in the Borough for occupancy by very-low-, low- or moderate-income households.
- B. This program shall remain in effect until July 1, 2025. Any units that are in progress or for which discussions have been initiated prior to July 1, 2025, shall be permitted to continue after this date.
- C. All accessory apartments shall meet the following conditions:
 - (1) Accessory apartments shall be permitted in principal or accessory buildings in all zones on lots developed with a detached single-family dwelling according to the applicable area, yard, and bulk requirements, provided the accessory apartment is affordable to low- or moderate-income households.
 - (2) Accessory apartments shall comply with all applicable statutes and regulations of the State of

New Jersey in addition to all building codes.

- (3) At the time of initial occupancy of the unit and for at least 10 years thereafter, the accessory apartment shall be rented only to a household which is either a very-low-, low- or moderate-income household.
 - (4) Rents of accessory apartments shall be affordable to very-low-, low- or moderate-income households as per this chapter and UHAC regulations.
 - (5) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment. The deed or declarations shall be reviewed and approved by the Borough Attorney prior to recording; and such document must be recorded prior to the issuance of a building permit or, if no building permit needs to be issued, prior to the issuance of the certificate of occupancy.
 - (6) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
 - (7) Accessory apartments shall be exempt from the bedroom mix requirements set forth in this chapter. The Borough of Alpine accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
- D. The Borough of Alpine shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
- (1) The administrative agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with this chapter and UHAC.
 - (2) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's rules and/or the provisions of this chapter. All denials shall be in writing with the reasons clearly stated.
 - (3) The program shall require that, of the four subsidized accessory apartments, at least one shall be very-low income, no more than one may be moderate income, and the remainder may be low income.
 - (4) The Borough of Alpine shall provide \$70,000 to subsidize the creation of each accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
 - (5) Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
 - (a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

- (b) Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and
- (c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

§ 60-6. Alternative living arrangements.

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

§ 60-7. Inclusionary zoning.

- A. Maximum densities and minimum set-asides. The maximum permitted densities and minimum required affordable housing set-asides for inclusionary development shall be as set forth for each individual inclusionary zone district in Chapter 220, Zoning, of the Borough Code.
- B. Phasing. In inclusionary developments, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Affordable Units Completed
25	0
25+1	10
50	50
75	75
90	100

- C. Design.
 - (1) In inclusionary developments, to the extent possible, affordable units shall be integrated with the market units.
 - (2) In inclusionary developments, affordable units shall have access to all of the same common

elements and facilities as the market units.

§ 60-8. New construction.

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. At least 13% of all restricted rental units within each bedroom distribution shall be very-low-income units (affordable to a household earning 30% or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within a development. At least 50% of the very low income units must be available to families.
- (2) At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
- (3) A maximum of 25% of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's plan shall be available to families.
- (4) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (5) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total affordable units;
 - (b) At least 30% of all affordable units shall be two bedroom units;
 - (c) At least 20% of all affordable units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer and the Borough.
- (6) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted affordable 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.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;

- (c) An interior accessible route of travel on the first floor;
- (d) An interior accessible route of travel shall not be required between stories within an individual unit;
- (e) 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
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough of Alpine has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] 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.
 - [2] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Borough of Alpine 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.
 - [4] 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 Alpine.
 - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

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, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the court, COAH, or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted units shall be affordable to households earning no more than 52% of median income.

- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all restricted rental units shall be affordable to very low income households.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different 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 and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be

updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) The income limit for a moderate-income unit for a household of four shall be 80% of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.
 - (b) The income limits are based on carrying out the process in Subsection C(9)(a) based on HUD determination of median income for the current fiscal year, and shall be utilized by the Borough until new income limits are available.
- (10) In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
- (a) The price of owner-occupied affordable units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to Subsection C(9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 - (b) The rent of affordable units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

D. Utilities.

- (1) Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- (2) 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.

§ 60-9. 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 sexes with separate bedrooms;
 - (3) Provide separate bedrooms for parents and children; and
 - (4) 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.

§ 60-10. 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 chapter until the Borough of Alpine 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 nonrestricted, 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 nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted 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 chapter 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.

§ 60-11. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the affordable unit owners and the market unit owners.
 - (4) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition

of a bathroom.

§ 60-12. 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% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 60-13. 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% 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).

§ 60-14. 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 chapter until the Borough of Alpine 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. For new projects receiving 9% low-income housing tax credits, a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period shall be required.
- 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 Bergen County. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this chapter, 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.

§ 60-15. Rent 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 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

§ 60-16. 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% of median income.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% 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% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents 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 Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

§ 60-17. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Borough of Alpine is hereby established by this chapter.
- B. The Borough shall appoint a specific municipal employee to serve as the Municipal Housing Liaison by resolution. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
 - (1) Serving as the Borough's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual monitoring reports as may be required by the court;
 - (4) Coordinating meetings with affordable housing providers and administrative agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

§ 60-18. Administrative agent.

- A. Subject to the approval of the court, the Borough shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with UHAC. An operating manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the court. The operating manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the contracting administrative agent(s).
- B. The administrative agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, homeowners shall be required to pay 3% of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent.
- C. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which include:
 - (1) Affirmative marketing.
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C.

5:80-26.15; and

- (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household certification.
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units.
- (3) Affordability controls.
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with Bergen County's Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resales and rentals.
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

- (5) Processing requests from unit owners.
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
 - (c) Notifying the Borough of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement.
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - (c) Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Borough Mayor and Council and the court, setting forth procedures for administering the affordability controls.
- (7) Additional responsibilities.
 - (a) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (b) The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.
 - (c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 60-19. Affirmative marketing requirements.

- A. The Borough shall adopt by resolution an affirmative marketing plan, subject to approval of the court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.
- E. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Borough in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
- J. In addition to other affirmative marketing strategies, the administrative agent shall provide specific notice of the availability of affordable housing units in Alpine to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, Bergen County NAACP, Jersey City NAACP, Paterson NAACP, Passaic NAACP, Hoboken NAACP, the Latino Action Network, Bergen County Housing Authority, Northeast New Jersey Legal Services, Bergen Urban League, Garden State Episcopal CDC, Mount Olive Baptist Church, Urban League Affordable Housing and CDC, Bergen County Housing Coalition, Fair Housing Council of Northern NJ, New Jersey Community Development, Advance Housing, Paterson Habitat for Humanity, Family Promise of Bergen County, Saint Paul's Community Development Corp., Supportive Housing Association of New Jersey, Islamic Center of New Jersey, Monarch Housing Associates, and the New Jersey Housing Resource Center.

§ 60-20. 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 an affordable 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:
 - (a) A fine of not more than \$500 per day 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;
 - (b) In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment into the Borough's affordable housing trust fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented his or her affordable 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 Borough 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 affordable unit.
 - (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the sheriff, at which time the affordable 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.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the affordable 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.

- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the affordable unit. Title shall be conveyed to the purchaser at the sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable 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 affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the affordable 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 affordable unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 60-21. Appeals.

Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed in writing with the court, COAH, or a successor entity.

§ 60-22. Reporting and monitoring requirements.

- A. On the first anniversary of the execution of the court's approval of the Borough Spending Plan, and every anniversary thereafter through July 1, 2025, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the

municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

- B. On the first anniversary of the execution of the Borough's settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Alpine, County of Bergen, Docket No. BER-L-6286-15, which was executed by the Borough on November 1, 2023, and every anniversary thereafter through July 1, 2025, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the court-appointed special adjudicator and Fair Share Housing Center.
- C. For the midpoint realistic opportunity review due on July 1, 2024, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its affordable housing plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may, by motion, request a hearing before the court regarding these issues.
- D. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, on July 1, 2024, and every third-year thereafter, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very-low-income housing obligation.

§ 220-21. Mandatory affordable housing set-aside. [Added 8-28-2024 by Ord. No. 836¹]

- A. Purpose. This section is intended to ensure that all new multifamily residential developments of five dwelling units or more that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multifamily residential housing where not previously permitted, or a new or amended redevelopment/rehabilitation plan produces affordable housing at a set-aside rate of 20%. This section shall apply except where inconsistent with applicable law.
- B. Mandatory set-aside requirement.
- (1) Any multifamily residential development, including the residential portion of a mixed-use project, that is approved to contain five or more new dwelling units as a result of either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multifamily residential housing where not previously permitted, or a new or amended redevelopment/rehabilitation plan shall be required to set aside a minimum percentage of units for affordable housing.
 - (2) The minimum affordable housing set-aside percentage for all developments shall be 20%. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded down to the next whole number if the fraction is less than 1/2 and shall be rounded up to the next whole number if the fraction is equal to or greater than 1/2.
 - (3) Nothing in this section precludes the Borough or the reviewing Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
 - (4) This requirement does not create any entitlement for a use variance, a density variance increasing the permissible density at a site, a rezoning permitting multifamily residential housing where not previously permitted, a new or amended redevelopment/rehabilitation plan, or for approval of any particular proposed project.
 - (5) This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
 - (6) Furthermore, the provisions of this section shall not apply to residential expansions, additions, renovations, replacement or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
 - (7) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
 - (8) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Regulations at Chapter 60 of the Borough Code and the

1. Editor's Note: This ordinance also repealed former § 220-21, Affordable housing administration, added 9-27-2006 by Ord. No. 669. Ordinance No. 834, adopted 8-28-2024, also stated that it repealed former § 220-21.

Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time.

June 10, 2025
Borough of Alpine
Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Borough of Alpine (hereinafter the “Borough”), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99). The Borough began collecting development fees in 2005 to be put towards their affordable housing trust fund.

As of November 1, 2024, the Borough of Alpine has a balance of \$2,567,256 in its Affordable Housing Trust fund. This balance consists of \$6,436,109 in total revenues (inclusive of \$5,910,677 in development fees, \$205,234 in interest, and \$320,198 in settlement fees and other deposits) and \$3,868,854 in total expenditures (inclusive of \$1,915,115 in housing activity, \$117,254 in affordability assistance, and \$1,836,485 in administrative expenditures)¹. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of January 1, 2025 through June 30, 2035, which encompasses the period that the Borough will have a Fourth Round Judgment of Compliance and Repose (hereinafter “Fourth Round JOR”), the Borough will add an additional \$4,320,000 to its Affordable Housing Trust Fund. This is detailed below.

- (a) Development fees: Based on development fee collection trends in the Borough of Alpine since 2021, all of which have been from residential development fees, the Borough anticipates that approximately \$3,480,000 in development fees will be generated each year during the Fourth Round. This figure assumes that, on average, the Borough will collect approximately \$29,000 in residential development fees per month during the Fourth round.

¹ All figures rounded to the nearest dollar.

- (b) Payment in lieu (PIL): The Borough does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the Fourth Round.
- (c) Other Funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the Fourth Round.
- (d) Projected interest: It is estimated that the Borough will collect approximately \$840,000 in total interest between January 1, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$84,000 in interest per year throughout the Fourth Round.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND JULY 1, 2025 THROUGH JUNE 30, 2035											
	7/1/25 to 12/31/25	2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/2035- 6/30/2035	Total
(a) Development fees:												
Residential Development	174,000	348,000	348,000	348,000	348,000	348,000	348,000	348,000	348,000	348,000	174,000	3,480,000
Non-Residential Development	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	42,000	84,000	84,000	84,000	84,000	84,000	84,000	84,000	84,000	84,000	42,000	840,000
Total	216,000	432,000	432,000	432,000	432,000	432,000	432,000	432,000	432,000	432,000	216,000	4,320,000

In summary, the Borough projects a total of \$4,320,000 in revenue to be collected between July 1, 2025 and June 30, 2035. This projected amount, when added to current trust fund balance of \$2,567,256, results in a total anticipated trust fund balance of \$6,887,256 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).
- (b) Distribution of development fee revenues: The administration of Alpine's development fee spending plan will be undertaken by the governing body and the Borough treasurer. The governing body will approve the expenditure of all development fee revenues, and will first review the development fee request for consistency with the spending plan. If consistent with the plan, the governing body will adopt a resolution authorizing the use and release of trust fund monies by the Borough Treasurer.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of zero units. As such, the Borough does not have the need to set aside sufficient funds to address a rehabilitation obligation.
- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:99-2.5, the Borough is required to set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very low-, low- and moderate-income households in affordable units included in the Borough's Fourth Round Housing Element and Fair Share Plan. Affordability assistance means the use of funds to render housing units more affordable to very low-, low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5. This may also include offering a subsidy to developers of inclusionary or one hundred percent (100%) affordable housing developments or buying down the cost of low- or moderate-income units in the Boroughs' fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

The Borough will satisfy its affordability assistance requirement by contributing \$1,000,000 from its Affordable Housing Trust Fund towards the construction of two additional apartments and two additional bedrooms to be placed on Alpine's existing 100% affordable housing site located off of Route 9W in the southerly portion of the municipality. The Borough has entered into an agreement with Bergen County United Water to develop this site with the additional affordable units noted above.

In addition to the above, the Borough will continue to provide rental assistance in the form of utility payments (water, energy, phone, etc.) to tenants of the Borough's affordable housing units. The Borough will contribute \$500,000 during the Fourth Round towards these forms of rental assistance.

- (c) Administrative Expenses. Per N.J.A.C. 5:99-2.4(a), no more than 20% of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008 to fund an RCA, shall be expended on administration. The Borough of Alpine projects that a maximum of \$570,895 will be available from the affordable housing trust fund to be used for administrative purposes through June 30, 2035. It is noted that this estimate takes into account the fact that the Borough already exceeded its 20% maximum by approximately \$293,000 during the Third Round, which is entirely due to the extraordinary expenses incurred over the last several years while the Borough and its consultants dealt with the unsettled nature of Alpine's affordable housing obligations. As such, the Borough continues to agree not to use any additional housing trust funds for administrative purposes until the Borough's administrative expenses are no longer in the red. Based on development fee and interest collection trends in the Borough of Alpine since 2021, it is estimated that this will prohibit the Borough from using any additional housing trust funds for administrative purposes for the next 3 years.

Actual development fees + interest through 11/1/24		\$6,115,911
20 percent requirement	x 0.20 =	\$1,223,182
Settlement fees and other deposits through 11/1/24	+	\$320,198
MAXIMUM Administrative Expenses Available through 11/1/24	=	\$1,543,380
Less administrative expenditures through 11/1/24	-	\$1,836,485
EXCESS Administrative Expenses Over 20% Cap as of 11/1/24	=	\$293,105

Projected development fees + interest 7/1/25 through 6/30/35		\$4,320,000
20 percent requirement	x 0.20 =	\$864,000
Less administrative expenses over 20% cap as of 11/1/24	-	\$293,105
MAXIMUM Administrative Expenses Available 7/1/25 through 6/30/35	=	\$570,895

- (d) Other Emergent Housing Opportunities. The Borough will reserve the remaining trust fund balance, projected at \$4,816,361, for other emergent opportunities to create affordable housing that may arise during the Fourth Round. The Borough shall seek approval for any emergent affordable housing opportunities not included in the Borough's fair share plan in accordance with N.J.A.C. 5:99-4.1.

4. EXPENDITURE SCHEDULE

The Borough intends to use affordable housing trust fund revenues housing activity related to the expanded municipal site and affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS / PROGRAMS		PROJECTED EXPENDITURES – AFFORDABLE HOUSING TRUST FUND JULY 1, 2025 THROUGH JUNE 30, 2035											
	Number of units	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/35 to 6/30/35	Total
Rehabilitation	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Affordability Assistance		\$75,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$75,000	\$1,500,000
Administration		\$0	\$0	\$0	\$53,483	\$53,482	\$53,483	\$53,482	\$53,483	\$53,482	\$150,000	\$100,000	\$570,895
Other Emergent Opportunities		\$158,180	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$158,181	\$4,816,361
Total		\$233,180	\$650,000	\$650,000	\$703,483	\$703,482	\$703,483	\$703,482	\$703,483	\$703,482	\$800,000	\$333,181	\$6,887,256

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall of funds necessary to implement the Fair Share Plan, the Borough will handle the shortfall of funds through an alternative funding source to be identified by the Borough and/or by adopting a resolution with an intent to bond. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward the Borough's additional affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

6. SUMMARY

The Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough had a balance of \$2,567,256 as of November 1, 2024 and anticipates an additional \$4,320,000 in revenues through June 30, 2035 for a total of \$6,887,256. During the period of the Borough's Fourth Round JOR through June 30, 2035, the Borough agrees to set aside \$1,500,000 towards affordability assistance, \$570,895 towards administrative costs, and \$4,816,361 towards other emergent affordable housing opportunities that may arise during the Fourth Round, totaling \$6,887,256 in anticipated expenditures.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough. In the unlikely event that no alternative funding is available, the Borough will bond to provide the necessary funding. The Borough will dedicate any excess funds or remaining balance toward its affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

SPENDING PLAN SUMMARY		
Balance as of November 1, 2024		\$2,567,256
PROJECTED REVENUE THROUGH 6/30/35		
Development fees	+	\$3,480,000
Payments in lieu of construction	+	\$0.00
Other funds	+	\$0.00
Interest	+	\$840,000
SUBTOTAL REVENUE	=	\$4,320,000
TOTAL REVENUE	=	\$6,887,256
EXPENDITURES		
Affordability Assistance	-	\$1,500,000
Administration	-	\$570,895
Other Emergent Opportunities		\$4,816,361
TOTAL PROJECTED EXPENDITURES	=	\$6,887,256
REMAINING BALANCE	=	\$0

**BOROUGH OF ALPINE
RESOLUTION NO. 2024-□□□**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF ALPINE
ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE
BOROUGH OF ALPINE**

□ **HEREAS**, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Alpine and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled In the Matter of the Borough of Alpine, County of Bergen, Docket No. BER-L-6286-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”), the Borough of Alpine is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Alpine.

NO□, THEREFORE, BE IT RESOL□ED, that the Mayor and Council of the Borough of Alpine, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Alpine shall be marketed in accordance with the provisions herein.
- B. The Borough of Alpine has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough’s current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough’s Housing Element and Fair Share Plan..
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Alpine, or the Administrative Agent of any specific developer. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Borough Administrative Agent.
- D. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units

are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

- E. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Alpine or on behalf of a specific developer, shall undertake, at a minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the sources listed below:
 - a. Other publications circulated within the housing region, such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters;
 - b. Employers throughout the housing region that will be contacted to post advertisements and distribute flyers regarding available affordable housing;
 - c. Specific community and regional organizations that will aid in soliciting low and moderate income applicants. Such organizations may include non-profit, religious, governmental, fraternal, civic, and other organizations; and
 - d. Other advertising and outreach efforts to groups that are least likely to be reached by commercial media efforts.
- F. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 in which the Borough is located and covers the entire period of the deed restriction for each restricted housing unit.
- G. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in *The Record* and *Press Journal*.

2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers the first week of the marketing program and each month thereafter until all units are leased or sold. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
 4. The regional cable television stations or regional radio stations identified for Region 1 in the Borough's "Affirmative Housing Marketing Plan for Affordable Housing in Region 1", which is attached hereto as Exhibit A, shall be used during the first month of advertising. The Administrative Agent working on behalf of the developer of each affordable housing project in the Borough must provide satisfactory proof of public dissemination.
- H. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Alpine Borough Municipal Building
 2. Alpine Borough Web Site
 3. Developer's Sales/Rental Offices
 4. Bergen County Administration Building
 5. Passaic County Administration Building

6. Hudson County Administration Building
7. Sussex County Administration Building
8. Danforth Memorial Library
9. Johnson Free Public Library
10. Hudson County Library
11. Sussex County Main Library

Applications shall be mailed by the Borough's Administrative Agent and Municipal Housing Liaison, or by the Administrative Agent of any specific developer, to prospective applicants upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call.

- I. The Borough's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Passaic, Hudson, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Exhibit A, Part III, Marketing, Section 3e.

1. ☐ quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Eastern Bergen County Board of Realtors (411 Rte. 17 South, Hasbrouck Heights, NJ 07604)

Sussex County Association of Realtors (115 DeMarest Rd., Sparta, NJ 07871)

Passaic County Board of Realtors (204 Berdan Ave., Wayne, NJ 07470)

Hudson County Board of Realtors (110a Meadowlands Pkwy., Ste. 103, Secaucus, NJ 07094)

2. ☐ quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Bergen, Passaic, Hudson, and Sussex:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Exhibit A, Part III, Marketing, Section 3e.
4. In addition, specific notification of the availability of affordable housing units in Alpine (along with copies of the application form) shall be provided to the following entities:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd.
#775, Brigantine, NJ 08203)

The Bergen County NAACP (P.O. Box 1136, Englewood, NJ 07631)

The Jersey City NAACP (153 Martin Luther King Jr Drive, Suite B, Jersey City, NJ 07305)

The Paterson NAACP (305 Broadway, Paterson, NJ 07501)

The Passaic County NAACP (114 Prospect Street, Passaic, NJ 07055)

The Hoboken NAACP (P.O. Box 1219, Hoboken, NJ 07030)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Bergen County Housing Authority (1 Bergen County Plaza, 2nd Floor, Hackensack, NJ 07601)

Northeast New Jersey Legal Services (190 Moore Street, Hackensack, NJ 07601)

Bergen County Urban League (12 Tenaflly Road, Suite 104, Englewood, NJ 07631)

Garden State Episcopal CDC (514 Newark Avenue, Jersey City, NJ 07306)

Mount Olive Baptist Church (260 Central Avenue, Hackensack, NJ 07601)

Urban League Affordable Housing □ CDC (253 Martin Luther King Jr Drive, Jersey City, NJ 07305)

Bergen County Housing Coalition (389 Main Street, Hackensack, NJ 07601)

Fair Housing Council of Northern NJ (131 Main Street, Hackensack, NJ 07601)

New Jersey Community Development (32 Spruce Street, Suite 3, Paterson, NJ 07501)

Advance Housing (64 E Midland Avenue, Paramus, NJ 07652)

Paterson Habitat for Humanity (146 N 1st Street, Paterson, NJ 07522)

Family Promise of Bergen County (100 Dayton Street, Ridgewood, NJ 07450)

Saint Paul's Community Development Corp. (456 Van Houten Street, Paterson, NJ 07501)

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079)

Islamic Center of New Jersey (17 Park Street, Jersey City, NJ 07304)

Monarch Housing Associates (226 North Avenue W, Cranford, NJ 07016)

New Jersey Housing Resource Center (637 S Clinton Avenue, Trenton, NJ 08611)

J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Borough's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16 (I). Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

K. The Borough's Administrative Agent, or the Administrative Agent of any specific

developer, shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

- L. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Borough's Administrative Agent.
- N. The Borough's Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and attached Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Paul H. Tomasko
Mayor, Borough of Alpine

I, _____, Borough Clerk of the Borough of Alpine, do hereby certify that the above is a true copy of a resolution adopted by the Borough Committee at a meeting held on _____, 2024.

Stephanie Wehmann, RMC, CMR
Borough Clerk

EXHIBIT A

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For the Borough of Alpine, Bergen County ☐ REGION 1 ☐

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number Laura Mongello, Administrative Agent TKLD Consulting LLC 130 W Pleasant Ave Suite 313 Maywood, NJ 07607 Phone: 917-675-9057		1b. Development or Program Name, Address Accessory Apartment Program	
1c. Number of Affordable Units: 4 Number of Rental Units: 4 Number of For-Sale Units: N/A	1d. Price or Rental Range From N/A To	1e. State and Federal Funding Sources (if any) <div style="text-align: center;">None</div>	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: _____ Occupancy: _____		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s): N/A	
1j. Managing/Sales Agent's Name, Address, Phone Number N/A			
1k. Application Fees (if any):			

1a. Administrative Agent Name, Address, Phone Number Laura Mongello, Administrative Agent TKLD Consulting LLC 130 W Pleasant Ave Suite 313 Maywood, NJ 07607 Phone: 917-675-9057		1b. Development or Program Name, Address Municipal Site, Block 39 Lot 2.01 115 Route 9W Alpine, New Jersey 07620	
1c. Number of Affordable Units: 8 Number of Rental Units: 8 Number of For-Sale Units: N/A	1d. Price or Rental Range From N/A To	1e. State and Federal Funding Sources (if any) <div style="text-align: center;">None</div>	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: _____ Occupancy: _____		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s): N/A	
1j. Managing/Sales Agent's Name, Address, Phone Number N/A			
1k. Application Fees (if any):			

1a. Administrative Agent Name, Address, Phone Number Laura Mongello, Administrative Agent TKLD Consulting LLC 130 W Pleasant Ave Suite 313 Maywood, NJ 07607 Phone: 917-675-9057		1b. Development or Program Name, Address Sylco Bl 55, Lots 25.01, 26, 27, 28, 29 and 30	
1c. Number of Affordable Units: 8 Number of Rental Units: 8 Number of For-Sale Units: N/A	1d. Price or Rental Range From N/A To	1e. State and Federal Funding Sources (if any) None	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s): N/A	
1j. Managing/Sales Agent's Name, Address, Phone Number N/A			
1k. Application Fees (if any):			

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

II. RANDOM SELECTION

<p>2. Describe the random selection process that will be used once applications are received.</p> <p>1. ACCESSORY APARTMENT RENTAL PROCESS:</p> <p>A. After advertising is implemented, applications are accepted for 90 days.</p> <p>B. All applications are reviewed, and households are either certified or informed of non-eligibility. (The certification is valid for 180 days and may be renewed by updating income-verification information.)</p> <p>C. Eligible households are placed in applicant pools based upon the number of bedrooms needed.</p> <p>D. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.</p> <p>E. Households are informed of the date, time, and location of the lottery and invited to attend.</p> <p>F. After the lottery is conducted, the first household selected is given 7 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)</p> <p>G. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan herein below.</p> <p>2. RENTAL PROCESS:</p> <p>A. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by the Administrative Agent, on or before the initial deadline date, shall be deemed received on that date.</p>
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B. Households that apply for very low-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the very low-income limits pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27-D-304 ("NJFHA"). Households that apply for low and moderate-income housing will be prescreened by the Administrative Agent for preliminary income eligibility by comparing their total income and household size to the low and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status.

C. A drawing will be held under the direction of the Administrative Agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline, will be processed on a "first come, first served" basis.

D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low and moderate-income unit available, or until all of the low and moderate-income units within the development have been rented.

E. Final applications will be mailed by the Administrative Agent to an adequate number of pre-qualified applicants, in priority order, for each available very low, low and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

F. Completed final applications will be forwarded to the Administrative Agent. The Administrative Agent will make a determination as to their eligibility for a low or moderate-income unit. Applicants will receive a letter from the Administrative Agent with respect to the status of their application each time a review is performed.

G. At the same time, applicants will also be subject to any criteria set forth by the Owner, pursuant to the Tenant Selection Criteria. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth above.

H. Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by the Administrative Agent for each type of very low, low and moderate-income unit.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic) ☒ Black (non-Hispanic) ☒ Hispanic ☐ American Indian or Alaskan Native

☒ Asian or Pacific Islander ☐ Other group:

3b. Web Sites:

HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing ☒

BOROUGH OF ALPINE (www.alpinenj07620.org) ☒

3c. Commercial Media (required) (Check all that applies)

	DURATION <input type="checkbox"/> FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPERS	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	Northern and Central New Jersey

TARGETS PARTIAL COAH REGION 1			
Daily Newspaper			
X	Once at start of affirmative marketing process with additional monthly advertising if necessary	Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
<input type="checkbox"/>		Herald News	Passaic
<input type="checkbox"/>		New Jersey Herald	Sussex
TARGETS PARTIAL COAH REGION 1			
Non-Daily Newspaper			
	DURATION <input type="checkbox"/> FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPERS	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen
<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic
<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson

<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen
<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
X	Once at start of affirmative marketing process with additional monthly advertising if necessary	Press Journal	Palisades Park, Bergen
X	Once at start of affirmative marketing process with additional monthly advertising if necessary	Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen
<input type="checkbox"/>		Our Town	Northern Bergen
<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen
<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen
<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson

<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
X	Once at start of affirmative marketing process with additional monthly advertising if necessary	La Tribuna de New Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE COAH REGION 1

	DURATION <input type="checkbox"/> FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S) <input type="checkbox"/>	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology <input type="checkbox"/> Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area

<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corporation	Northern New Jersey, Various ethnic
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish-language
TARGETS PARTIAL COAH REGION 1			
<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNXV-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMB ³ -CA Renard Communications Corp.	Hudson
<input type="checkbox"/>		34 WPXO-LP Paxon Communications License Company, Llc	Hudson
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WB ³ M-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting	Passaic, Sussex

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

	DURATION <input type="checkbox"/> FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDERS <input type="checkbox"/>	BROADCAST AREA
TARGETS PARTIAL COAH REGION 1			
<input type="checkbox"/>		Time Warner Cable of Bergen <input type="checkbox"/> Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen <input type="checkbox"/> Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex

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

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	DURATION <input type="checkbox"/> FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S) <input type="checkbox"/>	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		W XX XR-FM 96.3	
<input type="checkbox"/>		W XX HT 97.1	
<input type="checkbox"/>		WSK XX -FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
X	Once at the start of marketing	WHTZ 100.3	
<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		W XX CD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAX XX 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL COAH REGION 1			
AM			

<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic
<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		W Q EW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic
X	Once at the start of marketing	WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic

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

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

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 1			
Bi-weekly			
<input type="checkbox"/>	Al Manassah		Arab-American
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 1			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>	Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community

<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input checked="" type="checkbox"/>	Once at the start of marketing	Reporte Hispano	Regional	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language
<input type="checkbox"/>		Banda Oriental Latinoamericana	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian community

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

DURATION ☐ **FREQUENCY OF OUTREACH** ☐ **NAME OF EMPLOYER/COMPANY** ☐ **LOCATION** ☐

Hudson County

<input checked="" type="checkbox"/>	A flyer will be mailed to all of the employers below, once at the start of marketing	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus
<input checked="" type="checkbox"/>		USPS	80 County Road, Jersey City
<input checked="" type="checkbox"/>		Liz Claiborne Inc	1 Claiborne Ave, North Bergen
<input checked="" type="checkbox"/>		Credit Suisse First Boston LLC	1 Pershing Plz Jersey City
<input checked="" type="checkbox"/>		HealthCare Staffing and Consult	26 Journal Square, Jersey City
<input checked="" type="checkbox"/>		Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
<input checked="" type="checkbox"/>		Jersey City Medical Center Inc.	50 Grand St, Secaucus
<input checked="" type="checkbox"/>		Marsh USA Inc.	121 River St, Hoboken
<input checked="" type="checkbox"/>		National Retail Systems Inc.	2820 16th St North Bergen
<input checked="" type="checkbox"/>		Community Corrections Corp	Lincoln Hwy Kearny
<input checked="" type="checkbox"/>		Marine Personnel <input type="checkbox"/> Provisioning Inc.	1200 Harbor Blvd Weehawken
<input checked="" type="checkbox"/>		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
<input checked="" type="checkbox"/>		Christ Hospital Health Service	176 Palisade Ave, Jersey City
<input checked="" type="checkbox"/>		Bayonne Hospital	29th Street and Ave E, Bayonne
<input checked="" type="checkbox"/>		Salson Logistics Inc.	2100 88th St. and 7373 West Side Ave, North Bergen, NJ
<input checked="" type="checkbox"/>		National Financial Service	1000 Plaza, Jersey City
<input checked="" type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
<input checked="" type="checkbox"/>		Maidenform Inc	154 Ave E, Bayonne
<input checked="" type="checkbox"/>		Lord Abbett <input type="checkbox"/> Company	90 Hudson City, Jersey City
<input checked="" type="checkbox"/>		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City

X		Port Imperial Ferry Corp.	Pershing Rd Secaucus
X		Hudson News	1305 Paterson Plank Rd, North Bergen
X		Palisades General Hospital	7600 River Rd North Bergen, NJ
X		Equiserve Inc.	525 Washington Blvd Jersey city
X		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
X		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
X		Retailers □ Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
X		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
X		Bowne Business Communications Inc.	215 County Ave Secaucus
X		North Hudson Community Action Corp.	5301 Broadway West New York 07093
X		Goya Foods Inc.	100 Seaview Dr. Secaucus
X		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
Bergen County			
X		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
X		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
X		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
X		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
X		NJ Sports □ Expo Authority	50 State Highway 120 East Rutherford
X		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
X		□uest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
X		AT□T	15 E Midland Ave Paramus
X		Englewood Hospital and Medical Center	350 Engle St. Englewood
X		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
X		Holy Name Hospital	718 Teaneck Road Teaneck
X		Doherty Enterprises Inc	7 Pearl Ct Allendale
X		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
X		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
X		Howmedica Osteonics Corp	59 Route 17 Allendale
X		Becton Dickinson □ Company Corp	1 Becton Dr. Franklin Lakes
X		Pearson Education, Inc.	1 Lake St. Upper Saddle River

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

Sussex County			
X		Selective Insurance	40 Wantage Ave, Branchville, NJ
X		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
X		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
X		County of Sussex	One Spring Street, Newton, NJ 07860
X		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
X		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
X		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
X		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
X		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
X		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration □ Frequency of Outreach
See attached	Region	All	A flyer will be mailed to all on the attached list once at the start of the affirmative marketing process

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
X	Danforth Memorial Library	250 Broadway, Paterson, NJ 07501
X	Johnson Free Public Library	274 Main Street Hackensack, NJ 07601
X	Hudson County Library	25 Journal Sq. Jersey City, N J 07306
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860
X	County of Sussex	One Spring Street, Newton, NJ 07860
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
Mayor Paul Tomasko Municipal Housing Liaison Borough of Alpine 100 Church Street PO Box 1095 Alpine, New Jersey 07620-1095 Tel 201-784-2900		
4c. Sales/Rental Office for units (if applicable)		
N/A		

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).	
Laura Mongello, TKLD Consulting LLC <input type="text"/>	
Name (Type or Print)	
Administrative Agent, Borough of Alpine <input type="text"/>	
Title/Municipality	
<input type="text"/>	<input type="text"/>
Signature	Date

Eastern Bergen County Board of Realtors (411 Rte. 17 South, Hasbrouck Heights, NJ 07604)

Sussex County Association of Realtors (115 DeMarest Rd., Sparta, NJ 07871)

Passaic County Board of Realtors (204 Berdan Ave., Wayne, NJ 07470)

Hudson County Board of Realtors (110a Meadowlands Pkwy., Ste. 103, Secaucus, NJ 07094)

Bergen County Div. of Human and Senior Services (One Bergen County Plaza, 2nd Floor, Hackensack, NJ 07601)

Passaic County Dept. of Senior Services, Disabilities (930 Riverview Dr., Suite 200, Totowa, NJ 07512)

Hudson County Office on Aging (595 County Avenue, Bldg. 2, Secaucus, NJ 07094)

Sussex County Division of Senior Services, Sussex County Administration Building (1 Spring Street, 2nd Floor, Newton, NJ 07860)

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. □775, Brigantine, NJ 08203)

The Bergen County NAACP (P.O. Box 1136, Englewood, NJ 07631)

The Jersey City NAACP (153 Martin Luther King Jr Drive, Suite B, Jersey City, NJ 07305)

The Paterson NAACP (305 Broadway, Paterson, NJ 07501)

The Passaic County NAACP (114 Prospect Street, Passaic, NJ 07055)

The Hoboken NAACP (P.O. Box 1219, Hoboken, NJ 07030)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Bergen County Housing Authority (1 Bergen County Plaza, 2nd Floor, Hackensack, NJ 07601)

Northeast New Jersey Legal Services (190 Moore Street, Hackensack, NJ 07601)

Bergen County Urban League (12 Tenaflly Road, Suite 104, Englewood, NJ 07631)

Garden State Episcopal CDC (514 Newark Avenue, Jersey City, NJ 07306)

Mount Olive Baptist Church (260 Central Avenue, Hackensack, NJ 07601)

Urban League Affordable Housing □ CDC (253 Martin Luther King Jr Drive, Jersey City, NJ 07305)

Bergen County Housing Coalition (389 Main Street, Hackensack, NJ 07601)

Fair Housing Council of Northern NJ (131 Main Street, Hackensack, NJ 07601)

New Jersey Community Development (32 Spruce Street, Suite 3, Paterson, NJ 07501)

Advance Housing (64 E Midland Avenue, Paramus, NJ 07652)

Paterson Habitat for Humanity (146 N 1st Street, Paterson, NJ 07522)

Family Promise of Bergen County (100 Dayton Street, Ridgewood, NJ 07450)

Saint Paul's Community Development Corp. (456 Van Houten Street, Paterson, NJ 07501)

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079)

Islamic Center of New Jersey (17 Park Street, Jersey City, NJ 07304)

Monarch Housing Associates (226 North Avenue W, Cranford, NJ 07016)

New Jersey Housing Resource Center (637 S Clinton Avenue, Trenton, NJ 08611)

§ 220-11. Accessory apartments. [Added 8-28-2024 by Ord. No. 833¹]

- A. Purpose. This section is intended to provide opportunities for the creation of at least four subsidized affordable accessory apartments within the Borough of Alpine to fulfill the Borough's affordable housing obligation.
- B. Definition. The term "accessory apartment," as used in this section, shall mean 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.
- C. Where permitted. Accessory apartments shall be permitted in principal or accessory buildings in all zones on lots developed with a detached single-family dwelling according to the area, yard, and bulk requirements set forth at Subsection G below.
- D. Affordability. Each new accessory apartment created under the terms of this section shall be an affordable rental unit in accordance with the terms of Chapter 60, Affordable Housing, of the Code of the Borough of Alpine.
- E. Applicability. While this section shall apply to the development and continued operation of all affordable accessory apartments created in the Borough following the adoption of this section, the Borough's accessory apartment program shall remain in effect only until July 1, 2025. Any units that are in progress or for which discussions have been initiated prior to July 1, 2025, shall be permitted to continue after this date.
- F. Number of dwelling units. No lot shall contain more than two dwelling units. A lot shall contain a principal dwelling unit and not more than one affordable accessory apartment which may be located in the principal residence or in an accessory structure. The accessory apartment shall be exempt from the density requirements of the zone district in which the unit is located; however, this density exemption shall only apply to one unit above the maximum density.
- G. Area and bulk standards. An affordable accessory apartment shall only be permitted if it complies with the following lot and bulk standards:
 - (1) The lot to be used for the accessory apartment shall comply with the minimum area, width and depth requirements applicable to single family detached dwellings in the zone district.
 - (2) For accessory apartments created within an existing dwelling or created by an addition to an existing dwelling, the building shall comply with all requirements applicable to principal buildings used as detached single-family dwellings in the zone district, except for requirements that limit the lot to only one dwelling or dwelling structure.
 - (3) For accessory apartments created through the conversion of an existing accessory structure, by an addition to an existing accessory building, or by the construction of a

1. Editor's Note: This ordinance also repealed former § 220-11, Fair housing, added 7-22-1996 by Ord. No. 525, as amended 12-20-2000 by Ord. No. 581. Ordinance No. 834, adopted 8-28-2024, also stated that it repealed former § 220-11.

new accessory structure, the building shall comply with all requirements applicable to accessory buildings and structures in § 220-13.

- H. Design standards. An affordable accessory apartment shall be subject to the following design standards:
- (1) Minimum unit floor area. Each accessory apartment unit shall contain a minimum habitable gross floor area of 450 square feet, plus 150 square feet for each bedroom in the unit.
 - (2) Maximum unit floor area. The habitable gross floor area of any accessory apartment shall not exceed the lesser of: a) the habitable gross floor of the primary dwelling unit on the lot; or b) 1,000 square feet.
 - (3) Access to any affordable accessory apartment shall be provided with an exterior entrance separate from the principal dwelling entrance.
 - (4) The exterior design of any accessory apartment shall be consistent with the design of the existing dwelling structure, utilizing the same or similar materials, colors, and architectural style. In applying this standard, the intent shall be to maintain the appearance of the property as a single-family dwelling and related structures.
 - (5) Off-street parking shall be provided for any vehicles used by the occupants of the affordable accessory apartment. The requirements of the New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21-4.14 shall apply. All parking and driveways serving accessory apartments shall comply with the standards for parking and driveways for detached single-family dwellings in the district, provided that one off-street parking space shall be provided for any efficiency or one-bedroom accessory apartment.
- I. Water and sewer. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.

§ 220-14. Affordable housing development fees. [Added 8-28-2024 by Ord. No. 835¹]

A. Purpose.

- (1) In *Holmdel Builder's Ass'n v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council On Affordable Housing's (COAH) adoption of rules.
- (2) Pursuant to P.L. 2008, c. 46 Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH or court of competent jurisdiction and that are now before a court of competent jurisdiction and have a court-approved spending plan may retain fees collected from nonresidential development.
- (3) The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this section shall be used for the sole purpose of providing very-low-, low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

B. Basic requirements.

- (1) The ability to impose, collect and spend development fees is consistent with the settlement terms and conditions entered into between the Borough of Alpine and FSHC and the judgement of compliance and repose granted by the court.
- (2) The Borough of Alpine shall not spend development fees until the court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10.
- (3) This section shall not be effective until the court has approved, and the Borough has adopted, the section.

C. Definitions. The following terms, as used in this section, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — Shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

COAH or THE COUNCIL — Shall mean the New Jersey Council on Affordable Housing.

COURT or COURT APPROVED ENTITY — Shall mean the entity that has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state pursuant to the Supreme Court decision issued in *Mount*

1. Editor's Note: This ordinance also repealed former § 220-14, Developer's fees, added 3-22-2000 by Ord. No. 565; as amended 11-17-2003 by Ord. No. 625; 6-22-2005 by Ord. No. 655; 11-13-2006 by Ord. No. 670; and 11-17-2008 by Ord. No. 691.

Laurel IV on March 10, 2015.

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

DEVELOPMENT FEE — Shall mean money paid by a developer for the improvement of property as authorized by *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and regulated by applicable COAH Rules.

EQUALIZED ASSESSED VALUE — Shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — Shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

D. Residential development.

- (1) Within the Borough of Alpine, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development, provided that no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a bonus development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing.
 - (a) However, if the zoning of a site has changed during the immediate two years prior to the filing of the "d" variance application, then the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two year time period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees will equal 1.5% of the equalized assessed value on the first two units, and 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- (b) In any case, these fees shall not apply to developments exempt from the collection of development fees in accordance with the provisions specified in subsection § 220-14D(3) of this section, hereinbelow.
- (3) Eligible exactions, ineligible exactions and exemptions for residential development.
 - (a) All affordable housing developments and/or developments that produce affordable units shall be exempt from the payment of development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of this section, and any preceding section permitting the collection of development fees, shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the construction permit is issued.
 - (c) Any repair, reconstruction, or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started shall be exempt from the payment of development fees. For purposes of this section, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction, or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. Substantial improvement is considered to commence when the first alteration of any wall, floor, or other structural part of the building commences, whether or not the alternation affects the external dimensions of the structure. The term does not, however, include either:
 - [1] Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - [2] Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

- (d) Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
- (e) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- (f) Federal, state, county, and local governments shall be exempted from paying a development fee.
- (g) Homes replaced as a result of a natural disaster such as a fire or a flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)
- (h) In addition to the construction of new principal and/or accessory buildings, development fees shall be imposed and collected for the construction of additions or expansions to existing buildings, for the change or conversion of an existing building to accommodate a more intense use, and/or for the demolition and replacement of an existing building, provided that:
 - [1] The development fee shall be calculated on the increase in the equalized assessed value of the improved building.
 - [2] No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster.
 - [3] No development fee shall be collected for the construction of an accessory structure, which is not a building as these terms are defined in the Alpine Borough Zoning Ordinance.²

E. Nonresidential development.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of developments specially exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees also shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the

2. Editor's Note: See § 220-2 of this chapter.

difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(4) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
- (b) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing building footprint, reconstruction, renovations, and repairs.
- (c) Nonresidential projects that have received a certificate of occupancy or general development plan approval or have entered into a developer's agreement or a redevelopment agreement, all prior to July 17, 2008, (the effective date of P.L. 2008, c. 46), shall be exempt from the payment of nonresidential development fees, provided that an affordable housing fee of at 1% of the equalized assessed value of the improvements is included in the development plan, developer's agreement or redevelopment agreement.
- (d) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-81 through 8.7), as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- (e) All nonresidential construction of buildings or structures on property used by houses of worship, and property used for educational purposes which is tax-exempt pursuant to R.S. 54:4-3.6, provided that the property continues to maintain its tax-exempt status under that statute for a period of at least three years from the date of the certificate of occupancy.
- (f) In addition, the following shall be exempt from the imposition of a nonresidential fee:
 - [1] Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a nonresidential development or as a stand-alone nonresidential development;
 - [2] Any nonresidential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers and senior centers as defined in Section 35 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.4), which are developed in conjunction with or funded by a nonresidential developer;
 - [3] Nonresidential construction resulting from a relocation of or an on-site

improvement to a nonprofit hospital or a nursing home facility;

- [4] Projects that are located within a specifically delineated urban transit hub, as defined pursuant to Section 2 of P.L. 2007, c. 346 (N.J.S.A. 34:1B-208);
 - [5] Projects that are located within an eligible municipality, as defined under section 2 of P.L. 2007, c. 346 (N.J.S.A. 34:1B-208), when a majority of the project is located within a 1/2 mile radius of the midpoint of a platform area for a light rail system;
 - [6] Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey State Department of Transportation; and
 - [7] Commercial farms and Use Group "U" buildings and structures.
- (g) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - (h) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Alpine as a lien against the real property of the owner.
 - (i) Federal, state, county, and local governments of nonresidential development shall be exempted from paying a development fee.

F. Collection of fees.

- (1) Alpine Borough shall collect development fees for affordable housing in accordance with the following:
 - (a) The Planning Board Secretary of Alpine Borough shall notify the Alpine Borough Construction Code Official whenever either a preliminary, final or other applicable approval is granted to any development which is subject to the collection of a development fee.
 - (b) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption," which is to be completed by the developer as per the instructions provided.
- [1] The Borough Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-

RDF.

- [2] The Borough Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (c) Borough Construction Official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
 - (d) Within 90 days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development. The equalized assessed value and the required development fee shall be estimated by the Borough Tax Assessor prior to the issuance of the construction permit, with the understanding that the estimate of the equalized assessed value is not intended to establish the equalized assessed value for tax purposes.
- (2) Except as provided in Subsection E(3) above, 50% of the initially calculated development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of the certificate of occupancy.
 - (3) The Borough Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 - (4) Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax 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.
 - (5) Should the Borough fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
 - (6) Upon tender of the remaining development fee, provided the developer is in full compliance with all other applicable laws, the Borough shall issue a final certificate of occupancy for the subject property.
 - (a) Regardless of the time of collection of the development fee, the fee shall be based upon the percentage that applies on the date that the construction permit is issued.
 - (b) The Construction Code Official shall forward all collected development fees to Alpine Borough's Chief Financial Officer who shall deposit such fees into the established Housing Trust Fund.
 - (7) Appeal of development fees.

- (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Alpine. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (b) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Alpine. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

- (1) A Development Fee Ordinance creating a dedicated revenue source for affordable housing was adopted by the Borough on March 22, 2000, by way of Ordinance No. 565. Said Development Fee Ordinance established the Borough's Affordable Housing Trust Fund that will continue to be maintained by the Chief Financial Officer of the Borough of Alpine for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by ordinance or by agreement with the Borough of Alpine;
 - (b) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Affordable housing enforcement fines and application fees;
 - (g) Proceeds from the sale of affordable units; and
 - (h) Any other funds collected in connection with the Borough of Alpine's affordable housing program.

- (i) The Borough of Alpine shall provide the court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank with which the affordable housing fees are deposited by the Borough and maintained by said bank, and a court approved entity to permit the court to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.19 and 8.20.
- (j) All interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the court or a successor agency to COAH.
- (k) In the event of a failure by the Borough of Alpine to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or for other good cause demonstrating the unapproved use(s) of funds, the court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Alpine, or, if not practicable, then within the county or the Housing Region. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Affordable Housing Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.

H. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the affordable housing trust fund may be used for any activity approved by the court to address the Borough of Alpine'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 apartments, market to affordable, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving, and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, and/or any other activity as permitted by the court and specified in the approved spending plan.

- (2) Funds shall not be expended to reimburse the Borough of Alpine for past housing activities.
- (3) Payments in lieu of constructing affordable housing units when the affordable housing calculation results in fractional units on residential and mixed-use sites shall only be used to fund eligible affordable housing activities within the Borough.
- (4) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-, low- and moderate-income households in affordable units included in the Housing Element and Fair Share Plan, provided and in accordance with the following:
 - (a) One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very-low-income households earning 30% or less of the regional median income by household size for Housing Region 1, in which the Borough of Alpine is located.
 - (b) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the spending plan.
 - (c) Affordability assistance for very-low-income households earning 30% or less of the regional median income by household size may include buying down the cost of low- or moderate-income units in the Borough's Fair Share Plan to make them affordable to very-low-income households (earning 30% or less of median income). The specific programs to be used for very-low-income affordability assistance shall be identified and described within the spending plan.
 - (d) Payments in lieu of constructing affordable units on site, if permitted by ordinance or by agreement with the Borough of Alpine, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (5) The Borough of Alpine may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (6) No more than 20% of all revenues collected from the development fees may be expended on administration, including, but not limited to, the salaries and benefits for Alpine Borough employees or consultant fees necessary to develop or implement a new affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program or a rehabilitation program.
 - (a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
 - (b) Administrative funds may be used for income qualification of households,

monitoring the turnover of sale and rental units, and compliance with the court's monitoring requirements.

- (c) Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the court are not eligible uses of the Housing Trust Fund.
- (7) Court approval of Alpine's spending plan constitutes a commitment on the part of the Borough of Alpine for expenditure of funds pursuant to N.J.S.A. 52:27D-329.2 and -329.3. with the four-year time period for expenditure designated pursuant to those provisions to commence with the entry of a final Judgment of Repose in accordance with the provisions of *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (Aff'd 442 N.J. Super. 563).
- I. Monitoring. Beginning on May 31, 2024, the Borough of Alpine shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and nonresidential developers, payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the spending plan approved by the court.
- J. Ongoing collection of development fees and expiration of section.
 - (1) The ability for the Borough of Alpine to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its judgment of compliance and repose unless Alpine Borough has first filed an adopted Housing Element and Fair Share Plan with the court or with a designated state administrative agency, has petitioned for a judgment of compliance from the court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance, and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
 - (2) If the Borough of Alpine fails to renew its ability to impose and collect development fees prior to the date of expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal affordable housing trust fund.
 - (a) Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A.

52:27D-320).

- (b) The Borough of Alpine shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Alpine retroactively impose a development fee on such a development.
- (c) The Borough of Alpine shall not expend any of its collected development fees after the expiration of its substantive certification or judgment of compliance.