BOROUGH OF NEW MILFORD MASTER PLAN
HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared for:

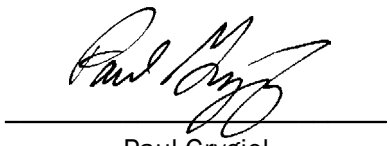
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The original copy of this document was signed and sealed
in accordance with N.J.S.A. 45:14 A-1 et seq.



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Acknowledgments

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I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of New Milford, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). This document supersedes and replaces the Borough's 2017 Housing Element and Fair Share Housing Plan which was adopted on May 16, 2017, hereinafter referred to as the "Borough's 2017 Housing Plan."

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

New Milford remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations.

II. Affordable Housing in New Jersey

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e. 1987-1999. In 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2013 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case"). In doing so, the Supreme Court declined to adopt a specific methodology or formula to calculate the Third Round affordable housing obligations of the municipalities. The Court did provide some guidance by reiterating its endorsement of the

previous methodologies employed in the First and Second Round Rules as the template to establish Third Round affordable housing obligations.

In the 2015 Case, the Supreme Court decision recognized that many municipalities attempted to address their affordable housing obligations in 2008 by preparing a housing element and fair share plan and petitioning COAH for substantive certification of the plan. Through no fault of its own, New Milford, like a number of other municipalities, did not receive substantive certification of its 2008 plan due to inaction by COAH and subsequent legal challenges. Such towns are considered "participating municipalities" and were afforded an opportunity to prepare a new housing element and fair share plan to address its affordable housing obligations. New Milford subsequently filed a declaratory judgment with the Superior Court in July 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and FHA in accordance with the decision in the 2015 Case. The Borough reached a settlement with FSHC, which was memorialized in an agreement between the two parties dated December 29, 2016. New Milford subsequently received a Judgment of Compliance and Repose from the Superior Court on March 21, 2017.

On March 20, 2024, Governor Phil Murphy signed a package of affordable housing bills. One of these overhauled the FHA and eliminated COAH, and set forth the process of determining Fourth Round (2025 to 2035) affordable housing obligations. The New Jersey Department of Community Affairs (DCA) calculated statewide and regional affordable housing needs, including its non-binding determination of each municipality's Fourth Round affordable housing obligations. Municipalities were able to either the accept the DCA determination of their obligation, or to provide their own municipal determination of their Fourth Round obligation. This Housing Element and Fair Share Plan has been prepared pursuant to applicable law and regulations and addresses New Milford's affordable housing compliance.

III. Housing Element/Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and
- 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, pursuant to N.J.S.A. 52:27D-329.20f.(1); and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("the Program") established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and include the following:

- Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
- The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis to see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced.
- Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
- An analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

The HEFSP must also include (in an Appendix) all of the adopted ordinances and resolutions needed to implement the HEFSP, including:

- All zoning amendments (or redevelopment plans, if applicable).
- An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
- The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
- An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
- An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality

proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.

- A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

IV. Housing Stock and Demographic Analysis

Housing Stock Inventory

In 2023, there were 6,428 housing units in the Borough of New Milford, of which 271, or roughly 4 percent, were vacant. Of the 6,157 occupied units, nearly 63 percent were owner occupied and approximately 37 percent were renter occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status in 2023.

Table 1. Housing Units by Occupancy Status, 2023

	Housing Units	Owner Occupied	Renter Occupied
Occupied	6,157	3,860	2,297
Vacant	271	-	-
Total	6,428	-	-

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Approximately 65 percent of the total housing stock consists of single-family detached units. Structures with three or more units comprise nearly 29 percent of the total housing stock, approximately 4 percent of which consists of housing with 20 or more units. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of the Borough's housing units.

Table 2. Housing Units by Number of Units in Structure, 2023

Number of Units	Total	Percent
1, Detached	4,158	64.7%
1, Attached	96	1.5%
2	317	4.9%
3 or 4	1,315	20.5%
5 to 9	185	2.9%
10 to 19	106	1.6%
20+	237	3.7%
Mobile Home	14	0.2%
Other	0	0.0%
Total	6,428	100%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 3, Housing Units by Age, 2023, illustrates the age of the Borough's housing stock. As one would expect from a smaller, largely built out community, a majority of the housing units (i.e., 71 percent) were built in the time period ranging from before 1940 to 1959. In contrast, only approximately 4 percent of the Borough's housing units were built in the years since 1990, of which less than 2 percent was constructed following the year 2000.

Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	0	0.0%
2010 to 2019	85	1.3%
2000 to 2009	32	0.5%
1990 to 1999	109	1.7%
1980 to 1989	392	6.1%
1970 to 1979	408	6.3%
1960 to 1969	851	13.2%
1950 to 1959	2041	31.8%
1940 to 1949	1645	25.6%
Before 1940	865	13.5%
Total	6,428	100%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 4, Comparison of Housing Units by Number of Rooms for the Borough of New Milford and Bergen County, 2023, shows, with regard to housing units in New Milford, 19 percent have between one and three rooms; 40 percent have between four and six rooms; and 41 percent have seven or more rooms. The median number of rooms per unit in New Milford is 5.9, which is very similar to that of Bergen County at 5.8 rooms.

Table 4. Housing Units by Number of Rooms for New Milford and Bergen County, 2023

Rooms	Number of Units in New Milford	Percent of Units in New Milford	Number of Units in Bergen County	Percent of Units in Bergen County
1	148	2.3%	10,090	2.7%
2	273	4.2%	13,229	3.6%
3	812	12.6%	41,700	11.3%
4	1,040	16.2%	51,568	14.0%
5	499	7.8%	50,366	13.7%
6	1,015	15.8%	57,779	15.7%
7	823	12.8%	46,007	12.5%
8	755	11.7%	38,447	10.4%
9+	1,063	16.5%	59,349	16.1%
Total	6,428	100%	368,535	100%
Median Rooms per Unit	5.9		5.8	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner Occupied, 2013 and 2023, respectively, show that the median housing value of owner occupied housing units in New Milford increased 36 percent between 2013 and 2023. During this time, the median housing value in Bergen County increased by 31 percent. In 2013, New Milford's median housing value of $408,800 was 10 percent lower than that of Bergen County ($451,400). In 2023, New Milford's median housing value of $554,800 was roughly 7 percent lower than that of Bergen County ($593,200). Therefore, housing in New Milford has been relatively more affordable than in the County as a whole.

Table 5. Housing Values, Owner Occupied, 2013

Housing Value	Number in New Milford	Percent in New Milford	Number in Bergen County	Percent in Bergen County
Less than $50,000	30	0.8%	3,463	1.6%
$50,000 to $99,999	19	0.5%	2,019	0.9%
$100,000 to $149,999	12	0.3%	3,343	1.5%
$150,000 to $199,999	26	0.7%	4,657	2.1%
$200,000 to $299,999	255	6.7%	21,262	9.7%
$300,000 to $499,999	2,694	71.0%	97,870	44.5%
$500,000 to $999,999	753	19.8%	72,577	33.0%
$1,000,000 or more	6	0.2%	14,827	6.7%
Total	3,795	100%	220,018	100%
2013 Median Value	$408,800		$451,400	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

Table 6. Housing Values, Owner Occupied, 2023

Housing Value	Number in New Milford	Percent in New Milford	Number in Bergen County	Percent in Bergen County
Less than $50,000	60	1.6%	4,241	1.8%
$50,000 to $99,999	29	0.8%	2,583	1.1%
$100,000 to $149,999	6	0.2%	2,366	1.0%
$150,000 to $199,999	0	0.0%	2,680	1.2%
$200,000 to $299,999	54	1.4%	11,285	4.9%
$300,000 to $499,999	1,327	34.4%	62,212	26.9%
$500,000 to $999,999	2,317	60.0%	115,000	49.8%
$1,000,000 or more	67	1.7%	30,556	13.2%
Total	3,860	100%	230,923	100%
2023 Median Value	$554,800		$593,200	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Monthly rental cost in New Milford ($1,722) is somewhat lower than the monthly rental cost for Bergen County ($1,863). In New Milford, approximately 74 percent of renters pay $1,500 or more per month in rent, whereas just over 1 percent pay less than $1000. Similarly, 74 percent of Bergen County renters pay $1,500 or more per month in rent. See Table 7, Comparison of the Borough of New Milford and Bergen County, Monthly Rental Cost, 2023, for additional details. Again, housing in New Milford has been relatively more affordable than in the county as a whole.

Table 7. Comparison of New Milford and Bergen County, Monthly Rental Cost, 2023

Monthly Rent	Number in New Milford	Percent in New Milford	Number in Bergen County	Percent in Bergen County
No Rent Paid	21	-	3,907	-
Less than $500	27	1.2%	3,870	3.3%
$500 to $999	2	0.1%	5,086	4.3%
$1,000 to $1,499	556	24.4%	21,678	18.3%
$1,500 to $1,999	1,247	54.8%	39,395	33.3%
$2,000 to $2,499	242	10.6%	21,731	18.3%
$2,500 to $2,999	23	1.0%	11,103	9.4%
$3,000 or more	179	7.9%	15,614	13.2%
Total	2,276	100%	118,477	100%
Median Rent	$1,722		$1,863	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, 31 percent of New Milford owner occupied households contributed 30 percent or more of their income towards monthly housing costs, whereas 43 percent of New Milford owner occupied households put less than 20 percent of their income towards monthly housing costs. See Table 8, Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Units, 2023, for further information.

Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than $20,000	0%	0%	3.7%
$20,000 - $34,999	0%	0%	5.6%
$35,000 - $49,999	0.7%	0.5%	3.1%
$50,000 - $74,999	0.6%	1.2%	5.4%
$75,000 or more	42.0%	23.7%	13.5%
Zero or Negative Income	0%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, 48 percent of New Milford renter occupied households contributed 30 percent or more of their household income towards monthly rental costs, whereas only roughly 22 percent of New Milford renter occupied households contributed less than 20 percent. See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Units, 2023, for further information.

Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than $20,000	0%	0%	8.3%
$20,000 - $34,999	0%	0%	10.7%
$35,000 - $49,999	0.5%	0%	12.8%
$50,000 - $74,999	0.1%	3.9%	14.1%
$75,000 or more	20.9%	26.0%	1.8%
Zero or Negative Income	0%		
No Cash Rent	0.9%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

New Milford has 16 housing units that lack complete plumbing facilities and 164 units that are considered overcrowded (defined as having 1.01 or more persons per room). The Borough has 28 units that have no telephone service available and zero units that lack complete kitchen facilities. See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information.

Table 10. Selected Quality Indicators, Occupied Housing Stock, 2023

	Overcrowded	No Telephone Service Available	Lacking Complete Plumbing	Lacking Complete Kitchen Facilities
Units	164	28	16	0

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

General Population Characteristics

The population of New Milford has increased overall from 15,990 persons in 1990 to 16,923 persons in 2020. New Milford's population slightly decreased by -0.4 percent between 2000 and 2010 and once again increased by 3.6 percent between 2010 and 2020. Bergen County's population has steadily and continuously increased between 1990 and 2020, most recently exhibiting a 5.6 percent increase between 2010 and 2020. See Table 11, Population Growth, for more information.

Table 11. Population Growth

	1990	2000	Percent Change (1990-2000)	2010	Percent Change (2000-2010)	2020	Percent Change (2010-2020)
New Milford	15,990	16,400	2.6%	16,341	-0.4%	16,923	3.6%
Bergen County	825,380	884,118	7.1%	905,116	2.4%	955,732	5.6%

Source: 1990, 2000, 2010, & 2020 U.S. Census

From 2010 through 2020, there were shifts in the age distribution of New Milford. The age group 15 through 24 increased from 1,851 persons to 1,958 persons (i.e., 6 percent). The age group 25 through 34 increased from 2,148 persons to 2,326 persons (i.e., 8 percent). The age group with the largest total increase was 55 through 64 with an increase from 2,037 persons to 2,541 persons (i.e., 25 percent). The age group with the largest total decrease was 45 through 54 with a decrease from 2,710 persons to 2,239 persons (i.e., 17 percent). See Table 12, Comparison of Age Distribution, 2010-2020, for additional details.

Table 12. Comparison of Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	845	5.2%	899	5.3%	6.4%
5-14	1,949	11.9%	1,818	10.7%	-6.7%
15-24	1,851	11.3%	1,958	11.6%	5.8%
25-34	2,148	13.1%	2,326	13.7%	8.3%
35-44	2,223	13.6%	2,195	13.0%	-1.3%
45-54	2,710	16.6%	2,239	13.2%	-17.4%
55-64	2,037	12.5%	2,541	15.0%	24.7%
65-74	1,212	7.4%	1,655	9.8%	36.6%
75+	1,366	8.4%	1,292	7.6%	-5.4%
Total	16,341	100.0%	16,923	100.0%	-

Source: 2010 and 2020 U.S. Census (2020 - Table DP1 Profile Of General Population And Housing Characteristics)

Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 6,157 occupied households in New Milford, with an average of 2.71 persons per household and an average of 3.36 persons per family. Approximately 56 percent of the households were comprised of married couples with or without children. Almost 31 percent of New Milford households are non-family households, which includes individuals. (Source: ACS 2019-2023, Table S1101 & S2501).

Income Characteristics

Households in New Milford have, on average, slightly lower incomes than that of Bergen County as a whole. Annual median income for New Milford households in 2023 was $113,513, whereas annual median income for households in Bergen County was $116,709. Table 13, Household and Family Income by Income Brackets for New Milford and Bergen County, 2023, further illustrates these findings by noting the number of households in each of the income categories.

Table 13. Household and Family Income by Income Brackets for New Milford and Bergen County, 2023

	New Milford		Bergen County	
	Households	Percent	Households	Percent
Less than $5,000	32	0.5%	7,259	2.1%
$5,000 to $9,999	10	0.2%	3,942	1.1%
$10,000 to $14,999	121	2.0%	7,234	2.0%
$15,000 to $19,999	170	2.8%	6,577	1.9%
$20,000 to $24,999	132	2.1%	6,705	1.9%
$25,000 to $34,999	329	5.3%	15,240	4.3%
$35,000 to $49,999	474	7.7%	23,079	6.5%
$50,000 to $74,999	705	11.5%	39,916	11.3%
$75,000 to $99,999	859	14.0%	35,056	9.9%
$100,000 to $149,999	1,107	18.0%	62,751	17.8%
$150,000 or more	2,218	36.0%	145,548	41.2%
Total	6,157	100%	353,307	100%
Median Income	$113,513		$123,715	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Although the Census data does not provide a breakdown of household income by household size, the 2024 Regional Income Limits prepared by the Affordable Housing Professionals of New Jersey[1] for Bergen, Hudson, Passaic and Sussex Counties (Region 1) indicate the median household income for a household of one person was $84,288. As such, the moderate-income threshold for a household of one person was $67,431 (i.e., 80 percent of $84,288). In attempting to approximate the number of low- and moderate-income households in the Borough, using a household size of one is a conservative approach that represents just a minimum threshold. Table 13 above shows that the percentage of households in the Borough for which income was below the closest breakpoint to this minimum threshold (i.e. $75,000) was approximately 32 percent.

The percentage of persons and household below the poverty level, as defined by the 2023 American Community Survey, equates to 4.6 percent of all New Milford Residents. This is lower than the County as a whole, wherein 6.7 percent of County residents were living below the poverty level in 2023. (Source: ACS 2019-2023, Table S1701)

Employment Characteristics

Table 14, Employment Status, New Milford, indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 71 percent of New Milford residents 16 and over are in the labor force and, among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 94 percent are employed and approximately 6 percent are unemployed.

[1] https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

Table 14. Employment Status, New Milford

	Number in New Milford	Percent in New Milford
Population 16 years and over	13,392	100%
In Labor Force	9,515	71.0%
Civilian Labor Force	9,515	71.0%
Employed	8,907	66.5%
Unemployed	608	4.5%
Armed Forces	0	0.0%
Not in Labor Force	3,877	29.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, Employment by Occupation, New Milford, 2023, identifies the occupations of employed persons. While New Milford residents work in a variety of industries, 56 percent of employed residents work in Management, Professional and related-occupations; 20 percent are employed in Sales and Office-related occupations; and nearly 12 percent are employed in Service-related occupations.

Table 15. Employment by Occupation, New Milford, 2023

Job Sector	Number	Percent
Management, Business, Science, and Arts Occupations	5,000	56.1%
Service	1,059	11.9%
Sales and Office	1,812	20.3%
Natural Resources, Construction, and Maintenance	378	4.2%
Production, Transportation, and Material Moving	658	7.4%
Total	8,907	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 16, Distribution of Employment by Industry, Borough Residents, 2023, shows the distribution of employment by industry for employed New Milford residents. The four industries to capture the largest segments of the population were: the Educational, Health, and Social Services sector at nearly 27 percent; the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 17 percent; the Retail sector at 10 percent; and the Financing, Insurance, Real Estate, Renting, and Leasing sector at almost 10 percent.

Table 16. Distribution of Employment by Industry, Borough Residents, 2023

Job Sector	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0%
Construction	435	4.9%
Manufacturing	691	7.8%
Wholesale Trade	265	3.0%
Retail Trade	903	10.1%
Transportation and Warehousing, and Utilities	360	4.0%
Information	189	2.1%
Financing, Insurance, Real Estate, Renting, and Leasing	854	9.6%
Professional, Scientific, Management, Administrative, and Waste Management Services	1,512	17.0%
Educational, Health and Social Services	2,390	26.8%
Arts, Entertainment, Recreation, Accommodation and Food Services	534	6.0%
Public Administration	321	3.6%
Other	453	5.1%
Total	8,907	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of the employed residents, approximately 81 percent are private wage and salary workers; 13 percent are government workers; and nearly 6 percent are self-employed. See Table 17, Distribution by Class of Worker, 2023, for additional details.

Table 17. Distribution by Class of Worker, 2023

	Number in New Milford	Percent in New Milford
Private Wage and Salary Workers	7,211	81.0%
Government Workers	1,166	13.1%
Self-employed in own not incorporated business workers	509	5.7%
Unpaid family workers	21	0.2%
Total	8,907	100%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

The New Jersey Department of Labor and Statistics tracks covered employment throughout the State. See Table 18, Private Sector Employment in New Milford by Industry Sector, 2012, 2017, 2022, for additional details. According to the New Jersey Department of Labor and Statistics, there were 2,431 jobs in New Milford in 2022. Educational Services; Retail Trade; Health Care and Social Assistance; and Accommodation and Food Services were the largest sectors of in-town employment, with 658, 460, 442, and 277 jobs, respectively. Table 18 also shows the number of employees by sector in New

Milford in 2012 and 2017. The largest decrease in local employment between 2012 and 2022 was in the Health Care and Social Assistance sector, which experienced a decrease of 83 jobs (or almost 16 percent). The sector which saw the largest local employment increase between 2012 and 2022 was the Retail Trade sector, which experienced an increase in 125 jobs (or 37 percent).

Table 18. Employment in New Milford by Industry Sector, 2012, 2017, 2022

	2012		2017		2022	
PRIVATE SECTOR JOBS	COUNT	SHARE	COUNT	SHARE	COUNT	SHARE
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%	0	0.0%	0	0.0%
Mining, Quarrying, and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%	0	0.0%
Construction	83	3.6%	102	4.1%	112	4.6%
Manufacturing	16	0.7%	5	0.2%	8	0.3%
Wholesale Trade	100	4.3%	82	3.3%	18	0.7%
Retail Trade	335	14.4%	413	16.7%	460	18.9%
Transportation and Warehousing	15	0.6%	14	0.6%	39	1.6%
Information	33	1.4%	34	1.4%	18	0.7%
Finance and Insurance	62	2.7%	62	2.5%	58	2.4%
Real Estate and Rental and Leasing	20	0.9%	18	0.7%	28	1.2%
Professional, Scientific and Technical Services	104	4.5%	45	1.8%	40	1.6%
Management of Companies and Enterprises	7	0.3%	2	0.1%	3	0.1%
Administration & Support, Waste Management and Remediation	66	2.8%	57	2.3%	48	2.0%
Educational Services	565	24.4%	605	24.4%	658	27.1%
Health Care and Social Assistance	525	22.6%	509	20.5%	442	18.2%
Arts, Entertainment, and Recreation	3	0.1%	74	3.0%	20	0.8%
Accommodation and Food Services	215	9.3%	258	10.4%	277	11.4%
Other Services (Excluding Public Administration)	54	2.3%	73	2.9%	69	2.8%
Public Administration	117	5.0%	125	5.0%	133	5.5%
TOTAL PRIVATE SECTOR	**2,320**	100%	**2,478**	100%	**2,431**	100%

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; http://onthemap.ces.census.gov/

Growth Trends and Projections

Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, New Milford issued 87 certificates of occupancy: 48 for one and two family dwelling units, 39 for multifamily dwelling units and zero for mixed use dwelling units. See Table 19, Residential Certificates of Occupancy, 2013-2023, for additional details.

Table 19. Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	8	7	9	3	4	5	3	2	1	3	3	48
Multifamily	0	0	0	0	0	1	0	38	0	0	0	39
Mixed Use	0	0	0	0	0	0	0	0	0	0	0	0
Total	8	7	9	3	4	6	3	40	1	3	3	87

Source: New Jersey Construction Reporter

The Borough has seen the construction of primarily one- and two-family homes over the last decade, which due to limited vacant land has generally occurred as infill in existing developed areas. There also was a significant number of multi-family units added to the Borough's housing stock as part of an inclusionary housing development. As is detailed further in Chapter V, the Borough anticipates the construction of a moderate amount of residential development in coming years through potential redevelopment of existing properties. Aside from these projects, the Borough anticipates little additional housing development. This is due largely to a lack of vacant land, with environmental constraints or other limiting factors on the remaining undeveloped tracts zoned for residential use.

Non-Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, New Milford issued certificates of occupancy for a total of ±208,720 square feet of non-residential building space. See Table 20, Non-Residential Certificates of Occupancy, 2013-2023, for additional details. The majority of the non-residential growth can be attributed to:

- 71,068 square feet of retail space, for which a certificate of occupancy was issued in 2019;
- 67,859 square feet of multifamily/dormitories, for which certificates of occupancy were issued in 2018 and 2020;
- 31,474 square feet of office space, for which certificates of occupancy were issued in 2015, 2017, 2018, and 2022; and
- 22,542 square feet of signs, fences, utility & miscellaneous, for which certificates of occupancy were issued in 2013, 2019, 2021

Table 20. Non-Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	0	2,880	0	16,082	3,227	0	0	0	9,285	0	31,474
Retail	0	0	0	0	0	0	71,068	0	0	0	0	71,068
A-1	0	0	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	4,640	0	0	4,640
A-3	0	0	0	0	0	0	0	0	0	0	0	0
A-4	0	0	0	0	0	0	0	0	0	0	0	0
A-5	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily/ Dormitories	0	0	0	0	0	9,859	0	58,000	0	0	0	67,859
Hotel/ Motel	0	0	0	0	0	0	0	0	0	0	0	0
Education	0	0	0	0	0	8,100	0	0	0	0	0	8,100
Industrial	0	0	0	0	0	0	0	3,037	0	0	0	3,037
Hazardous	0	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	0	0	0	0	0	0
Signs, Fences, Utility & Misc.	43	0	0	0	0	0	21,000	0	1,499	0	0	22,542
TOTAL	43	0	2,880	0	16,082	21,186	92,068	61,037	6,139	9,285	0	208,720

Source: New Jersey Construction Reporter

Capacity for Growth

New Milford is essentially fully developed. The Vacant Land Analysis in the following chapter addresses this issue in detail, and demonstrates the lack of available developable land within the Borough. The most realistic development opportunities involved the redevelopment of existing developed properties for residential use or mixed-use development.

V. Fair Share Plan

Affordable Housing Obligations

Introduction

The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 was set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligations or the municipal determination of their Fourth Round obligations. New Milford's Mayor and Council adopted a resolution on January 27, 2025 setting forth its determination of the Borough's Fourth Round obligations. This resolution was filed with the State's Affordable Housing Dispute Resolution Program within 48 hours of adoption and was published on the Borough's website as required. Each of these obligations is discussed below.

Present Need

Present Need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. The DCA proposed a non-binding Present Need obligation for New Milford of 14. The Borough of New Milford has accepted this obligation.

Prospective Need

Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (New Milford's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors.

Equalized Nonresidential Valuation

This factor is the change in nonresidential property valuations in the municipality from 1999 to 2023 divided by the regional total change in nonresidential valuations. This factor for New Milford is 0.27%.

Income Capacity

This factor measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its housing region. This factor for New Milford is 0.85%.

Land Capacity

This factor determines the total acreage that is developable in a municipality utilizing the most recent land use / land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP), the most recently available MOD-IV Property Tax List data from the Division of Taxation in the

Department of the Treasury, and construction permit data from the DCA. The calculation is supposed to exclude lands subject to development limitations. "Weighting factors" as specified in the Affordable Housing Law were applied to developable lands based on the planning area type in which such land was located. For municipalities such as New Milford located in Planning Area 1, the weight is 1, meaning there is no reduction, unlike in various other planning areas. This factor for New Milford is 0.11%.

However, New Milford's Prospective Need obligation should be lower than the DCA's non-binding obligation due to issues with DCA's calculations as detailed below. In particular, the Land Capacity factor classifies a number of areas in the Borough as "developable" when in reality they are not.

The DCA issued the data that was the basis for the Land Capacity factor on November 27, 2024. The link to the DCA GIS data[2], and the description section, includes the following language:

> The land areas identified in this dataset are based on an (sic) the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.

The areas identified as developable in the DCA's calculation of the Land Capacity factor is indeed overinclusive. Accordingly, the amount of developable land should be adjusted from 2.09 to 1.09 acres, which would result in the Land Capacity factor dropping from 0.11% to 0.05%. A document outlining this analysis is included in the Appendix.

Final Prospective Need Calculation

The Equalized Nonresidential Valuation Factor, Land Capacity Factor And Income Capacity Factor for each municipality were averaged to determine an Average Allocation Factor, which is the basis for municipal Prospective Need. New Milford's Average Allocation Factor is 0.41%, which resulted in DCA's proposed non-binding Prospective Need obligation for New Milford of 114. However, the Average Allocation factor should be reduced from 0.41% to 0.39%. When this correction is made, New Milford's Round 4 Prospective Need number is 108.[3]

The Borough filed a declaratory judgment complaint in the Superior Court of New Jersey on January 28, 2025, which included a prospective need number of 108. The New Jersey Builders' Association (NJBA) filed an objection to New Milford's filing on February 26, 2025, which challenged the proposed reduction in the Borough's Prospective need number. Prior to a settlement conference on this matter

[2] https://njdca.maps.arcgis.com/home/item.html?id=12acdfe0a5104f8f8a2f604e96063e74
[3] This calculation is based on the factors including in DCA's Fourth Round municipal obligations spreadsheets, as it impossible to determine how these numbers would change based on numerous municipalities potentially submitting changes such as those being considered based on this document.

on March 21, 2025, NJBA offered a settlement to adjust the DCA's prospective affordable housing need number for New Milford from 114 to 111. After considering the settlement offer by the NJBA and the comments of the Affordable Housing Alternative Dispute Resolution Program member and a Special Adjudicator, New Milford proposed a settlement of 110 prospective need affordable housing units, subject to approval by the Mayor and Council and certain reservations, which NJBA accepted. Based on this settlement, the Borough's modified Fourth Round Prospective Need is 110 units.

The Prospective Need obligation is cumulative. The new construction number consists of the Prior Round obligations for Rounds 1 and 2, the Prospective Need obligation for Round 3 and the Prospective Need obligation for Round 4.

In accordance with an agreement reached in 2016 between the Borough of New Milford and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in affordable housing proceedings statewide (the "2016 FSHC settlement agreement"), New Milford's Prospective Need obligations for 1987 to 2025 are as follows:

Prior Round Obligation (1987 to 1999, pursuant to N.J.A.C. 5:93): 23
Third Round (1999 to 2025) Prospective Need: 288

The Present Need and Prospective Need are based upon a report entitled "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology," May 2016, prepared by David N. Kinsey, PhD, PP, FAICP (the "Kinsey Report"). The Third Round Prospective Need was adjusted as part of the 2016 FSHC settlement agreement. It was determined that New Milford's Realistic Development Potential (RDP) was 27, which results in a 50-unit obligation to address the Prior Round and Third Round RDP. As discussed below, when this RDP plus three surplus credits were subtracted from the Third Round Prospective Need, New Milford's Third Round "Unmet Need" was 258.

Vacant Land Analysis

There is limited land in the Borough that is vacant or otherwise developable for affordable and/or inclusionary housing. New Milford is entitled to a Vacant Land Adjustment (VLA) to determine the Borough's Fourth Round RDP based on the amount of vacant and/or developable land that is suitable for inclusionary development. Our office has completed the VLA analysis, and has determined that New Milford's Fourth Round RDP is six units. After subtracting this number from the Fourth Round Prospective Need of 110 units, New Milford has a Fourth Round Unmet Need of 104 units. The VLA is included in Appendix 2. It includes a map depicting environmental constraints in the Borough, including wetlands and water bodies derived from the 2020 State Land Use/Land Cover dataset; steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10 foot digital elevation model LiDAR data; and flood hazard areas within the 100-year floodplain as indicated by FEMA. The map also depicts properties which were initially evaluated for development as affordable housing, which consists of vacant land and Borough-owned parcels, as well as the former ShopRite property.

Proposed Compliance Mechanisms

Present Need

New Milford will continue to participate in rehabilitation programs including the Borough of New Milford Housing Rehabilitation Program, the Bergen County Housing Improvement Program and the Community Development Block Grant Program.

Prior Rounds and Prospective Need

The mechanisms provided in the Borough's 2017 Housing Plan to address the Third Round RDP are listed below.

Group Homes: There are three existing group homes with a total of 11 bedrooms in New Milford:

1. **Advanced Housing DNM, Inc. Group Home – Block 1407, Lot 56:** This two-bedroom group home is located on Boulevard and opened in 2005.
2. **Center for Family Support Group Home – Block 818, Lot 13:** This five-bedroom group home is located on Boulevard and opened in 1998.
3. **National Institute for People with Disabilities Group Home – Block 1503, Lot 15**: This four-bedroom group home is located on Grand Street and opened in 1999.

N.J.A.C. 5:93-1.3 defines a group home for the developmentally disabled as licensed and/or regulated by the New Jersey Department of Human Services as an "alternative living arrangement." Per N.J.A.C. 5:93-5.8 alternative living arrangements may be used to address a municipal housing obligation. The unit of credit is the bedroom and each unit may be used to address a municipality's rental obligation. Per N.J.A.C. 5:97-3.5, units created and occupied after December 15, 1986 may receive rental bonuses for the Prior Round Obligation. Thus, the above homes are eligible for rental bonuses.

Sarna / 1070 River Road / The Nest – Block 104, Lot 18: This property is located in the Residential E/Multi-Family Townhouse zone, which requires the provision of an affordable housing setaside as part of any residential development. A 38-unit multifamily residential project formerly known as the Gramercy and now known as The Nest was approved by the Planning Board in 2007. Construction was completed on this project in 2020 and it is now occupied. It includes 34 market rate units and four affordable rental units. The bedroom distribution for the affordable units was modified from the original approval to comply with the applicable standards of the Uniform Housing Affordability Controls (UHAC).

ShopRite and Bank Sites, River Road – Block 501, Lots 9 and 10: In 2016, New Milford agreed to a settlement with New Milford Redevelopment Associates, LLC which required the Borough to rezone this property for inclusionary mixed-use development. The rezoning was enacted via Ordinance No. 2017-01, which was adopted on February 27, 2017. These properties, which are located on the west side of River Road north of Dilworth Road, are the former Shop Rite site and the adjacent former bank property. The settlement agreement with New Milford Redevelopment Associates, LLC provides for the construction of 135 dwelling units, including 27 affordable rental units (a 20 percent setaside), and 12,500 square feet of retail space.

Redevelopment of this property has not occurred to date, despite the site being rezoned in fulfillment of the Court-approved settlement agreement and the 2017 Housing Plan.

The FHA at N.J.S.A. 52:27D-304.1f.(2)(a) provides that, "In addressing prior round obligations, the municipality shall retain any sites that, in furtherance of the prior round obligation, are the subject of a contractual agreement with a developer." Thus, the FHA mandates that this site remain in the HEFSP. The FHA goes on to provide that the municipality "shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources."

Given that this site was not developed under the prior Court-approved zoning, in 2024, the property was designated by the Borough as an "area in need of redevelopment." A redevelopment plan is being prepared for this site to permit mixed-use development at a greater density than was previously permitted. The redevelopment plan provides for the construction of 160 dwelling units, of which 32 will be affordable rental units (a 20 percent set aside), and 12,500 square feet of retail space. The Borough will enter into a redevelopment agreement and a financial agreement with Crossroads Companies, or its affiliate, the developer of this property. The financial agreement will grant a tax exemption for the project and provide for a payment in lieu of taxes. These zoning changes and financial incentives will ensure that this site presents a realistic opportunity for the development of affordable housing.

Further, to the extent allowed by the terms of the Uniform Housing Affordability Controls (UHAC), as may be amended, UHAC shall not apply to this project because the project was previously included in a court approved HEFSP. In particular, the proposed project will contain a mixed-use building with eight residential units, all of which will be age-restricted affordable units. If this conflicts with UHAC, such requirement in UHAC shall be deemed waived upon approval of this HEFSP by the Affordable Housing Dispute Resolution Program and/or the applicable County level judge.

Bonus Credits: COAH's Second and Third Round Substantive Rules provide bonus credits for provision of affordable rental units, as well as for other compliance mechanisms, within certain limitations. For purposes of calculating rental bonus credits, the 15 Prior Round credits and the 27-unit Third Round RDP described above combine to total 42 affordable units, qualifying New Milford to receive 11 rental bonuses. The 15 Prior Round rental units described above combine with 8 rental bonuses to fulfill the Prior Round prospective need of 23 affordable units.

Table 21. Prior and Third Round Credits for Built, Approved and Planned Projects

Affordable Development	*Type*	*Units*	*Bonus Credits*	*Total Credits Plus Bonuses*
Group Homes	Alternative Living Arrangements	11 bedrooms	11	22
1070 River Road	Inclusionary Development	4 units	--	4
Block 501, Lots 9 and 10	Inclusionary Development	27 units	--	27
TOTAL				**53**

As shown above, New Milford has addressed is Prior and Third Round obligations of 50, meaning that it has a surplus of three credits that can be applied to its Fourth Round obligation.

Fourth Round Prospective Need

ShopRite and Bank Sites, River Road – Block 501, Lots 9 and 10: As discussed above, redevelopment of this property has not occurred to date, despite the site being rezoned in fulfillment of the Court-approved settlement agreement and the 2017 Housing Plan. Therefore, this site was considered developable in the VLA. The redevelopment plan for this property along with the redevelopment agreement and financial agreement provides for the construction of 160 dwelling units, of which 32 will be affordable rental units (a 20 percent set aside), and 12,500 square feet of retail space. Eight of these affordable units will be age-restricted. As this property was included in the Borough's 2017 Housing Plan and received credit for 27 units, the net number of credits for this site in the Fourth Round is five. This development is also eligible for 2.5 bonus credits as discussed below, for a total of 7.5 credits.

Bonus Credits

The bonuses included in the amended FHA for the Fourth Round are as follows:

- Supportive/Special Needs: One unit of credit and one bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)
- Ownership Units Created with Non-Profit: One unit of credit and one-half bonus credit for each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer
- Transit: One unit of credit and one-half bonus credit for each unit of low- or moderate-income housing located within a one-half mile radius (or one-mile radius for projects located in a Garden State Growth Zone), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property
- Age-Restricted: One unit of credit and one-half bonus credit for a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform

Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations

- Additional Three-Bedroom Units: One unit of credit and one-half bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution
- Former Retail, Office, Commercial: One unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space
- Extension of Controls: One unit of credit and one-half bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls, and the municipality contributes funding towards the costs necessary for this preservation
- Municipal Contribution to 100% Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality either contributes property without which the project would not be feasible, or makes contributions from the municipal affordable housing trust fund that cover no less than 3 percent of the project cost
- Additional Very Low-Income Units: One unit of credit and one-half bonus credit for each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1)
- Market to Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit

For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation through the use of bonus credits.

The Block 501, Lots 9 and 10 project is eligible for bonus credits as it is located on land that was previously developed and utilized for retail space. This type of credit provides one-half bonus credit per affordable unit, or 2.5 credits for the net of five affordable units in this development.

Unmet Need

Inclusionary Zoning Requirements: While there are no other large vacant parcels available for redevelopment at this time, it is possible that existing developed areas may be proposed for redevelopment. Affordable housing is required to be provided as part of any large-scale redevelopment project. The following section was added to the Affordable Housing chapter of the Borough's General Ordinances in 2018 as part of the implementation of the Borough's 2017 Housing Plan, and was amended in 2019 to read as follows:

§ 32-1.5 Inclusionary Housing Requirements for Rezonings and Variances.

Any residential development consisting of five or more dwelling units, at a density above six units per acre, that is permitted pursuant to a variance or rezoning shall produce low- and moderate-income housing on site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20% of the residential units in the development, or 15% for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the New Jersey Council on Affordable Housing and any other relevant state regulations.

Modifications to Affordable Housing Requirements in Business Zone: The Borough's 2017 Housing Plan proposed modifications to the regulations for the Business zone district, which were implemented in 2018 by the adoption of Ordinance Number 2018:13. While the Business zone already permitted residential uses on upper floors of mixed-use building, a provision was added to permit residential-only developments as well as mixed-used developments on lots one acre in area or larger, if a set-aside of affordable housing is provided. The maximum residential density was set at 14 dwelling units per acre, with a minimum affordable housing set-aside of 20 percent of the dwelling units in the development, except that the minimum set-aside shall be 15 percent where affordable rental units are provided. Proposed modifications to encourage provision of affordable housing, while continuing to promote economic development in the Business zone, are shown below (additions in **bold underline**, deletions in ~~strikethrough~~):

§ 30-25.3 Affordable Housing.

a. On lots one acre in area or larger, the maximum residential density shall be **20**~~14~~ dwelling units per acre when low- and moderate-income dwelling units are provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development, except that the minimum setaside shall be 15 percent where affordable rental units are provided. A minimum of 13 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the ~~Council on~~ Affordable Housing region.

b. Affordable dwelling units shall comply with the **Uniform Housing Affordability Controls** ~~applicable rules of the Council on Affordable Housing~~ and any other relevant state regulations.

c. All other affordable housing requirements of the Borough of New Milford, including development fees and inclusionary zoning requirements, shall apply to development in the Business zone.

Summary of Credits and Bonuses

These Borough's Fourth Round compliance mechanisms and the credits and bonuses associated with them are summarized in Table 22.

Table 22. Fourth Round Credits

Affordable Development	*Type*	*Units*	*Bonus Credits*	*Total Credits Plus Bonuses*
Block 501, Lots 9 and 10	Inclusionary Development	5 units*	2.5	7.5
Third Round	Surplus Credits	3 credits	No	3
TOTAL		**8**	**2.5**	**10.5**
Business Zone	*Modified Affordable Housing Requirements*	*To be determined*	*To be determined*	*To be determined*

*As discussed above, 32 proposed units less the 27 units for which the Borough previously received credit results in a net of five units of credit

The above credits address at least 25 percent of the Borough's Prospective Need obligation that has been adjusted.

Consideration of Lands and Buildings for Low- and Moderate-Income Housing

New Milford is an essentially fully developed municipality with limited vacant land. As documented by the VLA discussed above, most of the vacant land in the Borough is not developable due to environmental constraints or other factors. The one prime developable parcel of land at the time of the 2017 Housing Plan, the United Water site, has been redeveloped as part of a comprehensive agreement and rezoning that included rezoning a developed commercial property for inclusionary mixed-use development.

In terms of lands of developers who have expressed a commitment to provide low- and moderate-income housing, as discussed above the developer of the former ShopRite site (Block 501, Lots 9 and 10) has expressed interest and a draft redevelopment plan has been prepared for this property that provides an inclusionary housing setaside. Two other developers have expressed a commitment to provide low- and moderate-income housing:

- **730 River Road (Block 501, Lots 4 and 5):** The attorney for the owner of this property, Wayne Valley Investments, LLC, sent a letter to the New Milford Mayor and Council dated March 24, 2025 expressing its interest in being included in the HEFSP. The property is currently developed with a two-story office building.
- **854 River Road (Block 502, Lot 1):** The attorney for the owner of this property, The Brunetti Organization, sent a letter to the New Milford Mayor and Council and the New Milford Planning Board dated March 24, 2025 expressing its interest in being included in the HEFSP. The property is currently developed with a two-story building containing 41,000 square feet of retail and office space.

One other potential site was identified by the DCA as potentially developable as part of its calculations of non-binding municipal Fourth Round affordable housing obligations: a portion of the New Milford Elks Lodge property located at 1 Patrolman Ray Woods Drive (Block 507, Lot 7). The overall lot area is approximately 2.07 acres, according to tax records. There is no intention to redevelop this property at

present. However, should it become available in the future, it may be an appropriate location for affordable housing development given its size and location proximate to stores, services and transportation.

Similarly, there is no intention to redevelop the VFW Post property located at 267 Madison Avenue (Block 1203, Lot 17) at this time. However, should it become available in the future, it may also be an appropriate location for affordable housing development given its size (1.49 acres) and its location proximate to stores, services and transportation.

All of the above sites and zones designated for potential affordable housing development, including the two properties whose owners have expressed interest, are shown on the "Potential Affordable Housing Sites" map in Appendix 1. Additional sites indicated on the map include properties within the Business Zone which provide the option for inclusionary housing development on properties larger than one acre.

Spending Plan

The Borough of New Milford has a development fee ordinance (Section 32-2 of the Borough's Revised General Ordinances) which is intended to provide a dedicated revenue source for affordable housing. 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 for the purposes of affordable housing. These funds shall be spent for purposes including a housing rehabilitation program, costs associated with affordable housing construction, providing affordability assistance to low-income households and professional services related to the planning for affordable housing. The proposed Spending Plan is included in Appendix 6.

VI. Relationship to Multigenerational Family Housing Continuity

Multigenerational housing is becoming a desired housing option in the State due to rising housing costs and an aging population. Housing for multigenerational families is necessary to offer a diverse housing stock and to account for population trends. Multigenerational housing can provide an opportunity for residents to age in place, save on costs associated with housing, and provide in-house care for an older adult or persons with disabilities. Additionally, multigenerational housing is a more sustainable approach to meeting housing obligations as there is no need for the construction of new homes in order to provide housing for additional individuals.

One possible approach to providing multigenerational housing is the construction of accessory dwelling units (ADUs). A frequent concern when choosing to live in multigeneration housing layout is lack of privacy. ADUs offer sufficient privacy within a home, providing all the benefits of multigenerational housing without individuals sacrificing their personal space. ADUs make use of existing infrastructure, and therefore are more environmentally friendly, and can easily maintain the character of the neighborhood and/or municipality. ADUs are also a positive economic option. There are five types of ADUs: detached, attached, interior, above garages, and garage conversions.

In addition to ADUs, another form of multigenerational housing that New Milford could continue to integrate into its housing stock is multifamily residential that offers resources and amenities for elderly, young adults, middle-aged parents, and young children alike to support all ages and all generations potentially living together. Providing amenities such as ADA compliant parking spaces, ramps, and public spaces, as well as on-site playgrounds and daycares, public office space, and meeting rooms facilitates cohesive living for all ages.

The Borough's Affordable Housing Ordinance defines accessory apartments as "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 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." The Borough's zoning districts, however, do not explicitly permit accessory apartments or dwelling units in any zones, with one specific exception. In the Residential A zone, the bulk regulations for yards note that "No building to be used as a dwelling shall be constructed or altered in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot. These provisions shall not be construed, however, as preventing the erection, alteration and maintenance of dwelling quarters in connection with an accessory building upon the rear of the lot when the persons occupying such quarters are employed in domestic service upon the premises". Therefore, it appears ADUs are limited to dwelling quarters for persons providing domestic services to a residential property in the Residential A zone.

In order to allow for secondary residential structures and specifically allow for ADUs in their residential zones, this section would have to be amended. Additional potential recommendations for the Borough to address multigenerational housing needs are as follows:

- Allow ADUs in residential zones as permitted or conditionally permitted uses;
- Create design standards for multifamily residential development to guarantee diverse amenities and resources for persons of all ages;
- Encourage multigenerational housing in transit-oriented areas where public transit can be easily accessible to limit the need for extra parking spaces on the property and ensure the increased density has no negative effects on the community.

VII. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

> *Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.*

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and is now undertaking the Cross-Acceptance process (i.e. review of the plan at the county level).

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of New Milford is located within the Metropolitan Planning Area (PA1). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities.

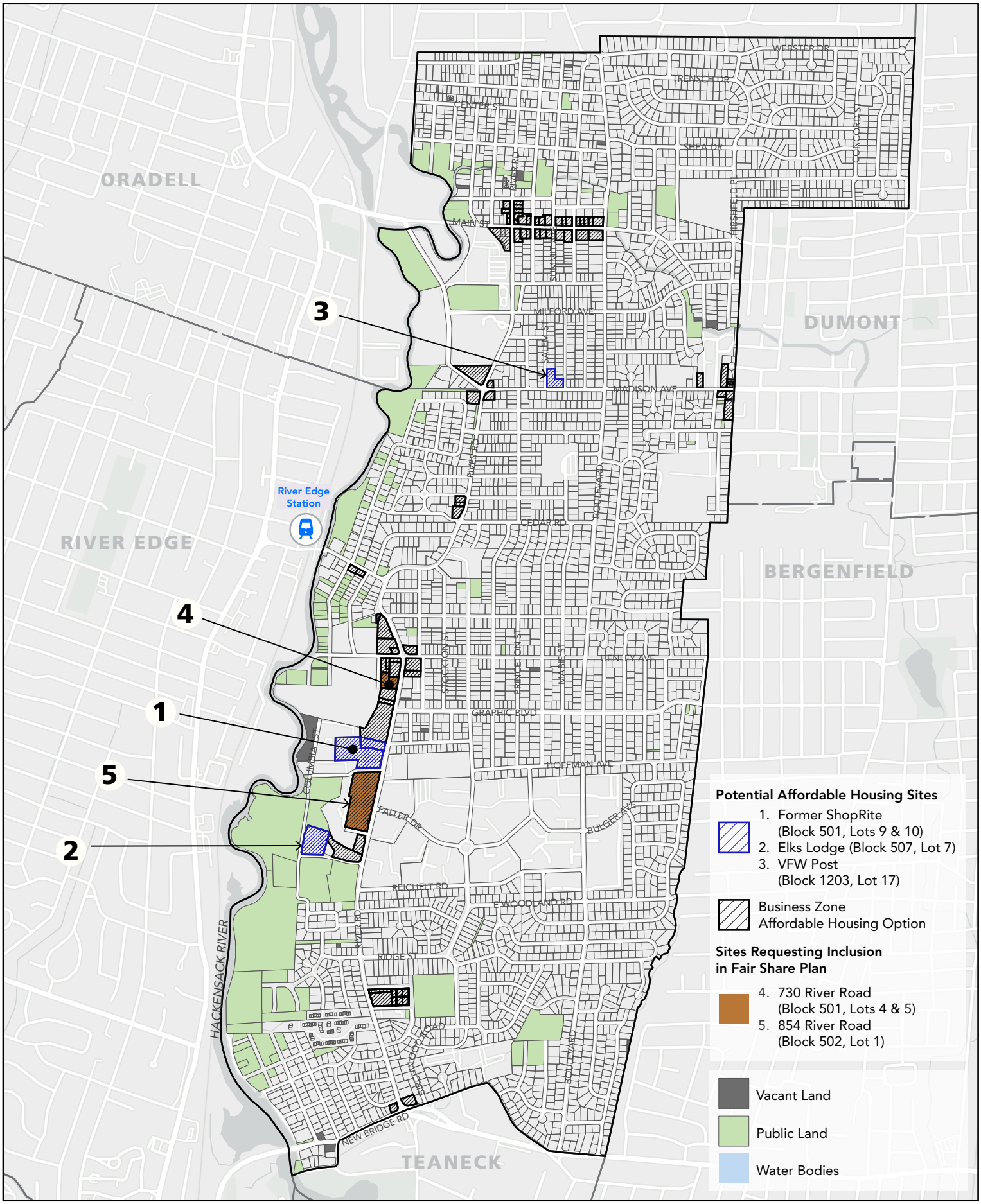
The land use policy objectives of the Metropolitan Planning Area are to:

1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;
2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and
3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

The New Milford Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Borough. This Housing Plan promotes higher density compact forms of housing and mixed-use development in appropriate locations served by existing infrastructure and proximate to transit, stores and services, and is therefore consistent with the State Plan.

Appendices

Appendix 1: Potential Affordable Housing Sites map
Appendix 2: Vacant Land Adjustment
Appendix 3: Site Suitability Map – Former ShopRite Site
Appendix 4: Site Suitability Map – Block 501, Lots 4 & 5
Appendix 5: Site Suitability Map – Block 502, Lot 1
Appendix 6: Spending Plan
Appendix 7: Draft Amended Affordable Housing and Development Fee Ordinances
Appendix 8: Existing Affordable Housing Documentation



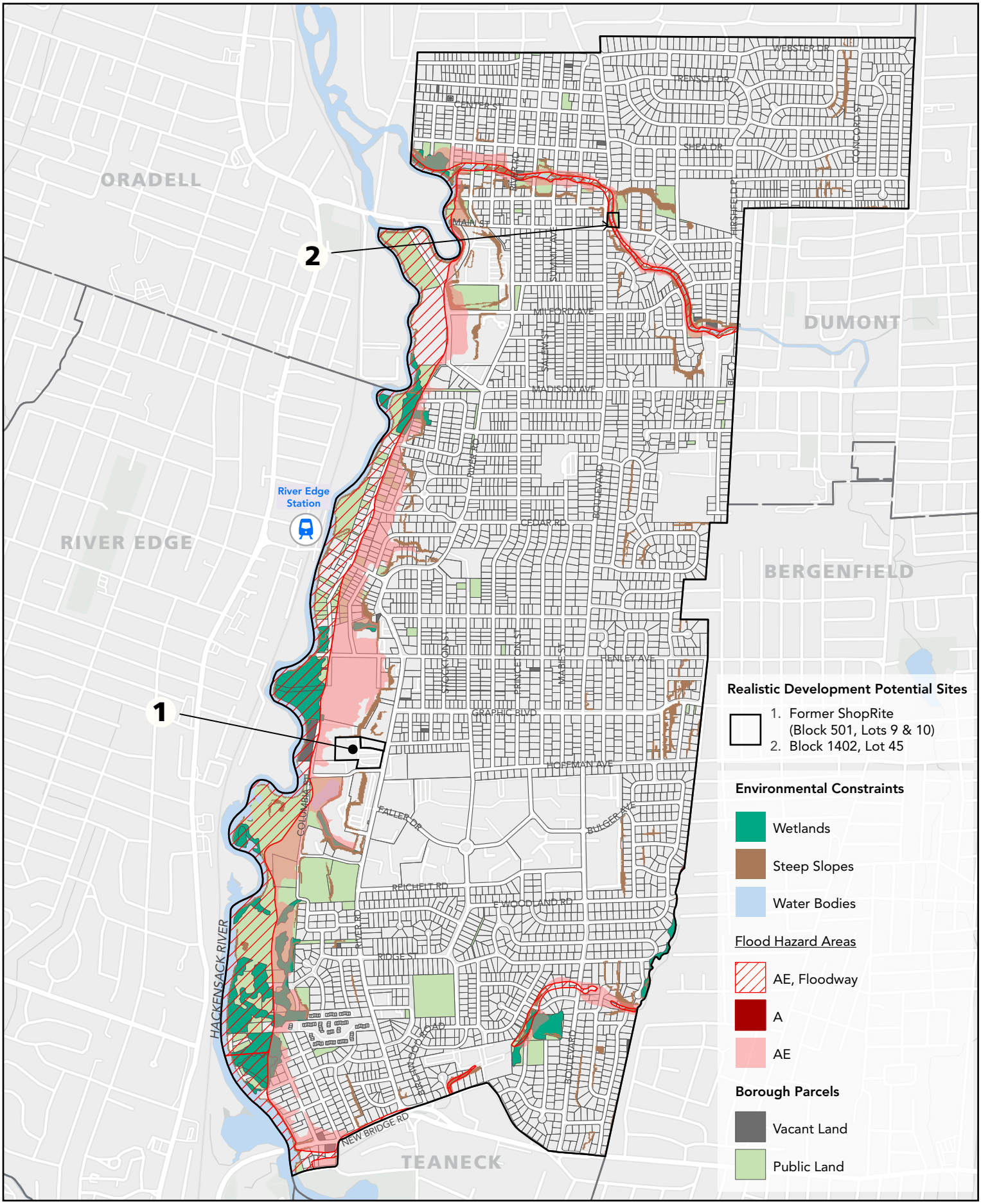
Appendix 1: Potential Affordable Housing Sites

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Maxar

Borough of New Milford 2025 Housing Element and Fair Share Plan

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2025

MILES
0 0.25 0.50
NORTH



Appendix 2: Vacant Land Adjustment

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Maxar

MILES
0 0.25 0.50
NORTH

Block	Lot	Property Class	Property Location	Owner's Name	Zone	Acreage	Constrained Acreage	Remaining Acreage	Constraint Description	Remaining Acreage > 0.83?	Developable Acreage	Additional Notes
1211	21	1	REAR OF MADISON & MORTON	TRASMUNDI,MARYANN	00000	0.1882				N	0	Less than 0.83 acres.Not in current MODIV data, as per previous data this lot contains a portion of an existing single-family home in Dumont.
112	8	1	LYNWOOD AVE	RODE, MARGARET C	A	0.1587				N	0	Less than 0.83 acres, no immediately contiguous properties for development
113	4.01	1	125 OLD NEW BRIDGE RD	113 OLD NEW BRIDGE RD %JACKIE	A	0.61				N	0	Less than 0.83 acres, no immediately contiguous properties for development (based on prior Lot 4). Property is improved with a parking lot for the Sanzari's New Bridge Inn Restaurant. Lot appears to have been subdivided, tax maps have not been updated yet accordingly.
206	5.01	1	KORFITSEN RD	ALFARO, JOSE & GRACIELA	A	0.0058				N	0	Less than 0.83 acres. Backyard of home in Bergenfield.
206	5.02	1	KORFITSEN RD	MATHEW, SUSAMMA	A	0.0185				N	0	Less than 0.83 acres. Backyard of home in Bergenfield.
206	5.03	1	KORFITSEN RD	MIGLIACCIO, FRANK	A	0.0312				N	0	Less than 0.83 acres. Backyard of home in Bergenfield.
206	5.04	1	KORFITSEN RD	BOCHNER, DANIEL & ALIZA POLLAK	A	0.044				N	0	Less than 0.83 acres. Backyard of home in Bergenfield.
206	5.05	1	KORFITSEN RD	RIVERA, FRANK JR. AUREA E.	A	0.0432				N	0	Less than 0.83 acres. Backyard of home in Bergenfield.
304	15	1	192 TROTTA DR	WALTER, THOMAS P & CAROLYN B	A	0.0649				N	0	Less than 0.83 acres, no immediately contiguous properties for development.
607	7	1	RIVER RD	SEELEY, JOHN %JENNIFER MCSHANE	A	0.0631				N	0	Less than 0.83 acres, no immediately contiguous properties for development.
610	4	1	MAPLE ST	RINKACS, STEPHEN	A	0.0918				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Sideyard to single-family residential
806	4	1	PLYMPTON ST	WAHBA, SHADY & DEIRDRE	A	0.1148				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Backyard of single-family home.
1107	17	1	S PARK DR	WESTERMANN, JOHN H & KATHLEEN T	A	0.0115				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Narrow side yard strip of single-family home.
1208	8	1	LAKE ST	MARRERO, DAMIAN & HELEN	A	0.1492				N	0	Less than 0.83 acres, no immediately contiguous properties for development.
1209	11	1	LAKE ST	MARKANO,ALICE HELEN	A	0.3132				N	0	Less than 0.83 acres, no immediately contiguous properties for development.
1211	22	1	ASSESSED IN DUMONT	REYES, LEONARD & JOCELYN	A	0.0918				N	0	Less than 0.83 acres. Existing single-family homes in Dumont.
1211	23	1	ASSESSED IN DUMONT	NUNN, ERNEST J & IRIS M	A	0.1225				N	0	Less than 0.83 acres. Existing single-family home in Dumont.
1211	26	1	ASSESSED IN DUMONT	STEWARD, INGEBORG P.	A	0.0773				N	0	Less than 0.83 acres. Existing single-family homes in Dumont.
1507	14	1	SUMMIT AVE	DEVASSIA, DIANA PAUL	A	0.0918				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Developed with driveway and sideyard for single-family home.
1509	1	1	GRAND ST	PALANGIC, DINO & NELSA & BATISTA, F	A	0.0275				N	0	Less than 0.83 acres, immediately contiguous property does not add up to 0.83 acres . Sideyard of single-family home.
1509	6	1	GRAND ST	BOWKER, PAMELA KNOWLES	A	0.0574				N	0	Less than 0.83 acres, no immediately contiguous property for development. Sideyard of single-family home.
1509	42	1	GRAND ST	KIM, WOOK & S00 JA	A	0.0448				N	0	Less than 0.83 acres, immediately contiguous property does not add up to 0.83 acres. Sideyard of single-family home.
1522	8	1	BOULEVARD	MILFORD ATHLETIC ASSOC	A	0.1308				N	0	Less than 0.83 acres, no immediately contiguous properties for development.
1524	14	1	WASHINGTON AVE	HEISER, GARY F & KERRY E	A	0.136				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Appears to be a sideyard.
1527	8	1	RIVER RD	FERRETTI, DANIEL J	A	0.1375				N	0	Less than 0.83 acres, immediately contiguous property does not add up to 0.83 acres
501	15	1	CORNELL ST	PUBLIC SERV ELEC & GAS CO%FIERRO,N	IP	0.1148	0.105337	0.009463	Flood hazard areas and wetlands	N	0	Less than 0.83 acres and environmental constraints leave little to no developable acreage.
912	3.01	1	ROSE LANE	ALLISON, JILL & JEAN & KRIBS, JERI	IP	0.0812				N	0	Less than 0.83 acres with contiguous lots. Lot appears to have been subdivided, tax maps have not been updated yet accordingly. Lot is a narrow wooded corner lot along River Road between single-family & commercial development. Previously Lot 3.
503	1.01	1	COLUMBIA ST	DORCHESTER MANOR LLC% VALUE CO INC	RESC	2.14	1.75397	0.38603	Flood hazard area, water body, and wetlands	N	0	Used as a parking lot for existing garden apts along Columbia Street.
201	6	1	270 BIRCHWOOD ROAD	UNKNOWN		0.1377				N	0	Less than 0.83 acres. Lot appears to have been consolidated since 1986 tax maps. Address provided references an existing single-family home. Assessor data does not appear to have been updated.
201	12	1	255 AZALEA DRIVE	UNKNOWN		0.1377				N	0	Less than 0.83 acres. Lot appears to have been consolidated since 1986 tax maps. Address provided references an existing single-family home. Assessor data does not appear to have been updated.
902	30	1	585 COLUMBIA STREET	UNKNOWN		0.0685				N	0	Less than 0.83 acres. Lot is vacated in MOD-IV data, assesor data not yet updated? Lot is a narrow parcel between 2 single-family homes
903	12.01	1	RIVER ROAD (REAR)	UNKNOWN		0				N	0	Less than 0.83 acres. Appears to have been subdivided, tax maps not updated. Lot 12 is single-family residence.
904	31	1	BERKLEY STREET	UNKNOWN		0.0402				N	0	Less than 0.83 acres. Narrow R.O.W. Parcel, no longer in MOD-IV
905	27	1	ASBURY STREET	UNKNOWN		0.0574				N	0	Less than 0.83 acres. Narrow R.O.W. Parcel, no longer in MOD-IV
1007	1	1	ROSLYN AVENUE	UNKNOWN		0.0331				N	0	Less than 0.83 acres. Narrow parcel across multiple single-family homes, no longer in MOD-IV
1109	5	1	MADISON AVENUE	UNKNOWN		0				N	0	Listed acreage less than 0.83 acres. Narrow private road, no longer in MOD-IV.
1109	7	1	MADISON AVENUE (REAR)	UNKNOWN		0.1733				N	0	Less than 0.83 acres. Lot consolidation appears to have occurred. Assessor data does not appear to have been updated.Was formerly R.O.W between single-family parcels
1511	1.01	1	225 CENTER ST	ST MATTHEW CH C/O REV J WANGERIN		0				N	0	Active church, not developable. Armenian Brotherhood Bible Church.
1525	7	1	WASHINGTON AVENUE	UNKNOWN		0				N	0	Less than 0.83 acres, no immediately contiguous properties for development. Lot appears to have been vacated, assessor data appears to not have been updated. Was part of water body.
101	1	15C	1033 STEUBEN AVE	THE BOROUGH OF NEW MILFORD	A	0.3161				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
101	3	15C	1041 STEUBEN AVE	NJS ENVIRN PROTECTION % CANONICO,L	A	0.3695				N	0	Less than 0.83 acres
101	4	15C	MAPLE AVE	BOROUGH OF NEW MILFORD	A	1.32				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
101	5	15C	STEUBEN AVE	BOROUGH OF NEW MILFORD	A	0.2101				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
102	1.01	15C	MAPLE AVE	BOROUGH OF NEW MILFORD		1.6437				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
102	1.02	15C	119 MAPLE AVE	NJS ENVIRN PROTECTION % CANONICO,L		0.2296				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
103	1	15C	LYNWOOD AVE	BOROUGH OF NEW MILFORD	A	0.5223				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
104	2	15C	ROOSEVELT AVE	BOROUGH OF NEW MILFORD	A	1.467				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
104	3	15C	STEUBEN AVE	BOROUGH OF NEW MILFORD	A	1.35				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
104	8	15C	MAPLE AVE	BOROUGH OF NEW MILFORD	CSXT	0.0222				N	0	Less than 0.83 acres
104	9	15C	MAPLE AVE	BOROUGH OF NEW MILFORD	A	0.5739				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
105	1	15C	STEUBEN AVE	BOROUGH OF NEW MILFORD	A	0.831				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
106	1	15C	MAPLE AVE	BOROUGH OF NEW MILFORD	A	0.2296				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
111	5	15C	NEW BRIDGE RD	COUNTY OF BERGEN	A	0.1307				N	0	Less than 0.83 acres
113	10	15C	1 OLD NEW BRIDGE RD	NJ ENVIRON PROTECTION % CANONICO,L	00000	0.1972				N	0	Less than 0.83 acres.
117	1	15C	200 DAHLIA AVE	BOROUGH OF NEW MILFORD	00000	5.886				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
118	2	15C	RICHMOND AVE	BOROUGH OF NEW MILFORD	A	0.1236				N	0	Less than 0.83 acres
202	30	15C	WARREN ST	BOROUGH OF NEW MILFORD	A	3				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.

Block	Lot	Property Class	Property Location	Owner's Name	Zone	Acreage	Constrained Acreage	Remaining Acreage	Constraint Description	Remaining Acreage > 0.83?	Developable Acreage	Additional Notes
202	30.01	15C	WARREN ST	BOROUGH OF NEW MILFORD	A	0.904				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
202	30.02	15C	SHERIDAN ST	BOROUGH OF NEW MILFORD	A	1.322				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
301	1	15C	850-850A ROBERT CHESTER W	BOROUGH OF NEW MILFORD	RESA	2.2				N	0	Existing DPW Site as designated in Community Facilities Element of 2024 Master Plan Reexamination.
301	2	15C	160 TROTTA DRIVE	BOROUGH OF NEW MILFORD	RESA	16.39				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
301	10	15C	RIVER RD (RIGHT-O-WAY)	BOROUGH OF NEW MILFORD	A	0.2847				N	0	Less than 0.83 acres.
301	23.01	15C	RIVER LANE	BOROUGH OF NEW MILFORD		1.03				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
301	27	15C	HACKENSACK RIVER	COUNTY OF BERGEN	A	5.461				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
301	28.01	15C	RIVER LANE	BOROUGH OF NEW MILFORD		0.9				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
302	1	15C	845 ROBERT CHESTER WAY	BOROUGH OF NEW MILFORD	00000	4.38				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
302	2	15C	930 RIVER RD	BOROUGH OF NEW MILFORD	00000	3.65				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
302	8	15C	RIVER RD	BOROUGH OF NEW MILFORD	A	0.3444				N	0	Less than 0.83 acres.
304	6	15C	RIVER RD	BOROUGH OF NEW MILFORD	A	0.3591				N	0	Less than 0.83 acres.
305	1.01	15C	RIVER LANE	BOROUGH OF NEW MILFORD		1.41				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
306	6.01	15C	RIVER LANE	BOROUGH OF NEW MILFORD		0.92				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
401	3	15C	RIDGE & E WOODLAND EASEMT	BOROUGH OF NEW MILFORD	A	0.1556				N	0	Less than 0.83 acres. Narrow parcel across multiple single-family homes.
501	12	15C	HENLEY AVE	BOROUGH OF NEW MILFORD	IP	0.32				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
501	13	15C	HENLEY AVE	BOROUGH OF NEW MILFORD	IP	0.996	0.996	0	Flood hazard area, water body,and wetlands	N	0	Environmental constraints leave less than 0.83 developable acres.
501	14	15C	CORNELL ST	BOROUGH OF NEW MILFORD	IP	0.9539	0.904444	0.049456	Flood hazard areas and wetlands	N	0	Environmental constraints leave less than 0.83 developable acres.
501	16	15C	HENLEY AVE	BOROUGH OF NEW MILFORD	IP	0.7046	0.514791	0.189809	Flood hazard areas and wetlands	N	0	Environmental constraints leave less than 0.83 developable acres.
502	2	15C	RIVER RD	BOROUGH OF NEW MILFORD	00000	0.0114				N	0	Less than 0.83 acres.
502	8	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	A	4.18				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
503	2	15C	800 A-C COLUMBIA ST	BOROUGH OF NEW MILFORD	00000	13.8				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
601	14	15C	ASBURY TO PRINCETON	BOROUGH OF NEW MILFORD	A	0.0072				N	0	Less than 0.83 acres.
603	6	15C	ASBURY ST	BOROUGH OF NEW MILFORD	A	0.0029				N	0	Less than 0.83 acres.
605	10	15C	BERKLEY ST	BOROUGH OF NEW MILFORD	A	0.0029				N	0	Less than 0.83 acres.
606	7	15C	TRENTON ST	BOROUGH OF NEW MILFORD	A	0.0023				N	0	Less than 0.83 acres.
821	6	15C	CYPRESS ST	BOROUGH OF NEW MILFORD	A	0.0735				N	0	Less than 0.83 acres.
823	1	15C	GRAPHIC BLVD	BOROUGH OF NEW MILFORD	A	0.0955				N	0	Less than 0.83 acres.
823	3	15C	GRAPHIC BLVD	BOROUGH OF NEW MILFORD	A	0.0438				N	0	Less than 0.83 acres.
901	1	15C	147 RIVER EDGE AVE	NJ DEPT OF ENVIROMENTAL PROTECTION	A	0.5634				N	0	Less than 0.83 acres. Listed on State and National Registers of Historic Places.
901	2	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	A	3.58				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
901	11	15C	568 COLUMBIA ST	NJS ENVIRON PROTECTION &CANONICO,L	A	0.1894				N	0	Less than 0.83 acres. NJDEP grant.
902	26	15C	599 COLUMBIA ST	STATE OF NJ DEPT OF ENV PROTECTION	A	0.2629				N	0	Less than 0.83 acres.NJDEP grant. Still developed with single family home.
902	34	15C	HOLLAND AVE	BOROUGH OF NEW MILFORD	A	0.2282				N	0	Less than 0.83 acres.
903	18	15C	RIVER EDGE AVE	BOROUGH OF NEW MILFORD	A	0.2984				N	0	Less than 0.83 acres.
904	30	15C	BERKLEY ST	BOROUGH OF NEW MILFORD	A	0.6689				N	0	Less than 0.83 acres.
904	32	15C	BERKLEY ST	BOROUGH OF NEW MILFORD	A	0.2152				N	0	Less than 0.83 acres.
904	42	15C	STOCKTON ST	BOROUGH OF NEW MILFORD	A	0.0148				N	0	Less than 0.83 acres.
906	7	15C	638 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO, L	A	0.2502				N	0	Less than 0.83 acres. NJDEP grant.
906	9	15C	650 COLUMBIA ST	NJ STATE OF ENVIROMENTAL PROTECTION	A	0.186	0.186	0	Steep slopes, water body, & flood hazard areas.	N	0	Block 906, Lots 9-12 are contiguous with one another to add up to more than 0.83 acres, but
906	10	15C	654 COLUMBIA ST	NJ STATE OF ENVIROMENTAL PROTECTION	A	0.2638	0.2638	0	Steep slopes, water body, & flood hazard areas.	N	0	this area has been reserved as per NJ DEP grant. Furthermore, the parcels are fully enclosed
906	11	15C	660 COLUMBIA ST	NJS ENVIRV PROTECTION %CANONICO,L	A	0.3375	0.3375	0	Steep slopes, water body, & flood hazard areas.	N	0	within areas of environmental constraints, including being fully within flood hazard zone AE
906	12	15C	664 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.171	0.171	0	Steep slopes, water body, & flood hazard areas.	N	0	and the regulatory floodway.
906	13	15C	668 COLUMBIA ST	BOROUGH OF NEW MILFORD	A	0.171				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
906	15	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	IP	0.3028				N	0	Less than 0.83 acres.
906	16	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	IP	0.2221				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
906	17	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	IP	0.1193				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
906	18	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	IP	0.1282				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
906	19	15C	COLUMBIA ST	BOROUGH OF NEW MILFORD	IP	0.13				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
907	10	15C	654 HARVARD ST	NJ ENVIRON PROTECTION % CANONICO, L	A	0.2048				N	0	Less than 0.83 acres. NJDEP grant.
907	11	15C	660 HARVARD ST	NJS ENVIRN PROTECTION % CANONICO,L	A	0.203				N	0	Less than 0.83 acres. NJDEP grant.
907	12	15C	668 HARVARD ST	BOROUGH OF NEW MILFORD	A	0.1148				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
907	13	15C	674 HARVARD ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.1443				N	0	
907	17	15C	659 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO, L	A	0.1644	0.160948	0.003452	Flood hazard areas	N	0	
907	18	15C	651 COLUMBIA ST	NJS ENVIRN PROTECTION % CANONICO,L	A	0.1632	0.1632	0	Flood hazard areas	N	0	
907	19	15C	647 COLUMBIA ST	NJS ENVIRN PROTECTION % CANONICO,L	A	0.1722	0.158635	0.013565	Flood hazard areas	N	0	Block 907, Lots 17-24 are contiguous with one another to add up to greater than 0.83 acres,
907	20	15C	641 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.1148	0.1148	0	Flood hazard areas	N	0	but have all been reserved as per an NJDEP grant. All lots lie fully within flood hazard area
907	21	15C	631 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.1148	0.113815	0.000985	Flood hazard areas	N	0	zone AE, and portions of some of the lots also lie within the regulatory floodway - thus fully
907	22	15C	627 COLUMBIA ST	NJS ENVRON PROTECTION %CANONICO,L	A	0.1148	0.1148	0	Flood hazard areas	N	0	environmentally constrained.
907	23	15C	625 COLUMBIA ST	NJ ENVIRON PROTECTION %CANONICO,L	A	0.1722	0.1722	0	Flood hazard areas	N	0	
907	24	15C	623 COLUMBIA ST	NJS ENVIRON PROTECTION % CANONICO,L	A	0.1148	0.1148	0	Flood hazard areas	N	0	
908	13	15C	643 HARVARD ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.1148				N	0	Less than 0.83 acres. NJDEP grant.
908	14	15C	639 HARVARD ST	NJS ENVIRON PROTECTION % CANONICO,L	A	0.1148				N	0	Less than 0.83 acres. NJDEP grant.
912	1	15C	AUDREY PL	BOROUGH OF NEW MILFORD	IP	0.63				N	0	Less than 0.83 acres with contiguous Block 912, Lot 3.01.
915	5	15C	680 TRENTON ST	BOROUGH OF NEW MILFORD	00000	0.287				N	0	New Milford Fire Department as designated in Community Facilities Element of 2024 Master Plan Reexamination.
919	9	15C	HENLEY AVE	BOROUGH OF NEW MILFORD	A	0.1435				N	0	Less than 0.83 acres.
1006	4	15C	ROSLYN AVE	BOROUGH OF NEW MILFORD	00000	0.0918				N	0	Less than 0.83 acres.
1101	3.01	15C	556 COLUMBIA ST	NJ DEPT OF ENVIRONMENTAL PROTECTION	A	0.1894				N	0	Less than 0.83 acres. NJDEP grant.
1101	7	15C	540 COLUMBIA ST	NJ ENVIRON PROTECTION % CANONICO,L	A	0.2204				N	0	Less than 0.83 acres. NJDEP grant.
1101	8	15C	536 COLUMBIA ST	NJS ENVIRN PROTECTION % CANONICO,L	A	0.2103				N	0	Less than 0.83 acres. NJDEP grant.
1102	2	15C	559 COLUMBIA ST	NJ DEPT OF ENVIROMENTAL PROTECTION	A	0.1992				N	0	Less than 0.83 acres. NJDEP grant.
1102	5	15C	549 COLUMBIA ST	NJS ENVIRN.PROTECTION % CANONICO,L	A	0.219				N	0	Less than 0.83 acres. NJDEP grant.
1102	6	15C	545 COLUMBIA ST	NJ ENVIRON PROTECTION %CANONICO, LN	A	0.1882				N	0	Less than 0.83 acres. NJDEP grant.
1102	8	15C	535 COLUMBIA ST	NJ ENVIRON PROTECTION %GOGO,CHLOE	A	0.1832				N	0	Less than 0.83 acres. NJDEP grant.
1102	26	15C	502 HUGHES RD	NJS ENVIRN PROTECTION % CANONICO,L	A	0.1745				N	0	Less than 0.83 acres. NJDEP grant.
1106	21	15C	RIVER RD	BOROUGH OF NEW MILFORD	A	0.1372				N	0	Less than 0.83 acres.
1107	4.02	15C	WEST PARK DR	BOROUGH OF NEW MILFORD		0.5468				N	0	Less than 0.83 acres.
1109	1	15C	WEST PARK DR	BOROUGH OF NEW MILFORD	A	3.85				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1109	3	15C	198 MADISON AVE	COUNTY OF BERGEN NJ	A	1.7439	1.7439	0	Flood hazard area, water body,and wetlands	N	0	Environmental constraints leave zero developable acres.
1109	13	15C	RIVER RD	BOROUGH OF NEW MILFORD	A	0.1714				N	0	Less than 0.83 acres.
1202	2	15C	SALEM ST	BOROUGH OF NEW MILFORD	A	0.0009				N	0	Less than 0.83 acres.
1208	9	15C	NEUMAIER DR	BOROUGH OF NEW MILFORD	A	1.38				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1210	7	15C	HIRSCHFELD PL	BOROUGH OF NEW MILFORD	A	0.1148				N	0	Less than 0.83 acres.
1218	4	15C	ROSLYN AVE	BOROUGH OF NEW MILFORD	A	0.0922				N	0	Less than 0.83 acres.

Block	Lot	Property Class	Property Location	Owner's Name	Zone	Acreage	Constrained Acreage	Remaining Acreage	Constraint Description	Remaining Acreage > 0.83?	Developable Acreage	Additional Notes
1218	8	15C	MARION AVE	BOROUGH OF NEW MILFORD	A	0.0918				N	0	Less than 0.83 acres.
1301	1	15C	WASHINGTON AVE	BOROUGH OF NEW MILFORD	00000	0.644	0.531804	0.112196	Flood hazard area and water body	N	0	Block 1301, Lots 1-2 are contiguous with one another, but environmental constraints leave
1301	2	15C	MAIN ST	COUNTY OF BERGEN	A	1.074	0.997988	0.076012	Flood hazard area and water body	N	0	less than 0.83 total developable acres.
1304	8	15C	RIVER RD	BOROUGH OF NEW MILFORD	D	0.1194				N	0	Less than 0.83 acres.
1308	1	15C	MADISON AVE	COUNTY OF BERGEN	A	4.61	4.61	0	Flood hazard area and water body	N	0	Environmental constraints leave zero developable acres.
1309	1.04	15C	75 MADISON AVENUE	NEW MILFORD BOROUGH OF	RESA	4.16				N	0	Designated as public land and open space in the Recreation and Open Space Element in the 2024 Master Plan Reexamination. Existing Knights Field and parking area - not eligible for development.
1314	1	15C	275 RIVER RD	BOROUGH OF NEW MILFORD	00000	0				N	0	New Milford Senior Center as designated in Community Facilities Element of 2024 Master Plan Reexamination.
1402	23	15C	SUTTON PL	BOROUGH OF NEW MILFORD	A	3.13				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1402	45	15C	MAIN & BOULEVARD	BOROUGH OF NEW MILFORD	A	1.1747	0.334999	0.839701	Flood hazard area, water body, steep slopes	Y	0.839701	Wooded lot, Hirshfeld Brook cuts through center of lot.
1402	46	15C	192 CARLTON PL	BOROUGH OF NEW MILFORD	A	1.3582				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1404	18	15C	SUTTON PL	BOROUGH OF NEW MILFORD	A	0.0143				N	0	Less than 0.83 acres.
1502	8	15C	HARRISON ST	BOROUGH OF NEW MILFORD	A	0.0906				N	0	Less than 0.83 acres.
1505	2	15C	PROSPECT AVE	BOROUGH OF NEW MILFORD	A	0.0207				N	0	Less than 0.83 acres.
1512	1	15C	249 CENTER ST	BOROUGH OF NEW MILFORD	00000	0.4591				N	0	New Milford Volunteer Fire Company 1 facility as designated in Community Facilities Element of 2024 Master Plan Reexamination.
1523	2	15C	CALIFORNIA AVE	COUNTY OF BERGEN	A	1.2266	0.969297	0.257303	Flood hazard area, water body,and wetlands	N	0	Environmental constriants leave less than 0.83 acres. Wooded open space lot along Hackensack River. Southern portion of lot boundary is occupied by historic New Milford Plant.
1524	1	15C	PINE AVE	COUNTY OF BERGEN	00000	1.8748	1.8748	0	Flood hazard area, water body,and wetlands	N	0	Environmental constriants leave less than 0.83 acres. Wooded open space lot along Hackensack River. Used as a pumping station. Southern portion of lot boundary is occupied by historic New Milford Plant.
1524	2	15C	155 PINE AVE	NJS ENVIRN PROTECTION % CANONICO,L	A	0.1148				N	0	Less than 0.83 acres. NJDEP grant.
1524	9	15C	154 WASHINGTON AVE	BORO OF NEW MILFORD	A	0.2481				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1524	11	15C	164 WASHINGTON AVE	NJ ENVIRON PROTECTION % CANONICO,L	A	0.2066				N	0	Less than 0.83 acres. NJDEP grant.
1525	6	15C	162 LENOX AVE	NJS ENVIRN PROTECTION % CANONICO,L	A	0.1837				N	0	Less than 0.83 acres. NJDEP grant.
1525	16	15C	171 WASHINGTON AVE	BOROUGH OF NEW MILFORD	A	0.1386				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1525	17	15C	161 WASHINGTON AVE	BOROUGH OF NEW MILFORD	A	0.1917				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1526	5	15C	RIVER RD THRU LENOX AVES	BOROUGH OF NEW MILFORD	A	0.2525				N	0	Less than 0.83 acres.
1526	11	15C	161 LENOX AVE	NJ DEPT OF ENVIROMENTAL PROTECTION	A	0.1837				N	0	Less than 0.83 acres. NJDEP grant.
1527	9	15C	PROSPECT AVE	BOROUGH OF NEW MILFORD	A	0.1375				N	0	Less than 0.83 acres.
1527	10	15C	178 PROSPECT AVE	BOROUGH OF NEW MILFORD	A	0.4086				N	0	Less than 0.83 acres.
1528	4.02	15C	PROSPECT & SUMMIT AVES	BOROUGH OF NEW MILFORD	A	1.9				N	0	Designated in Recreation & Open Space Element of 2024 Master Plan and on NJDEP ROSI.
1530	16	15C	EAGLE AVE	BOROUGH OF NEW MILFORD	A	0.1148				N	0	Less than 0.83 acres.

Additional Parcels

501	9	4A	810 RIVER RD	NMLRI LLC	MUPUD	0.7471	0	0.7471	None	N	0.7471	Although the developable acreage of the lot on its own is less than 0.83 acres, it is contiguous with Block 501, Lot 10, resulting in a total of more than 0.83 contiguous acres. Potential area in need of redevelopment site.
501	10	4A	814-820 RIVER RD	INSERRA ASSOCIATES	MUPUD	3.418	0.036322	3.381678	Steep slopes	Y	3.381678	Contiguous with Block 501, Lot 9. Potential area in need of redevelopment site - former ShopRite. Minimal area of steep slopes located in northwestern corner of lot.

TOTAL DEVELOPABLE ACREAGE	**4.9685**	
Min Presumptive Density	29.8109	6 units per acre
Max Presumptive Setaside	**5.9622**	20 percent



New York State, Maxar, Microsoft

Appendix 3: Former ShopRite Site Suitability Analysis

Block 501, Lots 9 & 10

Borough of New Milford 2025 Housing Element and Fair Share Plan

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2025

FEET
0 50 100
NORTH



Appendix 4: Block 501, Lots 4 & 5 Site Suitability Analysis

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Maxar, Microsoft

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NORTH



Appendix 5: Block 502, Lot 1 Site Suitability Analysis

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Maxar, Microsoft

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Affordable Housing Trust Fund Spending Plan
Borough of New Milford
May 2025

INTRODUCTION

The Borough of New Milford, 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.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH and the Superior Court and adopted by the municipality. The ordinance establishes the New Milford affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, New Milford has collected $578,521 and expended $175,966, resulting in an affordable housing trust fund balance of $402,555 as of that date. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in NVE Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round, New Milford considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: none.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. According to the Borough Administrator, monthly interest income in 2024 ranged from $629 to $796. Therefore, an average monthly interest of $712 has been assumed, which would be an estimated annual interest amount of approximately $8,500.

No large development projects are anticipated in the coming years due to the lack of vacant and developable land in New Milford.

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SOURCE OF FUNDS	PROJECTED REVENUE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035				
	2026	**2027**	**2028**	**2029**	**2030**
(a) Development fees:					
1. Approved Development	$0	$0	$0	$0	$0
2. Development Pending Approval	$0	$0	$0	$0	$0
3. Projected Development	$40,000	$40,000	$40,000	$40,000	$40,000
(b) Payments in Lieu of Construction	$0	$0	$0	$0	$0
(c) Other Funds (Specify source(s))	$0	$0	$0	$0	$0
(d) Interest	$8,544	$8,544	$8,544	$8,544	$8,544
Total	**$48,500**	**$48,500**	**$48,500**	**$48,500**	**$48,500**

	2031	**2032**	**2033**	**2034**	**2035**	**Total**
(a) Dev. fees:						
1. Appr.	$0	$0	$0	$0	$0	**$0**
2. Pending	$0	$0	$0	$0	$0	**$0**
3. Projected	$40,000	$40,000	$40,000	$40,000	$40,000	**$400,000**
(b) In Lieu	$0	$0	$0	$0	$0	**$0**
(c) Other	$0	$0	$0	$0	$0	**$0**
(d) Interest	$8,500	$8,500	$8,500	$8,500	$8,500	**$85,000**
Total	**$48,500**	**$48,500**	**$48,500**	**$48,500**	**$48,500**	**$485,000**

New Milford projects a total of $485,000 in revenue to be collected between July 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with New Milford's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The disbursement of monies in New Milford's affordable housing trust fund will be coordinated by its Municipal Housing Liaison. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation program (N.J.A.C. 5:97-8.7)

New Milford will dedicate $471,255 to its rehabilitation program.

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

Projected minimum affordability assistance requirement:

Actual development fees and other income through 12/31/2024		$402,555
Development fees projected 2025-2035	+	$400,000
Interest projected 2025-2035	+	$85,000
Total	=	$887,555
30 percent requirement	x 0.30 =	$266,267
Less Affordability assistance expenditures through 12/31/2024	-	$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2025 through 6/30/2035	=	$266,267
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2025 through 6/30/2035	÷ 3 =	$88,756

New Milford will dedicate $266,300 from the affordable housing trust fund to render units more affordable, including $88,800 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

New Milford will address this requirement through subsidizing the provision of very low-income housing and through other means such as 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.

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

New Milford projects that $150,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Administering a housing rehabilitation program
- Managing the provision of affordability assistance to low-income households
- Provision of professional planning and legal services related to the planning for affordable housing

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4. EXPENDITURE SCHEDULE

New Milford intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program	**PROJECTED EXPENDITURE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035**				
	2026	**2027**	**2028**	**2029**	**2030**
Rehabilitation	$ 47,126	$ 47,126	$ 47,126	$47,126	$47,126
Affordability Assistance	$ 26,630	$ 26,630	$ 26,630	$26,630	$26,630
Administration	$ 15,000	$ 15,000	$ 15,000	$15,000	$15,000
Total	**$ 88,756**	**$ 88,756**	**$ 88,756**	**$88,756**	**$88,756**

	2031	**2032**	**2033**	**2034**	**2035**	**Total**
Rehab.	$47,126	$47,126	$47,126	$47,126	$47,126	**$471,255**
Aff. Asst.	$26,630	$26,630	$26,630	$26,630	$26,630	**$266,300**
Admin.	$15,000	$15,000	$15,000	$15,000	$15,000	**$150,000**
Total	**$88,756**	**$88,756**	**$88,756**	**$88,756**	**$88,756**	**$887,555**

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of New Milford will adopt a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation program, providing affordability assistance and helping with the creation of new affordable housing. In the event that a shortfall of anticipated revenues occurs, New Milford will utilize a capital ordinance to provide the necessary funds. A copy of the adopted resolution of intent to adopt such an ordinance if necessary is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordability assistance, aid with the rehabilitation of units and/or encourage provision of affordable accessory apartments.

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SUMMARY

New Milford intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in its housing element and fair share plan.

New Milford had a balance of $402,555 as of December 31, 2024 and anticipates an additional $485,000 in revenues from 2025 to 2035. The municipality will dedicate $471,255 towards rehabilitation, $266,300 to render units more affordable, and $150,000 to administrative costs. Any shortfall of funds will be offset by funds appropriated from general revenue. The municipality will dedicate any excess funds toward providing affordability assistance, aiding with the rehabilitation of units and/or encouraging provision of affordable accessory apartments.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2024		$402,555
PROJECTED REVENUE 2025-2035		
Development fees	+	$400,000
Payments in lieu of construction	+	$0
Other funds	+	$0
Interest	+	$85,000
TOTAL REVENUE	=	$887,555
EXPENDITURES		
Funds used for Rehabilitation	-	$471,255
Affordability Assistance	-	$266,300
Administration	-	$150,000
TOTAL PROJECTED EXPENDITURES	=	$887,555
REMAINING BALANCE	=	$0

Proposed Affordable Housing Zoning Amendments
Borough of New Milford

Note: additions shown in underline, deletions in ~~strikethrough~~

CHAPTER XXXII AFFORDABLE HOUSING

32-1 AFFORDABLE HOUSING REGULATIONS AND PROCEDURES.

32-1.1. Purpose and applicability.

The purpose of this chapter is to include provisions addressing the Borough of New Milford's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts and as stipulated by P.L.2024, c. 2 and N.J.S.A. 52:27D-301 *et seq*. (the amended Fair Housing Act). These regulations supersede N.J.A.C. 5:93-1 *et seq*., as amended and supplemented, and N.J.A.C 5:94-1 *et seq*, as amended and supplemented, where applicable, which otherwise remain valid. P.L. 2024, c.2 established the Affordable Housing Dispute Resolution Program ("Dispute Resolution Program"), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq*., as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

~~The purpose of this chapter is to include provisions addressing the Borough of New Milford's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Supreme Court and consistent with 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. This chapter is intended to assure compliance with the regulations of the Council on Affordable Housing ("COAH") set forth at N.J.A.C. 5:93-1 *et seq*., and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq*., including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.~~

32-1.2. Intent.

It is the intent of this chapter to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Borough of New Milford.

32-1.3. Reporting requirements.

a. Trust fund activity. New Milford shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.

b. Affordable housing activity. New Milford shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.4.

~~a. Trust fund activity. On the first anniversary of the entry of the order granting New Milford a final judgment of compliance and repose in *In re Borough of New Milford Compliance with Mount Laurel Third Round Affordable Housing Obligation*, and every anniversary thereafter through the end of the repose period, 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. Affordable housing activity. On the first anniversary of the entry of the order granting New Milford a final judgment of compliance and repose in *In re Borough of New Milford Compliance with Mount Laurel Third Round Affordable Housing Obligation*, and every anniversary thereafter through the end of the repose period, 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 master and Fair Share Housing Center. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with~~

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~~July 1, 2020, 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.~~

~~c. Very low income housing. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the order granting New Milford a final judgment of compliance and repose in *In re Borough of New Milford Compliance with Mount Laurel Third Round Affordable Housing Obligation*, and every third year thereafter, the Borough will 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 Borough has complied with its very low income housing obligation.~~

32-1.4. Definitions.

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

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 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 through P.L. 2024, c.2.

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 designated by the Borough to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 *et seq.*))~~Council on Affordable Housing set forth at N.J.A.C. 5:93 *et seq.*~~, 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. 5:80-26.16~~5~~.

AFFORDABILITY AVERAGE
The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE
A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7~~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. 5:80-26.1~~2~~3, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT
A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

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

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AFFORDABLE UNIT
A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

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*.).

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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

BOROUGH
The Borough of New Milford, in Bergen County, New Jersey.

CERTIFIED HOUSEHOLD
A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH or THE COUNCIL
The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq*.), prior to its abolition through P.L.2024, c.2.

DCA
The State of New Jersey Department of Community Affairs.

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

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

DEVELOPMENT
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*.

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DISPUTE RESOLUTION PROGRAM
The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

FAIR SHARE PLAN
The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 *et seq.*).~~*N.J.A.C.* 5:93-5~~.

HOUSING ELEMENT
The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A.* 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 *et seq.* ~~*N.J.A.C.* 5:93-5.1~~ and establishes the Borough's fair share obligation.

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

LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

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 and 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 the Affordable Housing Professionals of New Jersey ~~COAH~~ or an ~~successor~~ entity approved by the court.

MODERATE-INCOME HOUSEHOLD
A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

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

MULTIFAMILY UNIT
A structure containing five or more dwelling units.

MUNICIPAL HOUSING LIAISON
The employee charged by the Mayor and Council with the responsibility for oversight and administration of the affordable housing program for New Milford.

NON-EXEMPT SALE
Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not

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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 percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other ~~COAH or a successor~~ entity approved by the court.

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 an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

UHAC
The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 *et seq.*, as amended and supplemented.

VERY LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

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.

32-1.5. Inclusionary housing requirements for rezonings and variances.

Any residential development consisting of five or more dwelling units, at a density above six units per acre, that is permitted pursuant to a variance or rezoning shall produce low- and moderate-income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the ~~New Jersey Council on Affordable Housing and any other~~ relevant state regulations.

32-1.6. New construction

The required income and bedroom distributions of affordable housing units, as well as additional applicable standards, shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 *et seq*, as amended and supplemented.

a. Low/moderate split and bedroom distribution of affordable housing units:

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1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

2. At least 13 percent of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very low-income units shall be counted as part of the required number of low income units within the development.

3. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.

4. A maximum of 25 percent 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.

5. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units including that 13% shall be very-low income.

6. 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 percent of the total low- and moderate-income units;
   (b) At least 30 percent of all low- and moderate-income units shall be two-bedroom units;

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

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

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

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; and

   (b) An adaptable kitchen on the first floor; and

   (c) An interior accessible route of travel on the first floor; and

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

   (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

   (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a *et seq.*) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds

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from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

(1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities 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 affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (f)(2) above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

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

(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 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 Superior Court.

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

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income, with such very low-income units counted toward the low-income housing requirement.

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

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio unit shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four and one-half person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.5~~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. 5:80-26.4~~3~~, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.5~~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~~4~~, as may be amended and supplemented.

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

10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Regional Income Limits chart. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

32-1.7. Utilities.

a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

32-1.8. Occupancy Standards.

a. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;

2. Provide children of different sexes with separate bedrooms;

3. Provide separate bedrooms for parents and children; and

4. Prevent more than two persons from occupying a single bedroom.

32-1.9. 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. 5:80-26.6~~5~~, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least thirty (30) years and thereafter until the Borough takes action by ordinance to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

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

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

d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

e. The affordability controls set forth in this 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 Uniform Construction Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.6~~5~~(a), as may be amended and supplemented.

32-1.10. 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 master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

32-1.11. Buyer Income Eligibility.

a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross

household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

b. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Mayor and Council, and subject to the court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

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

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

32-1.12. Limitations on indebtedness secured by ownership unit; subordination.

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

b. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.~~6~~7(c~~b~~).

32-1.13. Capital improvements to ownership units.

a. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

32-1.14. Control periods for restricted rental units.

a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12~~1~~, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a period of at least 30 years and thereafter until the Borough takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine percent low income housing

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tax credits, a control period of not less than a 30 year compliance period plus a 15 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 the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

c. A restricted rental unit shall remain subject to the affordability controls of this 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 on the property containing the unit.

32-1.15. Rent restrictions for rental units; leases.

a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.

b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.

c. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

32-1.16. Tenant income eligibility.

a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14~~3~~, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

b. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17~~6~~, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

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2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.

c. The applicant shall file documentation sufficient to establish the existence of the circumstances in b.1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

32-1.17. Municipal housing liaison.

a. The Borough shall appoint a specific municipal employee to serve as a municipal housing liaison responsible for administering the affordable housing program, including affordability controls, the affirmative marketing plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. The Borough shall adopt an ordinance creating the position of municipal housing liaison. The Borough shall adopt a resolution appointing a municipal housing liaison. The municipal housing liaison shall be appointed by the governing body and may be a full or part time municipal employee. The municipal housing liaison shall be approved by the court 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.

b. 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.

c. 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).

32-1.18. Administrative agent.

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, single-family homeowners and condominium homeowners shall be required to pay three percent 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. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.15~~4~~, 17~~6~~ and 19~~8~~ thereof, which include:

a. Affirmative marketing:

1. 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. 5:80-26.16~~5~~; and

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

b. Household certification:

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

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

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

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

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

6. Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units.

7. Notifying the following entities of the availability of affordable housing units in the Borough of New Milford: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.

c. Affordability controls:

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

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

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

4. Communicating with lenders regarding foreclosures; and

5. Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.11~~0~~.

d. Resales and rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and

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

e. Processing requests from unit owners:

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

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

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

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

f. Enforcement:

1. Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

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

3. Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;

4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.1~~98~~(d)4;

5. Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and

6. Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Mayor and Council and the court, setting forth procedures for administering the affordability controls.

g. Additional responsibilities:

1. The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2. The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.

3. The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

32-1.19. 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. 5:80-26.1~~6~~5, 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. In accordance with N.J.S.A. 52:27D-311 (j), as amended and supplemented, the Borough and Developer or residential development owner may enter into an agreement to provide a preference for affordable housing to low to moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L. 1963, c. 171 (C.54:4-8.10), of up to fifty (50) percent of the affordable units in that particular project. This preference shall be established in the applicant selection process for affordable units so that applicants who are veterans who served in time of war or other emergency , as referenced in this subsection, and who apply within ninety (90) days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first ninety (90) days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect a municipality's ability to receive credit for the unit ~~for the New Jersey Council of Affordable Housing or its successor~~from the Dispute Resolution Program.

e. 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.

f. 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.

g. 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.

h. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

i. 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.

j. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in New Milford, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.

k. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

32-1.20. 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 Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

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

1. The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:

(a) A fine of not more than $500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough affordable housing trust fund of the gross amount of rent illegally collected;

(c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the sheriff's sale.

(b) The proceeds of the sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough 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 Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough 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 Borough 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 Borough 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 Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.

(c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the

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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 Borough may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

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

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

32-1.21. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this chapter shall be filed in writing with the court.

32-2 DEVELOPMENT FEES.

32-2.1. Purpose.

a. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the then functioning COAH ~~developing~~ adoption of rules as amended from time to time and/or in accordance with the enacted legislation and/or in accordance with directives from the courts.

b. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or court of competent jurisdiction and had a COAH-approved spending plan were able to retain fees collected from nonresidential development.

c. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.

d. Pursuant to P.L.2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees. The regulations set forth in P.L.2024, c. 2 amend those regulations originally established in accordance with P.L. 2008, c. 46, §§ 8 and 32 through 38, and supersede COAH's regulations where in conflict, which remain otherwise valid.

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The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to the above. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing.

32-2.2. Definitions.

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

AFFORDABLE HOUSING DEVELOPMENT
A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

COAH
The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), prior to its abolition through P.L.2024, c.2.
~~The New Jersey Council on Affordable Housing.~~

DEVELOPER
The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEES
Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8, as amended and applicable.

DISPUTE RESOLUTION PROGRAM
"Dispute Resolution Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

EQUALIZED ASSESSED VALUE
The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

32-2.3. Residential Development Fees.

a. *Imposed Fees.*

1. Within all zone districts, developers of residential housing, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1 1/2%) percent of the equalized assessed value for residential development, provided that no increased density is permitted.

2. When an increase in residential density has been permitted pursuant to N.J.S.A. 40:55D-70d (known as a "d" variance) or pursuant to zoning amendment or pursuant to the adoption of a redevelopment plan pursuant to New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A-12-1 et seq.), developers shall be required to pay a development fee of a maximum of six (6%) percent of the equalized assessed value for each additional unit that may be realized.

b. *Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.*

1. The housing portion of affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees. Other site improvements ancillary or accessory to an affordable housing development shall pay the fee.

2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval or the developer has accepted responsibility to pay a development fee. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. A development fee shall be based on the percentage that applies on the date that a building permit is issued, regardless of the time of collection of the fee.

3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

4. Development fees shall be imposed and collected when an existing structure undergoes a change that results in an increased assessed value, not exempt as set forth in subsection 32-2.3b5 below. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

5. The development fee shall not apply to the expansion of a single- or two-family home where the net increase interior floor area is less than fifteen (15%) percent of the existing structure. In no event shall the development fee be collected where the total increase in floor area is five hundred (500) square feet or less. Upon the request of the Zoning Officer, the property owner shall produce, within thirty (30) days, a set of certified plans signed by a licensed architect, confirming the amount of previously existing and as-built conditions.

32-2.4. Nonresidential Development Fees.

a. *Imposed Fees.*

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements for all new nonresidential construction.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the 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.

b. *Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.*

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

2. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

3. The two and one-half (2.5%) percent fee shall not apply to developers of any not-for-profit use; federal, state and municipal government uses; churches and other places of worship; and public schools.

3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as amended and supplemented, as specified in the Form N-RDF, State of New Jersey Nonresidential Development

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Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

5. 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 forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of New Milford as a lien against the real property of the owner.

32-2.5. Collection of Fees.

a. *Collection Procedures.*

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.

2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

3. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

4. Within ninety (90) days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

5. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

6. Within ten (10) business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee and thereafter notify the developer of the amount of the fee.

7. Should the Borough of New Milford fail to determine or notify the developer of the amount of the development fee within ten (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), as amended and supplemented.

8. Fifty (50%) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

b. *Appeal of Development Fees.*

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

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

c. *Retention of Fees*.

Any fees collected prior to the adoption or amendment of this section shall be retained by the Borough of New Milford pursuant to ~~COAH's~~ DCA's rules regarding the retention of development fees.

32-2.6. Contested Fees.

Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by Borough of New Milford. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

32-2.7. Affordable Housing Trust Fund.

a. There is hereby created a separate, interest-bearing housing trust fund in a bank utilized by the Borough for its ordinary business purposes, for the purpose of depositing development fees collected from residential and nonresidential developers, any other payments made pursuant to this section from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this section shall be deposited into this fund.

b. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:

1. Payments in lieu of on-site construction of affordable units;

2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

3. Rental income from municipally operated units;

4. Repayments from affordable housing program loans;

5. Recapture funds;

6. Proceeds from the sale of affordable units; and

7. Any other funds collected in connection with the Borough of New Milford's affordable housing program.

32-2.8. Use of funds.

a. Money deposited in a housing trust fund may be used for any activity approved by ~~COAH or~~the Dispute Resolution Program or in accordance with any directives from the courts for addressing the Borough of New Milford's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; the purchase of land for low- and moderate-income housing; preservation or purchase of housing for the purpose of maintaining or implementing affordability controls,

including the extension of controls, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income households; and administrative costs necessary to implement the Borough of New Milford's housing element. The expenditure of all money shall conform to a spending plan approved by ~~COAH~~ the Dispute Resolution Program or by the courts.

b. At least thirty (30%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.

1. 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.

2. Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

c. The Borough of New Milford may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.S.A. 52:27D-301 *et seq*. and N.J.A.C. 5:96-18, as applicable.

d. No more than twenty (20%) percent of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with ~~COAH's~~ Dispute Resolution Program's or the courts monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the DCA or other court approved entity's ~~Council's~~ regulations and/or action are not eligible uses of the affordable housing trust fund.

e. Funds shall not be expended to reimburse the Borough of New Milford for housing activities carried out prior to the establishment of the Affordable Housing Trust Fund.

f. This section is intended to be interpreted and applied consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.), as amended and supplemented. In the event of any inconsistency, this section shall be read so as to comply with the Act.

32-2.9. Monitoring.

New Milford shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.
~~The Borough of New Milford shall complete and return to COAH or to the courts all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of New Milford's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or the courts. All monitoring reports shall be completed on forms designed by COAH or the courts.~~

32-2.10. Ongoing collection of fees.

The ability for the Borough of New Milford to impose, collect and expend development fees shall expire with its ~~substantive~~ certification ~~or judgment~~ of compliance unless New Milford has filed an adopted Housing Element and Fair Share Plan with

~~COAH~~the Dispute Resolution Program, has petitioned for ~~substantive certification~~certification of compliance, and has received ~~COAH's~~ Dispute Resolution Program or court approval of its development fee ordinance. If the Borough of New Milford fails to renew its ability to impose and collect development fees prior to ~~undetermined date in 2018~~the expiration of its certification of compliance, it may resume the imposition and collection of development fees only by complying with requirements of N.J.S.A. 52:27D-301 *et seq* and N.J.A.C. 5:94-6, as applicable. The Borough of New Milford shall not impose a development fee on a development that receives a building permit after the expiration of its ~~substantive~~ certification ~~or judgment~~ of compliance on such a development. The Borough of New Milford will not expend development fees after the expiration of its ~~substantive~~ certification ~~or judgment~~ of compliance ~~on undetermined date~~.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage and publication in accordance with law and that the remainder of this ordinance remains unchanged.

DRAFT

John S. Hogan
Bergen County Clerk

Bergen County Clerk
One Bergen County Plaza
Hackensack, NJ 07601
(201) 336-7000
www.bergencountyclerk.org/

INSTRUMENT# 2020063530
V 3637 578
RECORDED DATE: 07/07/2020

Document Type: DECLARATION/ RESTRICTIONS

Transaction #: 1538434
Document Page Count: 6
Operator Id: DS

RETURN TO:
MEGAN YORK CGP&H
1249 SOUTH RIVER ROAD
SUITE 301
CRANBURY, NJ 08512

SUBMITTED BY:
KELLY KELLY MAROTTA & TUCHMAN LL
25 EAST SPRING VALLEY AVE
SUITE 320
MAYWOOD ,NJ 07607

PRIMARY NAME	SECONDARY NAME
CGP&H LLC	CGP&H LLC

ADDITIONAL PRIMARY NAMES	ADDITIONAL SECONDARY NAMES
NEW MILFORD BOROUGH OF	NEW MILFORD BOROUGH OF

MARGINAL REFERENCES: File Number: Volume: Page:

DOCUMENT DATE: 02/19/2020
MUNICIPALITY: NEW MILFORD
LOT: 18
BLOCK: 104

FEES/ TAXES:

RECORDING FEE	**$8.00**
HOMELESSNESS TRUST FUND	**$3.00**
NPNR	**$0.00**
Basic County	**$0.00**
Basic State	**$0.00**
PHPF	**$0.00**
Extra-Aide	**$0.00**
Gen-Purpose	**$0.00**
Mansion-Tax	**$0.00**

Total: $11.00

INSTRUMENT#: 2020063530
Recorded Date: 07/07/2020

I hereby CERTIFY that this document is recorded in the Clerk's Office in Bergen County, New Jersey.

John S. Hogan
Bergen County Clerk

Recording Fees: $11.00
Realty Transfer Tax Fees: $0.00
Consideration: $

OFFICIAL RECORDING COVER PAGE

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

Bergen County Recording Data Page **Honorable John S. Hogan** **Bergen County Clerk**	*Official Use Only - Barcode*
Official Use Only – Realty Transfer Fee	
Date of Document: 02/19/2020	Type of Document: Deed Restriction
First Party Name: CGP&H, LLC on behalf of the Borough of New Milford	Second Party Name: DHMC America Corporation
Additional Parties:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 104	Lot: 18
Municipality: New Milford	
Consideration: Of Benefits and/or right to develop received by the owner from the Municipality	
Mailing Address of Grantee: 930 River Road, New Milford, NJ 07646	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGE INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

BERGEN COUNTY RECORDING DATA PAGE

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

After Recording Return To:

Prepared by: Megan York

Megan York
CGP&H
1249 South River Road, Suite 301
Cranbury, NJ 08512

Deed Restriction

THIS DEED RESTRICTION, entered into as of this the 19th day of February, 2020, by and between CGP&H, LLC, with offices at 1249 South River Road, Suite 301, Cranbury, NJ 08512 ("Administrative Agent"), or its successor, acting on behalf of the Borough of New Milford, with offices at 930 River Road, New Milford, New Jersey 07646 and DHMC America Corporation whose mailing address is 16 Van Buren Court, Cresskill, NJ 07626, the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

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

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of the Borough of New Milford, County of Bergen, State of New Jersey, and described more specifically as Block No. 104; lot 18 ,and known by the street address 1070 River Road, New Milford, New Jersey.

There shall be four affordable housing units, of which one shall be very low (affordable to households making 30 percent or less of median income in the housing region, as defined in the New Jersey Fair Housing Act), 1 low income and two moderate income. Of the four affordable housing units, there shall be three 2-bedroom units and one 3-bedroom unit.

More specifically, the four units designated by unit number, bedroom size, and income restriction are listed below:

1070 River Road, unit 101, 2-bedroom, Very Low Income
1070 River Road, unit 204, 2-bedroom, Moderate Income
1070 River Road, unit 304, 2-bedroom, Moderate Income
1070 River Road, unit 102, 3-bedroom, Low Income

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the date on which the first certified household occupies the unit, and shall expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 50 years.

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

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

C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.

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

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

Article 4. Remedies for Breach of Affordable Housing Covenants

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

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

B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including but not limited to, forfeiture, foreclosure,

acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

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

CGP&H, LLC

BY: _____
Megan York
Vice President

DHMC AMERICA CORPORATION

BY: _____
Changhwan Seo
President

APPROVED BY THE BOROUGH OF NEW MILFORD

BY: _____
Michael J. Putrino
Mayor

ACKNOWLEDGEMENTS

STATE OF NEW JERSEY

COUNTY OF Middlesex SS:

On this the 21st day of February, 2020 before me came Megan York, to me known and known to me to be the Administrative Agent for the Borough of New Milford who states that (s)he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

Stephanie C. Rubin
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

STEPHANIE C RUBIN
Commission # 50098692
Notary Public, State of New Jersey
My Commission Expires
February 12, 2024

STATE OF NEW JERSEY

COUNTY OF Bergen SS:

On this the 19 day of February, 2020 before me came Changhwan Seo to me known and known to me to be the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

Teresa V Morrison
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

TERESA V. MORRISON
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/29/2024

STATE OF NEW JERSEY

COUNTY OF BERGEN SS:

On this the day of February, 2020 before me came Michael J. Putrino known and known to me to be Mayor of the Borough of New Milford, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein

Christine Demiris
A NOTARY PUBLIC of the STATE OF NEW JERSEY

(Seal)

My commission expires: _____

CHRISTINE DEMIRIS
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2296252
My Commission Expires 1/29/2023

Unit List

Unit ID	Address	Unit/Block/Lot/Qualifier #	Unit/Apt#	Total Completed Units	Category (Check all that apply)	Bonus Type
81911	1070 RIVER ROAD,		101	1	2 BEDROOM COMPLETED NEW FAMILY NEW CONSTRUCTION (& GUT REHAB) RENTAL VERY LOW INCOME - 30%	
81912	1070 RIVER ROAD,		204	1	2 BEDROOM COMPLETED NEW FAMILY MODERATE INCOME NEW CONSTRUCTION (& GUT REHAB) RENTAL	
81913	1070 RIVER ROAD,		304	1	2 BEDROOM COMPLETED NEW FAMILY MODERATE INCOME NEW CONSTRUCTION (& GUT REHAB) RENTAL	
81914	1070 RIVER ROAD,		102	1	3 BEDROOM COMPLETED NEW FAMILY LOW INCOME NEW CONSTRUCTION (& GUT REHAB) RENTAL	

Special Needs Housing Survey

Municipality: New Milford County: Bergen

Sponsor: NIPD-NJ (National Institute for People w/ Disabilities of NJ) Developer:

Block: 1503 Lot: 15 Street Address: 131 Grand St

Facility Name: National Institute for People w/ Disabilities of NJ New Milford Group Home

Type of Facility:

- ☑ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☐ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs)
- ☐ Congregate living arrangement
- ☐ Other – Please Specify: _____

Sources of funding committed to the project:

- ☐ Capital funding from State – Amount $_____
- ☐ Balanced Housing – Amount $_____
- ☐ HUD – Amount $_____
- ☐ Federal Home Loan Bank – Amount $_____
- ☐ Farmers Home Administration – Amount $_____
- ☐ Development fees – Amount $_____
- ☐ Bank financing – Amount $_____
- ☐ Other – Please specify: _____

☐ Please provide a pro forma for proposed projects

Total # of clients 5

# of very low-income (<30%) clients 5

# of low-income (<50%) clients ____

# of moderate-income (<80%) clients____

# of market-income clients____

Total of total bedrooms (excluding supervisor) 5

# of very low-income (<30%) bedrooms 5

# of low-income (<50%) bedrooms ____

# of moderate-income (<80%) bedrooms____

# of market-income bedrooms ____

Length of Controls: _____ years Since 1998

Effective Date of Controls: __/__/__

Expiration Date of Controls: __/__/__ Perpetual

Average Length of Stay: _____ months (transitional facilities only) Permanent residence

CO Date: __/__/__

Indicate licensing agency:

☑ DDD ☐ DMHS ☐ DHSS ☐ DCA

Initial License Date: 8/11/1999

Current License Date: 1/31/2025 → 1/31/2026

The following verification is attached:

- ☐ Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ___Yes ✓No

Population Served (describe): people w IDD three NJ DDD

Age-restricted (55+)? ___Yes ✓No

Accessible (in accordance with NJ Barrier Free Subcode)? ___Yes ✓No

License No. GH866

State of New Jersey

Department of Human Services

Office of Licensing

LICENSE

NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES NJ

301 Rte 17 N
Ste 832
Rutherford, NJ 07070

Having met the requirements of the New Jersey Statute, P.L. 1977, c. 448, and the regulations of this Department, is hereby licensed as a

Group Home Developmental Disability

for 5 individuals

at

131 GRAND ST
NEW MILFORD, NJ 07646

This License is effective from 01/31/2025 to 01/31/2026

Sarah M. Adelman, Commisioner, Department of Human Services

Outlook

Group Home Facility New Milford NJ

From Nikhil Ramachandran <nramachandran@phillipspreiss.com>
Date Wed 4/9/2025 11:04 AM
To ralph.coloma@yai.org <ralph.coloma@yai.org>

1 attachment (325 KB)
Housing Survey.pdf;

Good Morning,

My name is Nikhil Ramachandran and I work with Phillips Preiss as the planners for the Borough of New Milford. We are currently acquiring information regarding existing affordable housing units within the Borough, as required by law and court decision in New Jersey as part of the submission of the Borough's Housing Element and Fair Share Plan. This required documentation will allow the Borough to obtain credit toward its municipal affordable housing obligations.

The Borough's tax records indicate that the **National Institute for People with Disabilities is the owner of a group home facility located at 131 Grand Street** and designated as Block 1503, Lot 15 in New Milford. I have accordingly attached a survey which details the information required to be submitted with respect to the housing facility. If you could **please fill out the attached form and return it to us by Friday, April 25th, 2025**, that would be greatly appreciated.

Thank you for your help!

Best,
Nikhil Ramachandran

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC

Nikhil Ramachandran, Planner
Phillips Preiss Grygiel Leheny Hughes LLC / Planning & Real Estate Consultants
70 Hudson Street, Suite 5B / Hoboken, NJ 07030
Phone 201.420.6262 / Fax 420-6222/ nramachandran@phillipspreiss.com
www.phillipspreiss.com

Outlook

Advance Housing New Milford Group Home

From Nikhil Ramachandran <nramachandran@phillipspreiss.com>
Date Wed 4/9/2025 11:04 AM
To ggawryluk@advancehousing.org <ggawryluk@advancehousing.org>

1 attachment (325 KB)
Housing Survey.pdf;

Good Morning,

My name is Nikhil Ramachandran and I work with Phillips Preiss as the planners for the Borough of New Milford. We are currently acquiring information regarding existing affordable housing units within the Borough, as required by law and court decision in New Jersey as part of the submission of the Borough's Housing Element and Fair Share Plan. This required documentation will allow the Borough to obtain credit toward its municipal affordable housing obligations.

The Borough's tax records indicate that **Advance Housing is the owner of a group home facility located at 241 Boulevard** and designated as Block 1407, Lot 56 in New Milford. I have accordingly attached a survey which details the information required to be submitted with respect to the housing facility. If you could **please fill out the attached form and return it to us by Friday, April 25th, 2025** that would be greatly appreciated.

Thank you for your help!

Best,
Nikhil Ramachandran

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC

Nikhil Ramachandran, Planner
Phillips Preiss Grygiel Leheny Hughes LLC / Planning & Real Estate Consultants
70 Hudson Street, Suite 5B / Hoboken, NJ 07030
Phone 201.420.6262 / Fax 420-6222/ nramachandran@phillipspreiss.com
www.phillipspreiss.com

Outlook

Center For Family Support New Milford Group Home

From Nikhil Ramachandran <nramachandran@phillipspreiss.com>
Date Wed 4/9/2025 11:04 AM
To lroman@cfsny.org <lroman@cfsny.org>

1 attachment (325 KB)
Housing Survey.pdf;

Good Morning,

My name is Nikhil Ramachandran and I work with Phillips Preiss as the planners for the Borough of New Milford. We are currently acquiring information regarding existing affordable housing units within the Borough, as required by law and court decision in New Jersey as part of the submission of the Borough's Housing Element and Fair Share Plan. This required documentation will allow the Borough to obtain credit toward its municipal affordable housing obligations.

The Borough's tax records indicate that the **Center for Family Support is the owner of a group home facility located at 777 Boulevard** and designated as Block 818, Lot 13 in New Milford. I have accordingly attached a survey which details the information required to be submitted with respect to the housing facility. If you could **please fill out the attached form and return it to us by Friday, April 25th, 2025**, that would be greatly appreciated.

Thank you for your help!

Best,
Nikhil Ramachandran

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC

Nikhil Ramachandran, Planner
Phillips Preiss Grygiel Leheny Hughes LLC / Planning & Real Estate Consultants
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www.phillipspreiss.com