

Fourth Round Housing Element and Fair Share Plan

BOROUGH OF NORTHVALE | BERGEN COUNTY, NEW JERSEY

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PREPARED BY:



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Introduction

New Jersey's history in affordable housing can be tracked by to the first Supreme Court decision in 1975, Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975) (known as Mount Laurel I). This historic case determined that every developing municipality through New Jersey had an affirmative obligation to provide its fair share of affordable housing. In 1983, the Supreme Court decided Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983)(known as Mount Laurel II), which acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing and created the builder's remedy lawsuit, which allowed developers to sue non-compliant municipalities forcing them to accept their proposed projects at extremely high densities.

In response to an onslaught of builder's remedy lawsuits, the Legislature enacted the Fair Housing Act of 1985 (the "FHA"), which created the Council on Affordable Housing ("COAH") to review and approve municipal Housing Elements and Fair Share Plans. Every municipality in the State was required to provide a "realistic opportunity for a fair share of its region's present and prospective needs for housing low- and moderate-income families". Through this process, a Housing Element became a mandatory part of municipal master plan. In addition, a Fair Share Plan became the mandatory document that illustrates the means of achieving the affordable housing goals discussed more generally in the Housing Element.

To implement the FHA requirements, COAH adopted a series of regulations. First Round regulations were enacted in 1987. Second Round regulations were adopted by COAH in 1994. Third Round regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 regulations were not adopted by COAH until 2004. After those regulations were invalidated by the courts, COAH adopted a second iteration of Third Round regulations in 2008. The second iteration of regulations were also invalidated by the Courts, and after COAH failed to adopt a third iteration of Third Round regulations in 2014, the Supreme Court issued 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) (Mount Laurel IV), in which it directed trial courts to assume COAH's functions and ruled that municipalities would have to get their Third Round Housing Elements and Fair Share Plans approved in the courts via the granting a Judgment of Compliance and Repose (JOR), rather than getting the plans approved by COAH.

Subsequently, on January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

In the Spring of 2024, the New Jersey Legislature passed, and Governor Murphy signed Law A4/S50 which amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)(hereinafter the "amendments" or the "Amended FHA"). The amendments provided direction and deadlines for how a municipality must meet its Fourth Round affordable housing obligations. This legislative effort was intended to create a more

efficient, open, and transparent process for the Fourth Round and all subsequent rounds. The amended FHA also permanently abolished COAH, and introduced a comprehensive structure for municipalities to meet their obligations before a new entity known as the Affordable Housing Dispute Resolution Program (hereinafter the “Program”), which consists of retired Mount Laurel judges and their Special Adjudicators, once known as Court Masters. The Program was created to approve Fourth Round Housing Elements and Fair Share Plans via the granting of a Compliance Certification, along with underlying orders to be entered into by the local vicinage trial court. The Program was also created to help municipalities mediate with objectors regarding their Fourth Round affordable housing obligations and the approval of the plans. The amended FHA also required the Department of Community Affairs (DCA) to take over the monitoring of affordable units in every municipality in the state, and to draft and release a report calculating non-binding Fourth Round municipal Present and Prospective Need obligation for every municipality in the state. The DCA released its Fourth Round numbers report in October of 2024. The amended FHA also ordered the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to adopt new UHAC regulations. The amended FHA also changed the way municipalities receive bonus credits amongst other things.

The amended FHA also laid out the procedure to effectuate compliance with the Fourth Round of Affordable Housing (July 1, 2025 to July 1, 2035). Municipalities must complete a series of steps and, if the steps are timely completed, the municipality retains immunity from all exclusionary zoning lawsuits, including immunity from builder’s remedy lawsuits. The steps are as follows:

1. **Establish Present and Prospective Need Obligation Numbers – January 31, 2025.** The legislation required municipalities to adopt a Present- and Prospective Need Obligation numbers by resolution by January 31, 2025.
2. **Period to Challenge Numbers – February 1, 2025 to February 28, 2025.** Interested parties can file a challenge to the municipality’s adopted numbers.
3. **If Challenged, Numbers Reviewed and Settled – March 1, 2025 to April 1, 2025.** The Affordable housing Dispute Resolution program will review the municipality’s proposed obligation numbers and review the challenge presented.
4. **Adoption and filing of a Fourth Round Housing Element and Fair Share Plan – June 30, 2025.** The HEFSP must contain several components which must provide a realistic opportunity for the development of affordable housing units that will satisfy the municipality’s Rehabilitation, Prior Round, Third Round and Fourth Round affordable housing obligations. The statutory components of the Housing Element and Fair Share Plan include, among other things, an inventory of housing, demographic and employment analyses, and considerations of lands for suitable housing development. This document will also contain areas recommended for rezoning, redevelopment, or other land use strategies to effectuate such housing development. This document will address all of the statutory criteria required by the legislation to achieve conformance with this step.
5. **Challenges to the Fourth Round Housing Element and Fair Share Plan – August 31, 2025 to December 31, 2025.** Interested parties can file a challenge to the validity of the plan and the strategies to address the obligation contained therein- by August 31, 2025. Municipalities will have until December 31, 2025 to settle any challenge or provide an explanation as to why some or all the requested changes from the intervening party will not be made. If there is a settlement, it must be reviewed and approved by the Program, and then by the local vicinage Mount Laurel Judge for the county, who will issue an order approving the settlement and the equivalent of a

judgment of compliance and repose known as a Compliance Certification, which will grant a municipality immunity from all exclusionary zoning lawsuits until the end of the Fourth Round on June 30, 2035. If there is no settlement the Program will review the plan and issue a recommendation which goes to the Superior Court where the assigned Mount Laurel Judge for the county issues the Compliance Certification.

6. **Final Compliance Deadline – March 31, 2026.** The deadline for the Borough to adopt the implementing ordinances to align with the plan.

Municipal Summary

The Borough of Northvale is located in Bergen County, along the New York State border. Northvale encompasses roughly 1.2 square miles and has a small-town feel. The center of the Borough is located at the intersection of Paris Avenue and Livingston Street (County Route 505). The Borough is served by Coach USA bus service. The Local 20 line runs along Paris Avenue and connects the Borough to the Port Authority Bus Terminal and points north of Rockland County, New York.

Northvale is surrounded by the Borough of Norwood, Borough of Old Tappan and Borough of Rockleigh in Bergen County. To the north is Tappan in Rockland County, New York. Between 2010 and 2020, the Borough's population increased by 121 residents from 4,640 to 4,761.

Affordable Housing Obligation

On January 22, 2025, in response to the requirements of the amended FHA, the Borough memorialized Resolution #41-25 the Present Need (rehabilitation) Obligation of eight (8) and a Prospective Need Obligation of ninety-nine (99), which were the numbers calculated for the Borough's affordable housing planner. The resolution reserved the Borough's rights to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the act and COAH regulations. The Borough then filed a Declaratory Judgment Complaint on January 23, 2025 with the Program and the Court, along with the Borough's Fourth Round numbers resolution, and the local vicinage Court. However, the New Jersey Builder's Association ("NJBA") filed a challenge to the Borough's number. Northvale and the NJBA entered into a successful settlement conference to determine the Borough's affordable housing obligation of a **Present Need of eight (8) and a Prospective Need of one hundred and five (105)**.

Borough Goal

It is the overall goal of the Borough's Fourth Round Housing Element and Fair Share Plan is to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

Content of Housing Element

The Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the Borough’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, and in conducting this inventory the municipality shall have access, on a confidential bases for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property records cards;
- b. 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 issues, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024.c2(C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of 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;
- g. 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 recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021.c273(C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to P.L.2024.c2(C.52:27D-304.1), and analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include the consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; andAn analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportations based on guidance and technical assistance from the State Planning Commission.

Inventory of Northvale's Housing Stock

The following housing data was sourced from the 2018-2023 five-year ACS estimates.

Housing Type

According to the 2023 ACS, there are 1,688 housing units in the Borough of Northvale. The Borough's housing stock includes single-family detached, single family attached (i.e. townhomes), multi-family dwellings, and mobile homes. Single-family detached dwellings total 1,329 or 78.7% of the Borough's housing stock. Single-family-attached homes comprise 35 or 2.1% of Northvale's housing stock. As the chart on the right indicates there are 88, two-unit dwellings and 130, 5 or more-unit buildings.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	1,329	78.7%
1-unit, attached	35	2.1%
2 units	88	5.2%
3 or 4 units	106	6.3%
5 to 9 units	19	1.1%
10 to 19 units	58	3.4%
20 or more units	53	3.1%
Mobile home	0	0.0%
Other	0	0.0%
Total	1,688	100%

Source: 2023 ACS Table DP04

Occupancy Status

According to the 2023 ACS estimates, 77% of the Borough's occupied housing stock is owner occupied while 22.6% is renter occupied. The Borough's housing vacancy rate is estimated to be 0.8 in 2023. It is important to note that the 10 total vacant units in the Borough are for sale only.

The average household size in Northvale is 2.85 persons, while the average family size is 3.02 persons according to the 2023 ACS. See the table below for additional details.

Occupancy Status		
	Households	Percent
Occupied Total	1,678	99.4%
Owner Occupied	1,298	77.4%
Renter Occupied	380	22.6%
Vacant Total	10	0.6%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale only	10	1%
Sold, no occupied	0	0.0%
Seasonal	0	0.0%
Other	0	0.0%
Total	1,688	100%

Source: 2023 ACS tables DP04 & B25004

Value and Rent of Housing Stock

The ACS provides value estimates for owner-occupied housing units. Northvale's estimated 1,298 owner-occupied housing units, the majority of homes (61.9%) are valued at between \$500,000 to \$999,999 while there are no homes valued between \$150,000 to \$199,999. See the table below for details.

Value of Owner-Occupied Units		
Value	Number of Units	Percent
Less Than \$149,999	133	10.2%
\$150,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	19	1.5%
\$300,000 to \$499,999	296	22.8%
\$500,000 to \$999,999	804	61.9%
\$1,000,000 or more	46	3.5%
Total	1,298	100.0%

Source: 2023 ACS table DP04

Over 32% of rentals in Northvale have rents priced between \$1,500 to \$1,999 per month. Units with rents of \$3,000 or more comprise only 8.1% of rentals in the Borough. See the table below for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less Than \$1,499	103	27.8%
\$1,500 to \$1,999	119	32.2%
\$2,000 to \$2,499	51	13.8%
\$2,500 to \$2,999	67	18.1%
\$3,000 or more	30	8.1%
Total	370	100%

Source: 2023 ACS table DP04

Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low- and moderate-income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are houses built before 1959 and which are overcrowded with more than one person per room. The second indicator is homes lacking complete plumbing and the third indicator are homes lacking kitchen facilities.

The Census indicators available at the municipal level indicate a sound housing stock, as displayed by the following three (3) data tables. According to the 2023 ACS, all but .46% or 78 homes of occupied units within the Borough contain complete kitchen facilities.

Condition of Housing Stock		
Fuel Type	Number of Units	Percent
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	78	4.6%
No telephone service available	0	0.0%
Total	1,678	4.6%

Source: 2023 ACS table DP04

Housing with 1.01 or more person per room is an index of overcrowding. In 2023, the ACS found that there were 35 occupied housing units within the Borough that were “overcrowded”. It should be noted that 97.9% of the housing units contained less than 1.00 persons per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	1,643	97.9%
1.01 to 1.50	25	1.5%
1.51 or more	10	0.6%
Total	1,678	100%

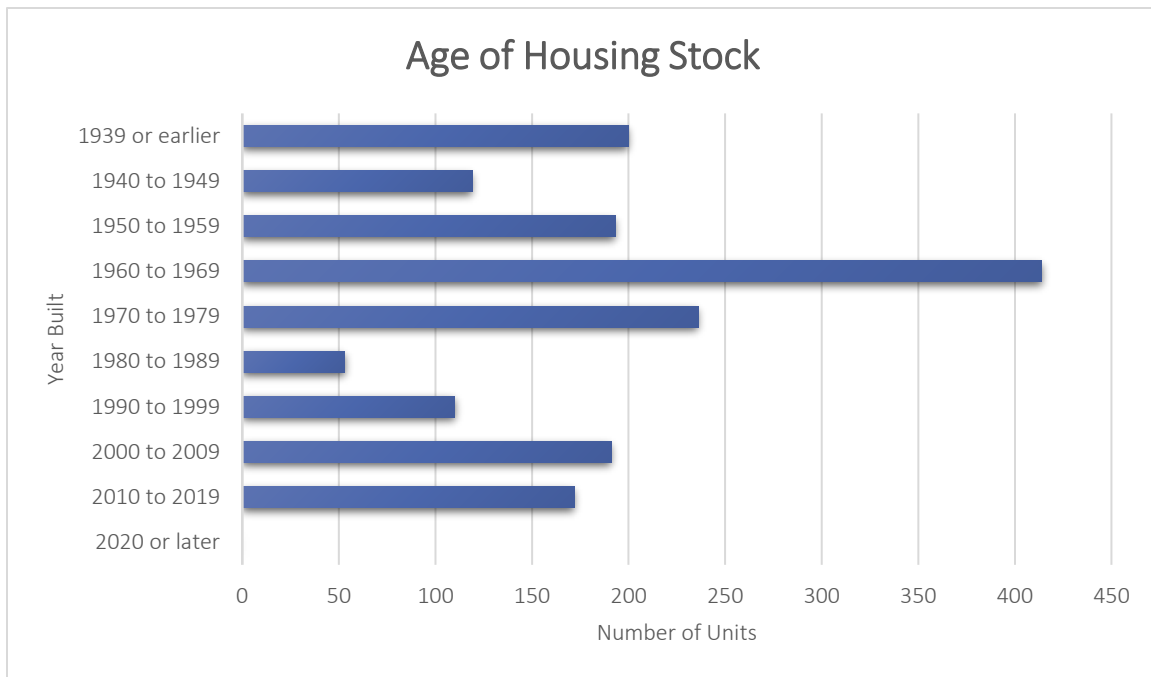
Source: 2023 ACS table DP04

Housing units built in 1975 or earlier are not flagged instead of units built in 1959 or earlier. Research has determined that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room.

The table and bar graph on the following page provide the 2023 ACS data on the age of housing stock. Approximately 68.7% of Northvale’s housing stock was built before 1975. Units built before 1975 are a factor in the determination of each municipality’s rehabilitation share. In Northvale’s 1,162 units were constructed prior to 1975. The Borough’s Rehabilitation obligation is 0 units, reflecting the relatively good condition of these older homes. Approximately, 414 housing units in the Borough were constructed in the 1960s. Close behind the 1960s homes, with 236 housing units are the housing units constructed in the 1970s. As the table and bar graph illustrate, building completely stopped in 2020.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	0	0.0%
Built 2010 to 2019	172	10.2%
Built 2000 to 2009	191	11.3%
Built 1990 to 1999	110	6.5%
Built 1980 to 1989	53	3.1%
Built 1970 to 1979	236	14.0%
Built 1960 to 1969	414	24.5%
Built 1950 to 1959	193	11.4%
Built 1940 to 1949	119	7.0%
Built 1939 or earlier	200	11.8%
Total	1,688	100%

Source: 2023 ACS Table DP04



Projection of Housing Stock

As per the MLUL specifically N.J.S.A 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to construction permits issued, approvals of applications for development, and probable residential development of lands.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy (hereinafter "CO"), and demolition data that is submitted by municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends.

As shown in the table below, 8 new homes were built and issues COs between 2013 and 2023 while 22 were demolished. As shown in the table below, the greatest numbers of certificates of occupancy were issued between 2020 and 2022.

Historic Trends of Residential COs and Demolition Permits												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
COs Issued	1	8	41	1	2	3	1	48	71	50	2	228
Demolitions	0	2	1	0	2	3	1	1	2	10	0	22
Total	1	10	42	1	4	6	2	49	73	60	2	30

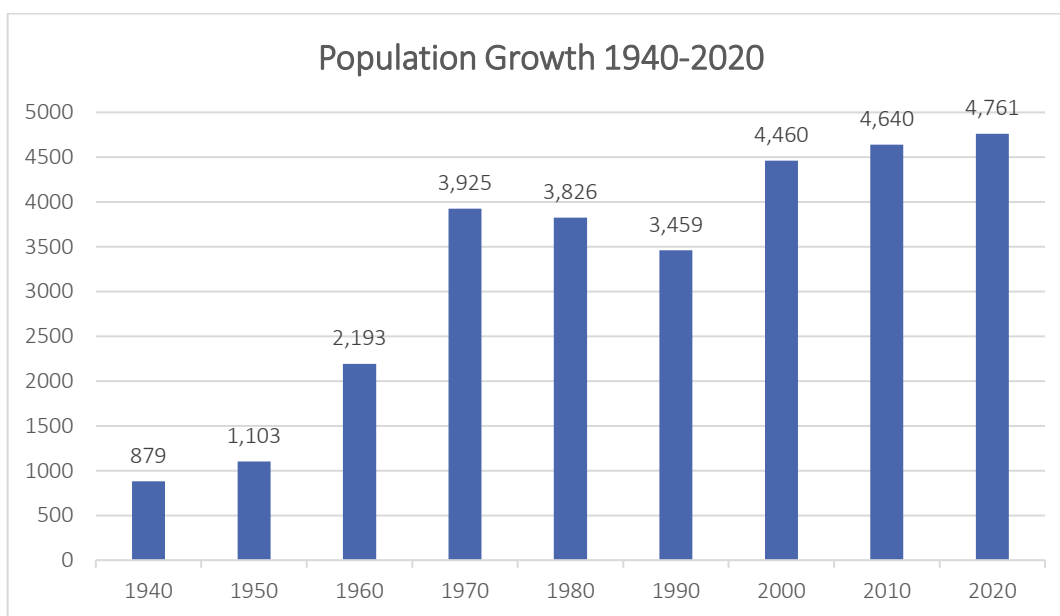
Source: New Jersey Construction Reporter from the NJ DCA

Northvale's Population Demographics

Northvale's population experienced growth from 1940 until a slight decrease of 2.5% in 1980. From 1990 to 2020 there has been a steady increase in population. The 2020 US Census Bureau reports the Borough's population to be 4,761 people. Please see the table to the right and chart below for additional information. It shall be noted that the five-year American Community Survey (hereinafter "ACS") data from the US Census Bureau provided estimates of population, housing and employment estimates between the major Census reports each decade. In an effort to display the most up to date information, the data used in this report is source from the 2018-2022 five-year ACS estimates.

Population Growth		
Year	Population	Percent Change
1940	879	%
1950	1,103	25.5%
1960	2,193	98.8%
1970	3,925	79.0%
1980	3,826	- 2.5%
1990	3,459	-9.6%
2000	4,460	28.9%
2010	4,640	4.0%
2020	4,761	2.6%

Source: US Census Bureau, 2000, 2010, 2020



Age Distribution of Population

The 2023 ACS estimates that 18% of the population is 65 years or older while the percentage of children aged 19 or younger comprised 26.9% of the Borough's population. Residents aged 45 to 54 years old comprised the largest age cohort with approximately 17.6% of residents fall in this category. The ACS indicates that the Borough's median age was 43.9 years old. See the table on the next page for additional details.

Population By Age Cohort		
Age	Total	Percent
Under 5 years	235	4.9%
5 to 9 years	193	4.0%
10 to 14 years	364	7.6%
15 to 19 years	496	10.4%
20 to 24 years	235	4.9%
25 to 34 years	407	8.5%
35 to 44 years	560	11.7%
45 to 54 years	843	17.6%
55 to 59 years	307	6.4%
60 to 64 years	284	5.9%
65 to 74 years	486	10.2%
75 to 84 years	295	6.2%
85 years and over	77	1.6%
Total	4,782	100%

Source: 2023 ACS Table DP05

Household Size and Type

According to the 2023 ACS estimates, Northvale contains 1,678 households. The Borough had a total of 1,484 or 88.4%, family households. Married-couple families with children under 18 comprised 53.6% of households within the Borough, whereas 16.9% were non-family households in 2023. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home.

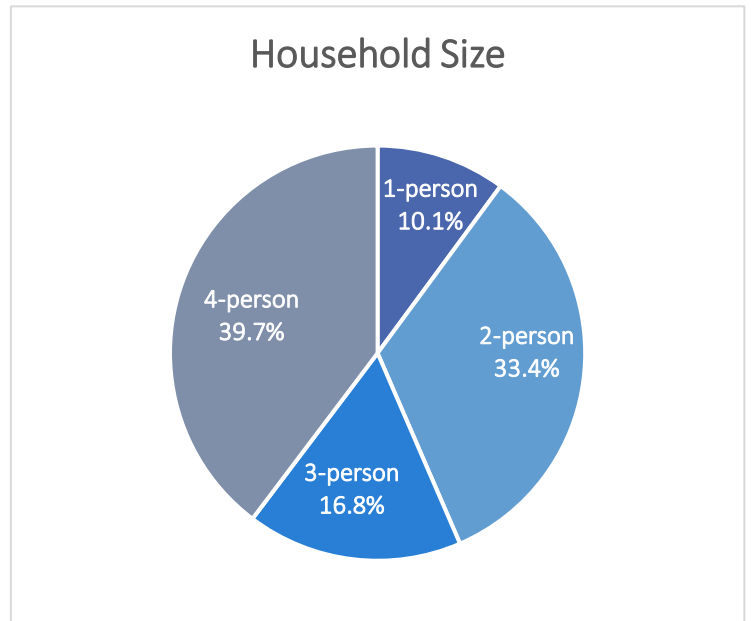
Household Type and Size		
Type	Number	Percent
Family Households	1,484	88.4%
Married couple family	1,148	77.4%
with children under 18	615	53.6%
Male Householder, no spouse	168	11.3%
Female Householder, no spouse	168	11.3%
Non-family Households	194	16.9%
Total	1,678	100%

Source: 2023 ACS Table S1101

As illustrated in the table below, the most common household size within Northvale in 2023 was a 4 or more-person household, which totaled 39.7%. Second most common was a 2-person household with 33.4% of all households. Households of 3-persons comprised 16.8% of all households within the Borough. The average household size in 2023 was 2.85 persons according to the ACS.

Household Size		
Size	Total	Percent
1-person	169	10.1%
2-person	561	33.4%
3-person	282	16.8%
4 or more person	666	39.7%
Total	1,678	100%

Source: 2023 ACS Table S2501



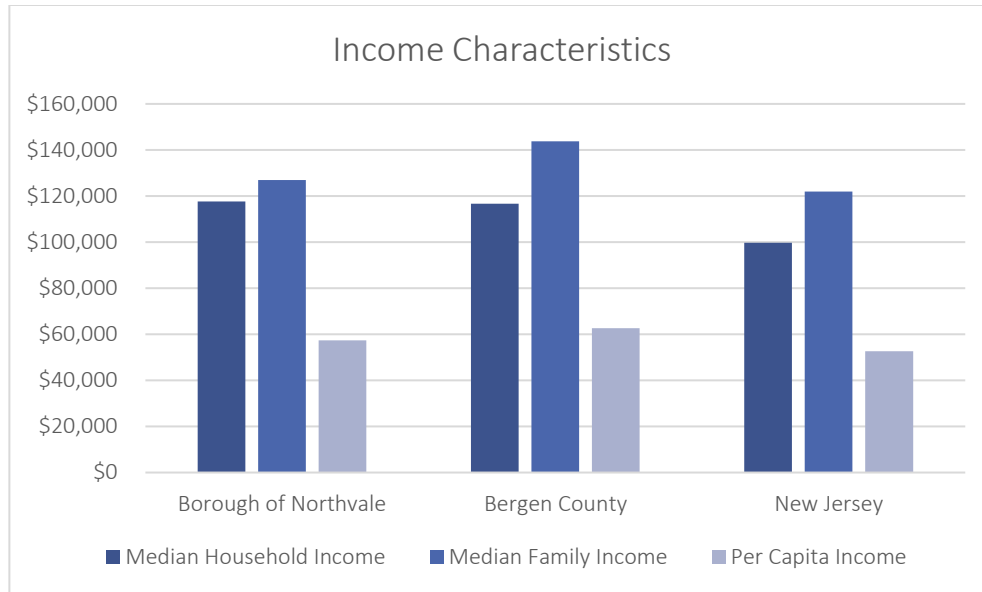
Income and Poverty Status

The ACS estimates that the median household, for the Borough of Northvale slightly exceeds the incomes for Bergen County and New Jersey. Northvale's median household income was \$117,717, compared to \$116,709 and \$99,781 for the State. The median family income in the borough is \$16,907 less than the county and approximately \$4,961 greater than the State's. The median per capita income is slightly less than the county. However, the Borough's median per capita income is greater than the State's.

Individual poverty is at 3.7% in Northvale compared to 6.6% in the County and 9.7% in the State. See the table and chart below and on the next page for additional details.

Income Characteristics			
Income type	Borough of Northvale	Bergen County	New Jersey
Median Household Income	\$117,717	\$116,709	\$99,781
Median Family Income	\$126,905	\$143,812	\$121,944
Per Capita Income	\$57,360	\$62,627	\$52,583
Poverty Status (Percent of People)	3.7%	6.6%	9.7%
Poverty Status (Percent of Families)	3.2%	5.1%	7.1%

Source: 2023 ACS table S1901, B19301, S1701, S1702



According to the 2023 ACS data, a majority of households (28.2%) in Northvale earn more than \$200,000 per year. This compares to 27% of households in the County and 20.4% of households in the State. On the opposite end of the spectrum, 17.6% of households earn \$50,000 or less per year compared to 20.4% in the County and 25.3% in the State.

Household Income						
	Borough of Northvale		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	18	1.1%	12,831	3.6%	152,153.70	4.3%
\$10,000 to \$14,999	54	3.2%	8,198	2.3%	99,076.80	2.8%
\$15,000 to \$24,999	42	2.5%	14,257.52	4.0%	180,461.30	5.1%
\$25,000 to \$34,999	29	1.7%	14,257.52	4.0%	183,999.80	5.2%
\$35,000 to \$49,999	153	9.1%	23,168.47	6.5%	279,538.10	7.9%
\$50,000 to \$74,999	285	17.0%	40,633.93	11.4%	467,076.30	13.2%
\$75,000 to \$99,999	168	10.0%	38,851.74	10.9%	410,461	11.6%
\$100,000 to \$149,999	285	17.0%	64,871.72	18.2%	640,460.07	18.1%
\$150,000 to \$199,999	172	10.3%	43,129	12.1%	403,384.10	11.4%
\$200,000 or more	473	28.2%	96,238.26	27.0%	721,845.20	20.4%
Total	1,678	100%	356,438	100%	3,538,457	100%

Source: 2023 ACS table S1901

Northvale's Employment Demographics

This chapter provides a snapshot of employment within Northvale, including the types of industries within the community. The 2023 ACS estimates that Northvale has 2,486 residents in the labor force. The labor force consists of approximately 94.6% employed person and 5.4% unemployed persons.

The majority of works within the Borough are reported to be private wage and salary workers. Just over 1,907 or 81.1% of those employed fall into this category. Approximately 15.6% of workers are government employees and 3.3% are self-employed. The ACS estimates 0 workers are unpaid family workers.

Class of Worker		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	1,907	81.1%
Government workers	367	15.6%
Self-employed in own not incorporated business workers	78	3.3%
Unpaid family workers	0	0.0%
Total Employed Residents	2,352	94.6%
Total Unemployed Residents	134	5.4%
Total Residents in the Workforce	2,486	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The ACS estimates that 54.6% of the Borough's residents are employed in management, business, science, and arts occupations. The sales and office occupations employ 392 residents, or 16.7%, of the working population. Service occupations employs 11% or 258 residents. Natural resources, construction, and maintenance occupations employs 230 residents or 9.8% and production, transportation, and material moving occupations employs 187 residents and 8% of the working population.

Employed Civilian Population By Occupation (Age 16 Years or Older)				
Occupation	Borough of Northvale		Bergen County	
	Total	Percent	Total	Percent
Management, business, science, and arts occupations	1,285	54.6%	263,942	53.3%
Service occupations	258	11.0%	61,574	12.4%
Sales and office occupations	392	16.7%	101,185	20.4%
Natural resources, construction, and maintenance occupations	230	9.8%	25,740	5.2%
Production, transportation, and material moving occupations	187	8.0%	42,480	8.6%
Total	2,352	100%	494,921	100%

Source: 2023 ACS Table DP03

Employment Projections

The NJTPA estimates that employment within the Borough will grow by 103 jobs by 2050. In order to achieve this projection, Northvale would need to create 11.28 new jobs per year during the 35-year period.

Employment Projections			
Year	Jobs	Change	Percent
2015	3,617	---	---
2050	4,012	395	0.3%

Source: NJTPA Plan 2050, Appendix E; NJTAP Plan 2040, Appendix A (for 2020 data)

Employment by Professions

According to the 2023 ACS there were 2,352 persons in the labor force in the Borough of Northvale and 134 were unemployed. Educational services, and health care and social assistance made up the largest component of the workforce with 701 persons or 29.8%. The second largest cohort is professional, scientific, and management, and administrative and waste management services with 385 persons or 16.4%.

Employed Person by Profession		
Occupation	Number of Persons	Percent
Agriculture, forestry, fishing and hunting, and mining	5	0.2%
Construction	136	5.8%
Manufacturing	325	13.8%
Wholesale trade	137	5.8%
Retail trade	111	4.7%
Transportation and warehousing, and utilities	64	2.7%
Information	54	2.3%
Finance and insurance, and real estate and rental and leasing	88	3.7%
Professional, scientific, and management, and administrative and waste management services	385	16.4%
Educational services, and health care and social assistance	701	29.8%
Arts, entertainment, and recreation, and accommodation and food services	151	6.4%
Other services, except public administration	66	2.8%
Public administration	129	5.5%
Total	2,352	100%

Source: 2023 ACS Table DP03

Capacity for Fair Share

This chapter of the Fourth Round Housing Element and Fair Share Plan provides the following information as required by the rules:

- The Borough's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low- and moderate-income housing.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

The ability to accommodate the Borough's affordable housing needs is determined by three components – available land, water capacity and sewer capacity. Land development is limited by environmental constraints, such as wetlands, flood plains, easements (conservation, sewer, water, power utility, etc.), parcel size and municipal regulations.

The Borough has conducted a VLA analysis that includes three affordable housing units can be realistically constructed on the lands that are vacant and developable within the Borough. Three properties contributed to that number, as shown in the table below.

Utility Capacity

Suez provides the Borough's water and Bergen County Utilities Authority processes Northvale's sewage. Additionally, the Borough of Northvale manages its own wastewater. According to the Borough Engineer, there are no known capacity issues with either water or sewer. However, to determine if infrastructure upgrades are required, the Borough would need to perform a detailed study of the affordable housing sites and their surrounding utility infrastructure. The study would need to include sanitary sewer and water service reports for each development, the condition, size, location and existing capacities and pressures would need to be determined.

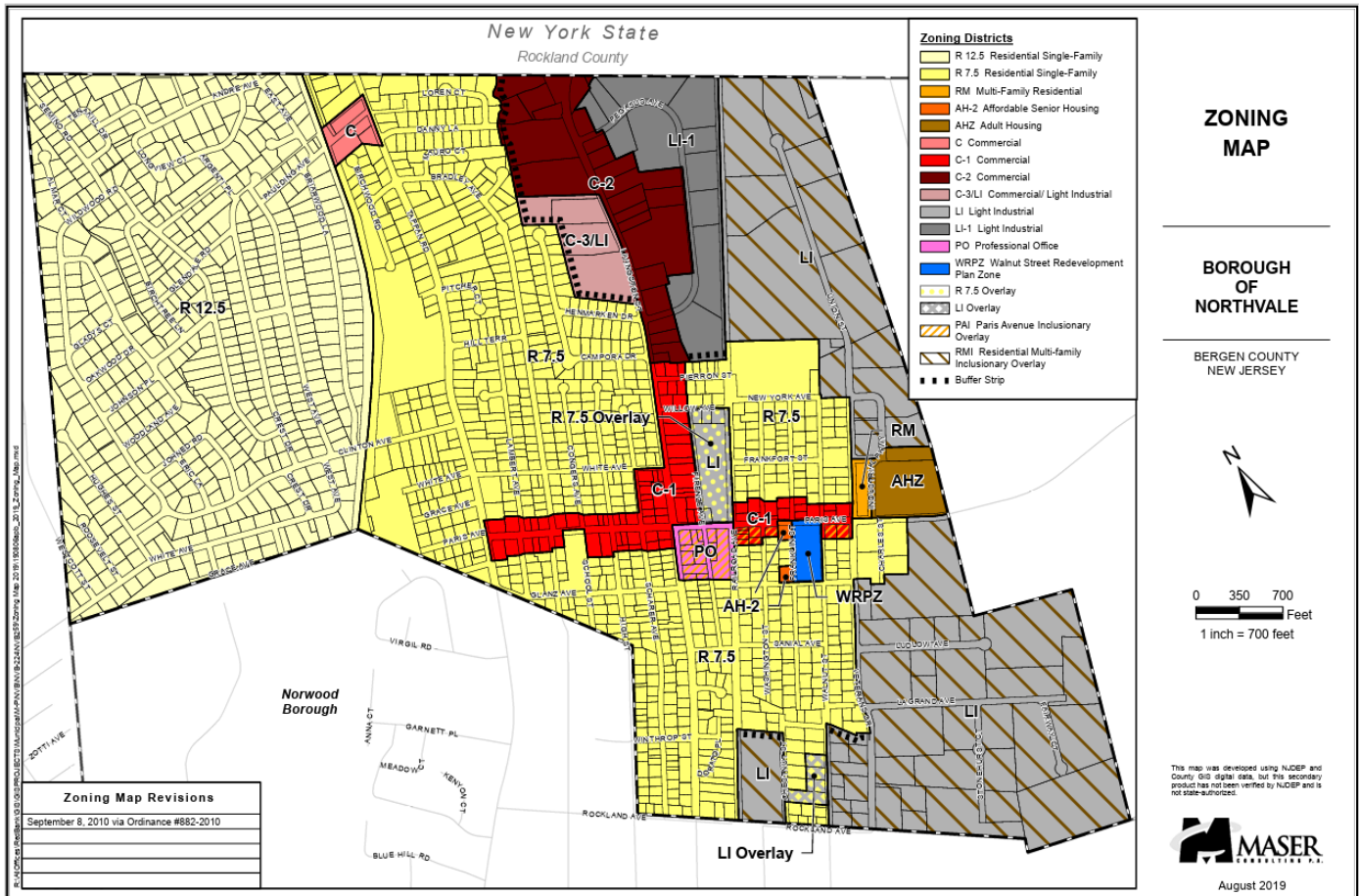
Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing in the Fourth Round includes the following approved, proposed, and anticipated projects:

1. 192 Livingston Street (Block 909, Lot 6)
2. 160 Paris Avenue (Block 910, Lot 2)
3. Light Industrial Zone (excluding Block 902, Lots 1, 2, 3, 4, and 5)

Anticipated Development Patterns

Anticipated development patterns within the Borough of Northvale are likely to follow the established zoning map. Northvale has a variety of commercial and industrial zones as well as one professional office zone. There are two single-family detached residential zones, a multi-family zone and two affordable housing zones within the Borough. See the Zoning Map on the following page for details.



Multigenerational Family Housing Continuity

Pursuant to the Amended FHA, 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.

November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20, which established the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

The bill requires each Municipality’s Housing Plan Element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal as described in the recommendations of the commission.

The Borough of Northvale has a history of being committed to promoting multigenerational family continuity and will continue to do so through the Fourth Round. Northvale has diverse housing options in a manner consistent with the regulation and has two (2) specific zoning districts for senior housing. Additionally, the Borough is employing a variety of approaches to accomplish this task through a variety of housing types and affordability levels in close proximity to public transportation (such as bus stops),

shopping centers, and parks. The Borough has a number of senior housing options and a Borough sponsored Senior Center.

Consistency with the State Development and Redevelopment Plan

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in cross-acceptance process as the projects will provide a realistic opportunity for the construction of affordable housing as the projects are located in State Planning area designated as PA-1, which is the Metro Planning Area. Pursuant to the SDRP, PA-1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA-1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA-1 areas as the intentions of the Metropolitan Planning Area are to provide for much of the state's future redevelopment promote growth in compact forms. The Borough's Fourth Round Plan is consistent with the 2001 SDRP.

Affordable Housing Trust Fund

The Borough of Northvale maintains an Affordable Housing Trust Fund §95-7 of the Borough's Municipal Code.

The Spending Plan is included in the appendix to this Housing Plan, which discusses the anticipated revenues, collection of revenues and the use of revenues, was prepared in accordance with former COAH's applicable substantive rules. All collected revenue will be placed in the Borough's Affordable Housing Trust Fund and may be dispensed for the use of eligible affordable housing activities, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisitions and/or improvements of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low and moderate-income housing activity; and,
- Any other activity as specified in the approved spending plan.

However, the Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees shall be used towards affordability assistance. Affordability assistance became a statutory requirement in Fair Housing Act and shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one third (1/3) of the affordability assistance must be expended on very-low-income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan and/or an affirmative marketing program.

Monitoring

The Borough had and will continue to comply with monitoring provisions consistent with those required by the Amended Fair Housing Act. The monitoring requires regular tracking of progress towards meeting the affordable housing obligations and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- February 15th of each year- The Borough will provide an annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website and certifying the account on the Department of Community Affairs' portal.

Fair Share Plan

Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Regional income limits;
- Description of existing credits intended to satisfy the obligation;
- Description of proposed mechanisms that will be used to meet any outstanding obligations; and
- An implementation schedule that sets forth a detailed timeline for units to be approved.

Regional Income Limits

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

Using the 2024 regional income limits, a four-person household moderate-income is capped at \$96,329. Two-person households could make up to \$77,064 and be considered a moderate-income household or make up to \$48,165 and be considered a low-income household. See the table below for greater detail.

2024 Regional Income Limits for Region 1				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very Low	\$25,286	\$28,899	\$32,511	\$36,124

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

Prior and Third Round Compliance

On September 6, 1995, Northvale was granted Substantive Certification for the Second Round via Resolution #11-99. COAH issued a Compliance Report on August 16, 1995 that lead to Substantive Certification. The Compliance Report indicates that the Borough received a VLA, which resulted in an RDP of zero and an unmet Need of 86. However, FSHC and the Borough of Northvale have agreed via the Settlement Agreement that the Borough may address 27 units of the Prior Round Need as RDP eligible for bonuses.

The Borough of Northvale adopted a Housing Element and Fair Share Plan on August 7, 2019 and endorsed by Mayor and Council on August 14, 2019. Fair Share Housing was researching the history of the Northvale Greens aka Paris Square aka Rio Vista Greens. As of 2025, FSHC never contacted the

Borough and a final compliance hearing never occurred. The Borough never received their Third Round Judgment of Compliance and Repose.

For the Third Round, Northvale was granted a VLA which determined the RDP to be three.

Third Round Rehabilitation Obligation

The 2019 Housing Element and Fair Share Plan stated it would address its 5-unit Third Round Rehabilitation Obligation. The Borough utilized credits from the Northvale Senior Residence to address the entire 5-unit obligation.

Fourth Round Compliance Status

Northvale's Fair Share Plan describes the various projects and strategies the Borough proposes to address its affordable housing obligations. There are four components – the Borough's Present Need (Rehabilitation) Obligation, Prior Round Obligation, Third Round Obligation and Fourth Round Prospective Need Obligation.

Affordable Housing Obligations

This Fourth Round Housing Element and Fair Share Plan addresses the following affordable housing obligations:

Present Need (Rehabilitation Obligation): **8**

Prior Round Obligation (1987-1999): **86, RDP 36**

Third Round Obligation (1999-2025): **196, RDP 3**

Fourth Round Prospective Need Obligation (2025-2035): **105, RDP 10**

Addressing The Present Need

The Borough plans to meet its eight (8) unit Present Need obligation through participating in the Bergen County Home Improvement Program. In addition, the Borough intends to begin a supplemental municipally operated rehabilitation program that shall be available to rental units. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2. and utilize funds from the Affordable Housing Trust Fund.

Addressing The Prior Round Obligation and The Third Round Obligation

Pursuant to N.J.A.C. 5:93-5.3 (new construction) and N.J.A.C. 5:93-5.14 (age-restricted) Northvale Senior residence was eligible for 29 credits which were distributed across the Third Round Rehabilitation, Prior Round, and Third Round Obligation as follows:

- 5 senior credits applied to the Rehabilitation Obligation;
- Two non age-restricted (veteran) credits were applied to the Prior Round RDP;
- One non age-restricted (veteran) credits were applied to the Prior Round Unmet Need;
- Three non age-restricted (veteran) credits were applied to the Third Round RDP; and
- 18 senior credits were applied to the Third Round Unmet Need.

The Borough has an unmet need of 37 units from the Prior Round and 171-unit unmet need from the Third Round. Therefore, the Borough's total unmet need is 208 units.

Addressing The Fourth Round Prospective Need Obligation

The Borough will address its Fourth Round Prospective Need Obligation of **one hundred and five (105)** through the utilization of a Vacant Land Adjustment. The Borough has previously received a VLA and the development since the last adopted HEFSP has remained consistent. Therefore, the previous RDP of 3 units is still relevant for the Fourth Round. The Vacant Land Adjustment utilized for this round can be found in the Appendix. **Additionally, the following developments shall be applied to the Fourth Round resulting in an RDP of 10 units total.**

Seven (7) Affordable Units From Approved Applications

- A. **192 Livingston Street (Block 909, Lot 6)**: The Planning Board approved the plan to construct a total of ten (10) multi-family units on the subject lot. **The application was inclusive of two (2) affordable units.**
- B. **160 Paris Avenue (Block 910, Lot 2)**: The Planning Board approved the plan to construct a multi-family residential building consisting of thirty-one (31) units. **Five (5) of the units would be affordable units.**

Unmet Need

Subtracting 7 from the Prospective Need of 105 units results in an unmet need of 98 units. The unmet need of 98 units shall be added to the existing 208 units that were not in addressed. **Therefore, the Borough has an unmet need of 306 units total for all rounds.**

Unmet Need Mechanisms

The Third Round HEFSP had two mechanisms to satisfy a portion of the Prior and Third Round Unmet Need, the Borough proposes to continue the use of these mechanisms for satisfying the Unmet Need.:

155 Veterans Drive

Known has Block 1011, Lot 5 on the Borough Tax Map, 155 Veterans Drive is owned by the borough. A one-story building occupies the site, which was previously a VFW post. The VFW has vacated the building and the property has reverted to the Borough. The lot is 100 feet wide and 300 feet long and has frontage on both Veterans Drive and Walnut Street. The surrounding uses include residential and office uses to the north and south, industrial uses to the east, across Veterans Drive, and a storage/warehouse use to the west, across Walnut Street.

In an effort to assist with the construction of this development, Northvale has reserved a portion of its Affordable Housing Trust Fund for soft costs (permit and building fees, board escrows, etc.) and a portion of its Trust Fund for the creation of a very low income unit if the project is rental.

Pursuant to N.J.A.C. 5:93-1 a municipality is required to prove any potential sites meet the four prong test as approvable, available, developable, and suitable.

- **Approvable** – The property will be rezoned to permit six affordable units.
- **Available** – The property is owned by the Borough and there are no known title issues. A 15-foot wide drainage easements runs along the southern property line.
- **Developable** – The property is located in water and sewer service areas.

- Suitable – The property is adjacent to the Youth Consultation Services group home and a commercial establishment to the north. Industrial uses are located to the east, south and west of the property. Additionally, a single-family dwelling is located to the south of the property along Walnut Street. Approximately 732 square feet of the property is within the Special Flood Hazard Area (SFHA). This area is located along the property's frontage on Veterans Drive.

Mandatory Set Aside Ordinance

Light Industrial Zone Overlay

The Borough adopted a mandatory set-aside ordinance within the Light Industrial (LI) Zone. The LI Zone is located in the northeast and southeast corners of the Borough, separated by the Adult Housing Zone located on the north side of Paris Avenue. Additionally, two isolated LI Zone areas are located to the west of the larger LI Zones. Permitted principal uses in the LI Zone include research laboratories, business, industrial or governmental offices, publishing houses or printing firms, certain manufacturing uses, wholesale distribution centers, warehouse and auto-body shops.

The Borough adopted an overlay zone over the entire Light Industry Zone (exclusive of Lots 1 through 5 on Block 902). The overlay zone permits inclusionary residential development at a density of 14 units per acre. A 15% affordable housing set-aside is required when the affordable units are rental and a 20% affordable housing set-aside is required when the affordable units are for-sale. The overlay zone limits building height to three stories.

The Borough proposes to continue the use of these mechanisms to satisfy the unmet need from the Prior, Third, and Fourth Rounds.

Appendix

1. Vacant Land Adjustment
2. Maps
3. Affirmative Marketing Plan
4. Draft Spending Plan
5. Court Documents

Vacant Land Adjustment

N.J.A.C. 5:93-4.2 provides a mechanism for a municipality to adjust its affordable housing obligations based on a lack of vacant, available, suitable, developable, and approvable land. To demonstrate a lack of capacity to address the Borough's municipal housing obligation, all vacant parcels in the municipality were analyzed to determine the development potential of each property, and the sum of potential units is compared to the prospective need obligation in the foregoing analysis. If there is insufficient vacant land within the municipality to meet the obligation for new affordable units, the total prospective need obligation is adjusted accordingly.

Methodology

An analysis of existing land uses and zoning the Borough was conducted to determine the Realistic Development Potential (RDP), and an estimate of potential inclusionary affordable units was derived from the RDP assuming a 20% affordable set-aside. Using data from the State of New Jersey Tax Assessment Records and New Jersey environmental GIS records of all properties within the Borough were examined to determine if they were vacant and developable. Properties reserved for public use, open space, listed on the NJ ROSI, and those that were occupied by water bodies, steep slopes, wetlands, critical habitats, and within a riparian buffer were removed as candidates for development. The remaining properties were then tested to determine their ability to accommodate a minimum of five (5) units. Public and non-profit owned properties of sufficient size to accommodate potential inclusionary development were also included as vacant and potentially developable in the analysis. All properties with sufficient buildable area to accommodate five (5) or more units were included in the determination of the RDP.

Underlying Assumptions for Realistic Development Potential

Inclusionary Development

N.J.A.C. 5:93-4.2(f) specifies that the RDP is based on an inclusionary zoning framework and available land is not assumed to be developed as 100% affordable housing. The minimum presumptive set aside for affordable housing is 20%, or one in five units. As such, suitable development sites for inclusionary development must have the capacity to provide a minimum of five units.

Density and Minimum Project Size

According to the Second Round Rules, it is important to "consider the character of the area surrounding each site" when crafting assumptions underlying the intensity of residential development. As such, the maximum density for each assemblage was determined as follows:

- The permitted density of each parcel pursuant to the Borough's Zoning Ordinance;
- Minimum presumptive density of six units per acre as required by the Second Round Rules where permitted density is below six units per acre;
- Surrounding land uses;
- The need for affordable housing; and
- Density count of approved projects by the Planning or Zoning Board.

Step 1 – Classification of Vacant Land

All properties with a tax class 1 (Vacant) and vacant properties with tax class 15C (Public) have been included in the appendix.

Step 2 - Site Analysis

The sites were mapped using GIS and overlaid with Critical Habitat, Steep Slopes, Flood Hazard, Open Space, Wetlands, and Waterbodies. Any properties impacted by these environmental constraints have been noted in the table above and were not considered for potential development.

The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regard to density, and that the minimum presumptive density be 6 du/ac. In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created were multiplied by the permitted number of units per acre to determine the property yield.

Step 3 – Determining Yield for Property

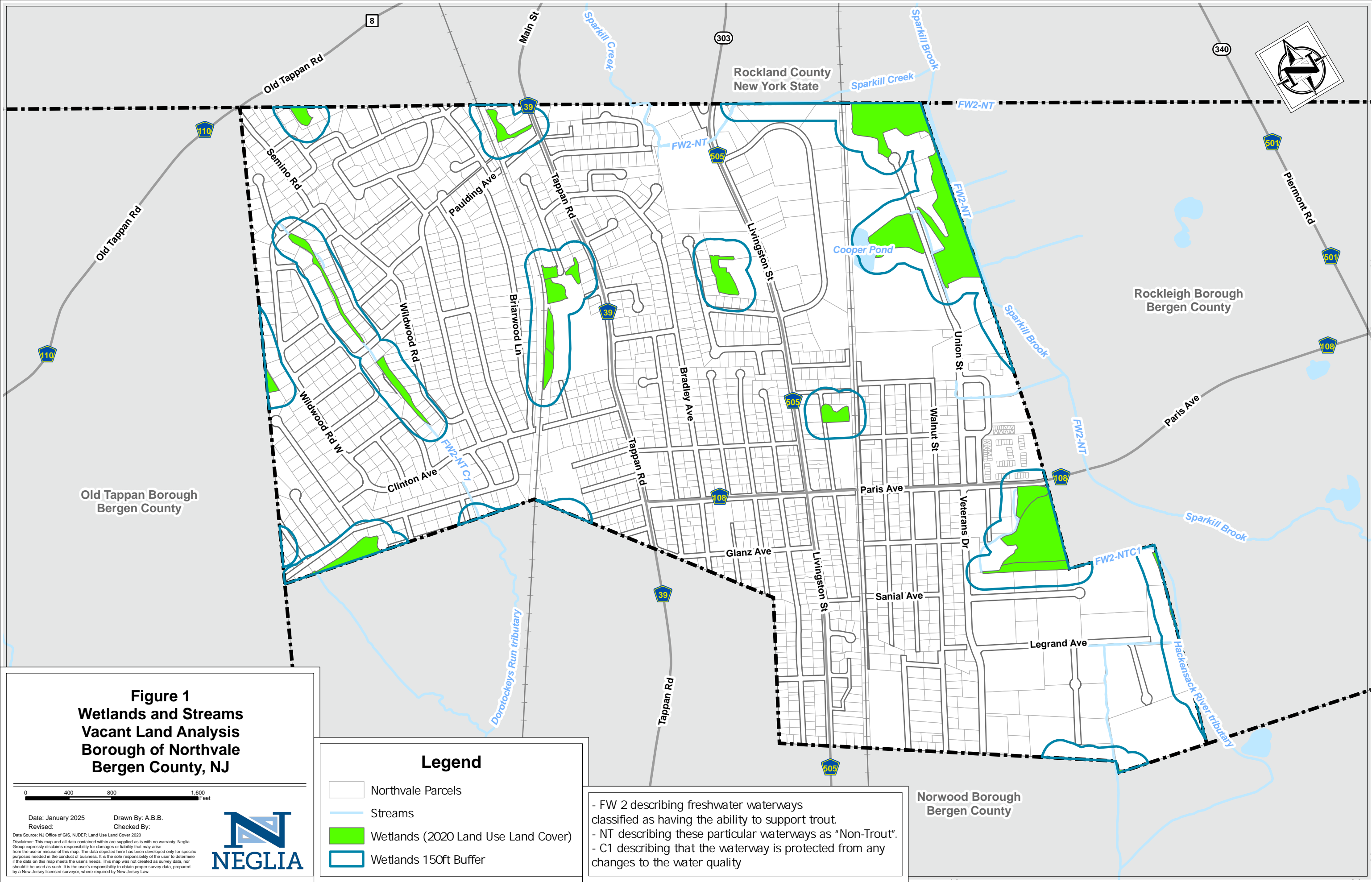
Upon reviewing the Vacant Land table and applying all of the layers which constitute an ineligible lot, the Borough was left with three (3) remaining lots.

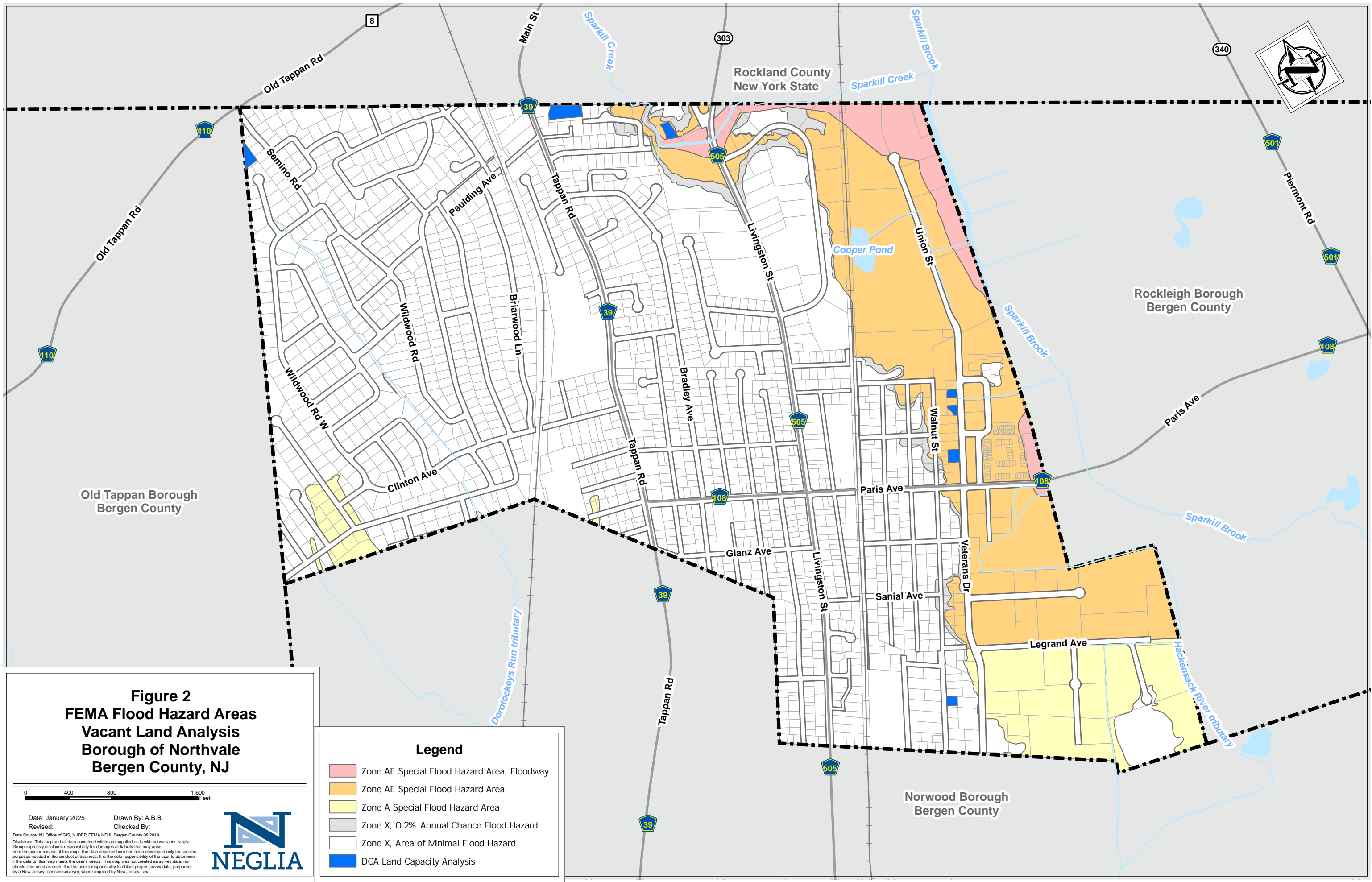
Vacant Land Adjustment: Developable Lots							
Block	Lot	Address	Current Zoning	Total Acres	Developable Acres	Density	RDP
202	2	Rear Susan Ct	R-7.5	1.08	0.74	6 d/u	1
601	8	234 Livingston Street	C-2	0.75	0.75	6 d/u	1
1009	13	147 Walnut Street	R-7.5	0.69	0.69	6 d/u	1
Fourth Round RDP							3

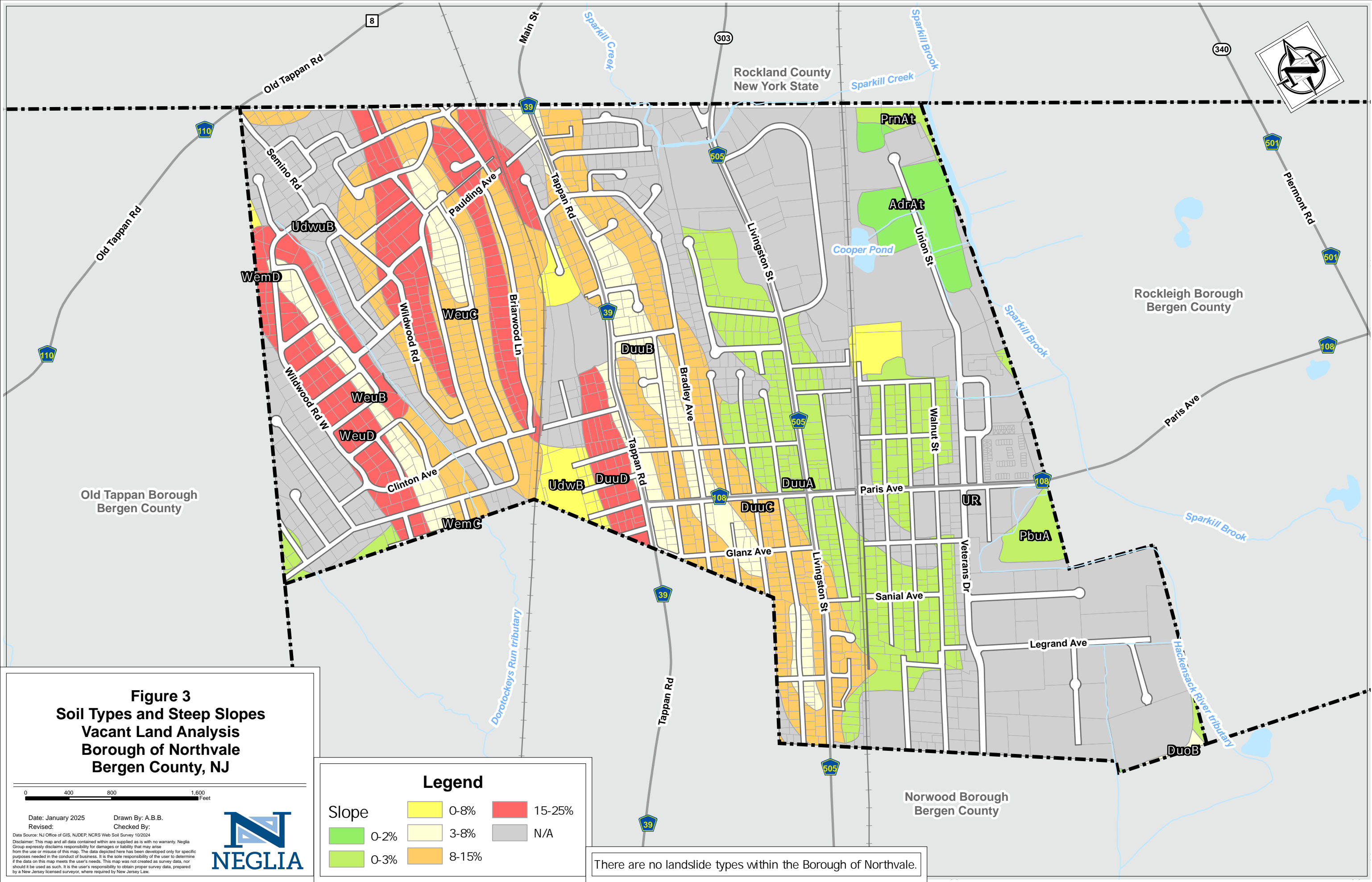
Vacant Parcels with Environmental Constraints

The following maps illustrate the application of the above methodology to all parcels in the Borough to identify potentially developable vacant sites based on size and yield.

Maps







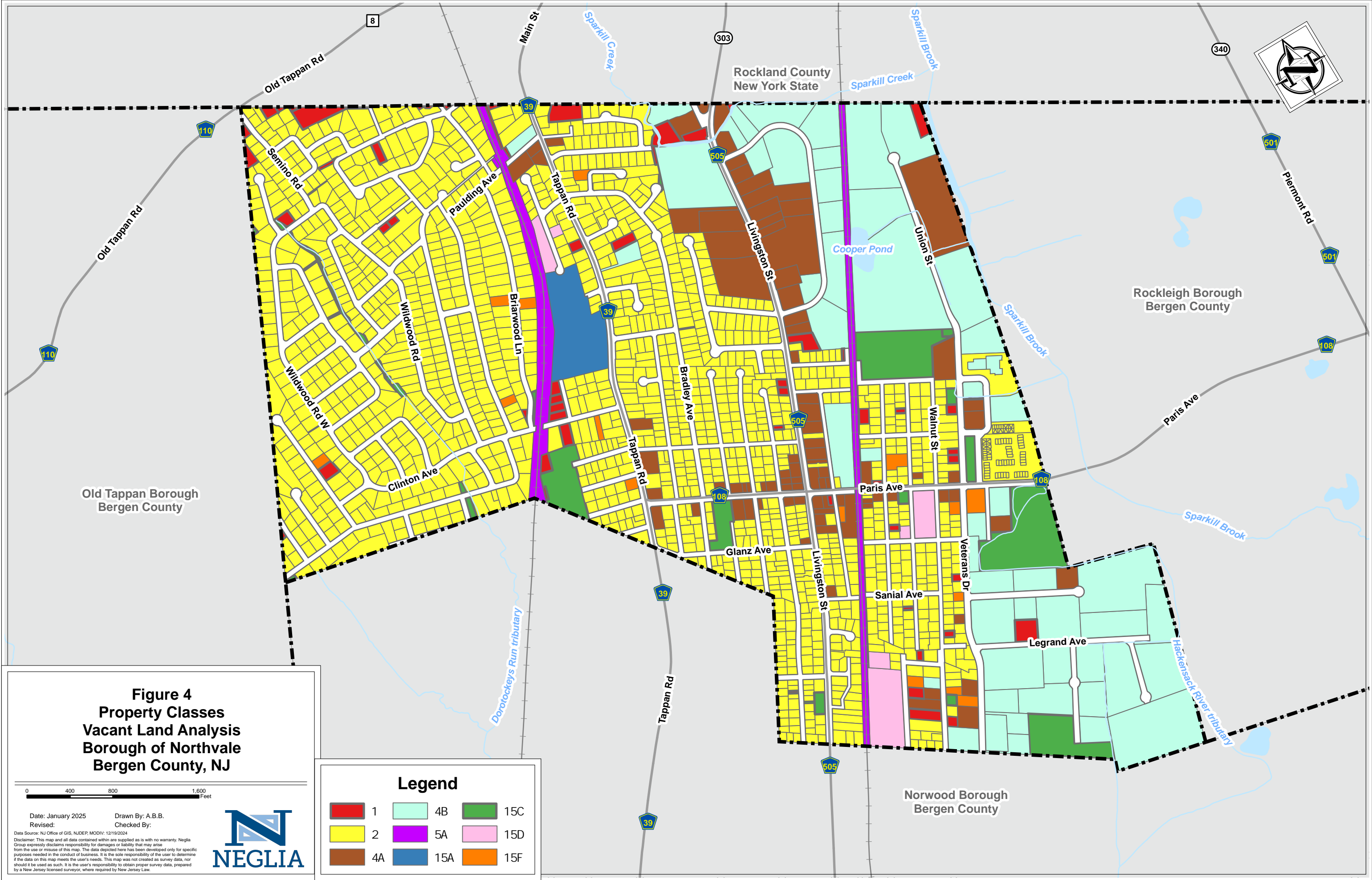


Figure 4
Property Classes
Vacant Land Analysis
Borough of Northvale
Bergen County, NJ

0 400 800 1,600
Feet

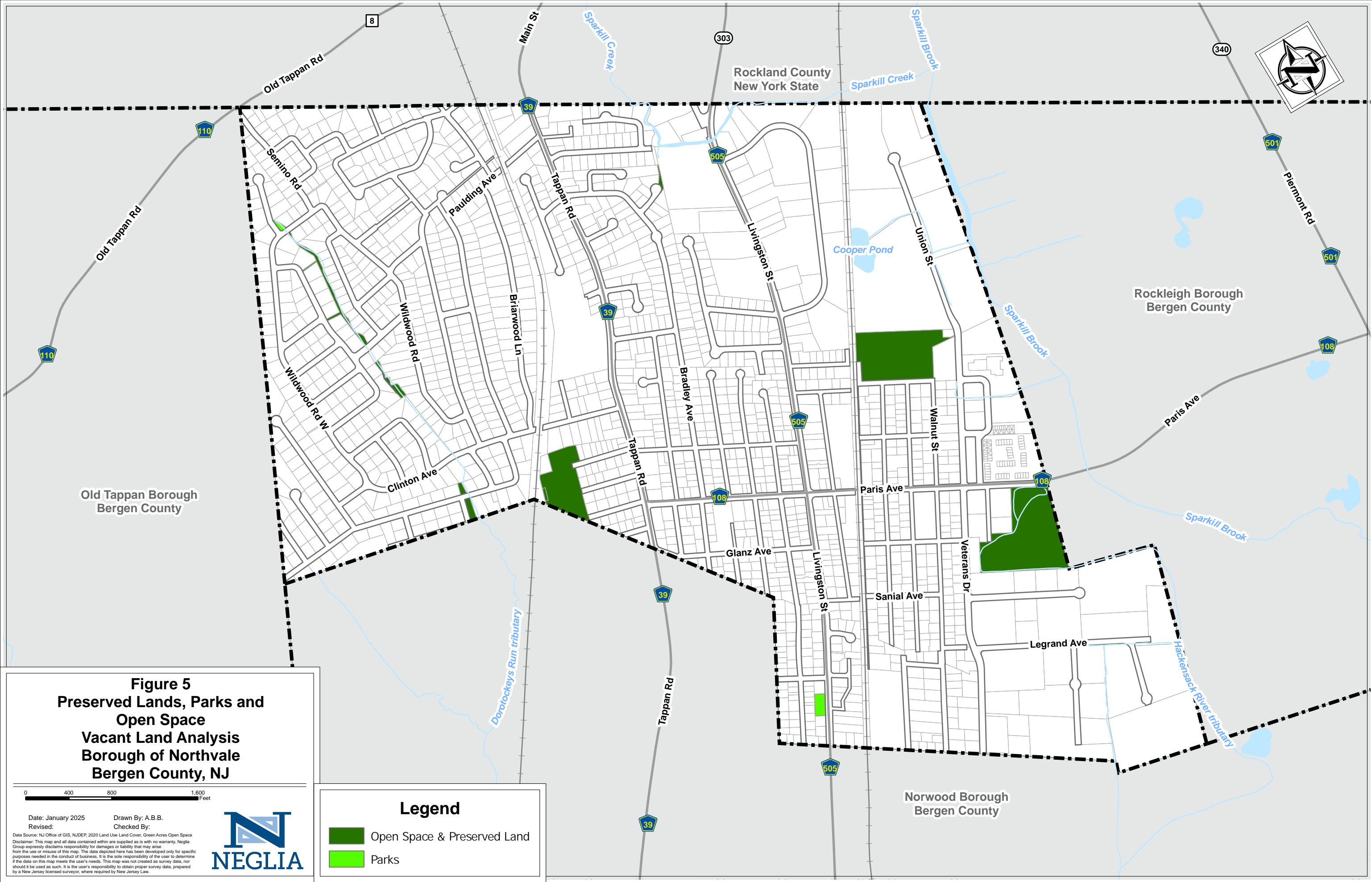
Date: January 2025
Revised:
Drawn By: A.B.B.
Checked By:

Data Source: NJ Office of GIS, NJDER, MODIV: 12/19/2024
Disclaimer: This map and all data contained within are supplied as is with no warranty. Neglia Group expressly disclaims responsibility for damages or liability that may arise from the use or misuse of this map. The data depicted here has been developed only for specific purposes needed in the conduct of business. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. It is the user's responsibility to obtain proper survey data, prepared by a New Jersey licensed surveyor, where required by New Jersey Law.



Legend

1	4B	15C
2	5A	15D
4A	15A	15F



Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with *N.J.A.C. 5:80-26*. The Affirmative Marketing Plan applies to all developments that contain low and moderate-income units. The Affirmative Marketing Plan is a regional marketing strategy design 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, municipality and/or designated administrative agency of affordable housing.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four (4) months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region: The Record
- The advertisement will include the following:
 - The location of the units;
 - Directions to the housing units;
 - A range of prices for the housing units;
 - The size, as measured in bedrooms, of the housing units;
 - The maximum income permitted to qualify for the housing units;
 - The business hours when interested households may obtain an application for a housing unit; and;
 - Application fees, if any.
- Signs, posters or brochures of available affordable housing units or affordable housing programs should be displayed at all municipal buildings as well as libraries, and developer's sales offices.

The Affirmative Marketing Program should reach out to local religious groups and civic organizations that are likely to apply, or help members apply for housing. This should include sending quarterly flyers and, or applications for circulation.

Developers of affordable housing should be required to aid in the marketing of the affordable units in their prospective development.

The program should actively continue for as long as low and moderate-income units are initially available and continue when occupancy or re-occupancy becomes necessary.

Draft Spending Plan

Introduction

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. Please see below per the ordinance:

Residential Development Fees

all residential developers shall pay a mandatory development fee equal to 1.5% of the equalized assessed value for each residential unit constructed, provided that no increased density (above what is permitted as of right by the existing zoning) is permitted. This mandatory fee shall be calculated as follows: $0.015 \times \text{equalized assessed value} \times \text{number of units}$.

Nonresidential Development Fee

involving new construction on unimproved lot or lots, the fee shall be based on the equalized assessed value of the land and improvements. If an existing structure is demolished and replaced, the development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the land and preexisting improvements thereon and the equalized value of the newly constructed structure and the land. Such calculation being made 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.

The ordinance established the Borough of Northvale Affordable Housing Trust Fund. 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 affordable housing fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. Borough of Northvale has prepared this Spending Plan to guide the allocation of funds within the Borough of Northvale Housing Trust Fund.

As of December 31, 2024, the Borough of Northvale has as indicated in the Table 1 below the funds in its Affordable Housing Trust Fund.

1. Revenues

As of December 31, 2024, Northvale Borough has collected \$ 732,518.87. 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 *Valley 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.

To calculate a projection of revenue anticipated during the period of fourth round, the Borough of Northvale considered the following:

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

- 2) Payment in lieu (PIL): Actual and committed payments in lieu (PIL) of construction from developers as follows:
- 3) Other funding sources:
 - a. 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.
- 4) Projected interest:
 - a. Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Projected Revenue												
Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Development Fees – Projected Development	0	6,000.00	0	0	0	0	0	0	0	0	0	6,000.00
Payments in Lieu of Construction	0	0	0	0	0	0	0	0	0	0	0	0
Other Funds	100,000.00	0	0	0	0	0	0	0	0	0	0	0
Interest	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	2,159.49	23,754.39
Total	732,518.87	740,678.36	742,837.85	744,997.34	747,156.83	749,316.32	751,475.81	753,635.30	755,794.79	757,954.28	760,113.77	762,273.26
*This table represents a rough estimate												

The *Borough of Northvale* projects revenue of \$100,000.00 in 2025 and \$6,000.00 in 2026. The *Borough of Northvale's* trust fund balance has total deposits of **\$ 762,273.26** available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. Collection and Distribution of Funds

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

- 1) Collection of development fee revenues:
Collection of development fee revenues shall be consistent with Borough's development fee ordinance for both residential and non-residential developments in accordance with the Department'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).
- 2) Distribution of development fee revenues:
Distribution of development fee revenues: Northvale Borough will distribute funds with the oversight of the Borough Council. The Council will work with the Borough Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

3. Expenditures

Northvale proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- 1) Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7) Borough Rehabilitation Program: The Borough's efforts to meet its present need include a municipally sponsored local rehabilitation program and participation in the County's rehabilitation program. This is sufficient to satisfy the Borough's present need obligation of eight (8) units.
- 2) Administrative Expenses (N.J.A.C. 5:97-8.9)
Administrative Expenses (N.J.A.C. 5:97-8.9) Northvale Borough will dedicate no more than twenty percent (20%) of revenue from the affordable housing trust fund to be used for administrative purposes. The current budget for administrative expenses is **\$152,454.65** subject to the twenty percent (20%) cap are as follows:
 - Legal fees associated with affordable housing administration;
 - Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
 - Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Northvale Borough.

Actual Development Fees and Interest thru May 2025		\$732,518.87
Projected Development Fees and Interest thru 2035	+	\$106,000.00
Payments in lieu of construction	+	\$0.00
Less RCA expenditures thru 5/21/2025	-	\$0.00
Total	=	\$762,273.26
Calculate twenty percent (20%)	X .20	\$152,454.65
Less admin expenditures thru Dec 2035	-	\$0.00
Projected Maximum available for administrative expenses Thru December 2035	=	\$152,454.65

4. Planned Expenditures

Borough of Northvale intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units and to assist residents through affordability assistance programs.

The Borough of Northvale has engaged the services of affordable housing consultants to scope the best fit housing solutions that would include the rehabilitation of existing units, construction of new units either as a Borough initiative or in the context of significant redevelopment project and per the as Northvale Borough Housing Ordinance.

5. Excess or Shortfall of Funds

Implementation of the affordable housing program in the Spending Plan will satisfy Northvale's current affordable housing obligation. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for a future round of municipal affordable housing obligation and additional affordability assistance funding. In the event of a shortfall of funds, the Borough would use municipal funds through bonding. It shall be noted that the affordability assistance funding would be allocated to security deposit assistance, rental assistance, and emergency repair assistance associated with the five accessory apartment units proposed.

4. Barrier Free Escrow

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

Summary

Borough of Northvale intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Plan Element.

As of December 31, 2024, the *Borough of Northvale* has a balance of **\$732,518.87**. The Borough of Northvale will apply the balance per the guidance and recommendations of affordable housing stakeholders.

Court Documents

Gregg A. Padovano, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street, Courtroom 359
Hackensack, New Jersey 07601

Prepared by the court:

IN THE MATTER OF THE
APPLICATION OF THE BOROUGH
OF NORTHVALE, COUNTY OF
BERGEN, STATE OF NEW JERSEY

FILED

MAY 19 2025

GREGG A. PADOVANO, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY

DOCKET NO. BER-L-365-25

Civil Action
Mt. Laurel Program

**DECISION AND ORDER FIXING
MUNICIPAL OBLIGATIONS FOR
“PRESENT NEED” AND “PROSPECTIVE
NEED” FOR THE FOURTH ROUND
HOUSING CYCLE**

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 16, 2025 (“DJ Complaint”) by the Petitioner, Borough of Northvale, New Jersey (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA; and

IT APPEARING that, the Municipality timely adopted Resolution 2025-47 on January 15, 2025, seeking deviation from the “present need” and “prospective need” calculations allocated to it by the New Jersey Department of Community Affairs (“DCA”) in its report dated October 18, 2024 entitled Affordable Housing Obligations for 2025-2035 (Fourth Round) (the

"DCA's Fourth Round Report"), and based on the Municipality planners' recommendation for 8 affordable housing units for "present need" and 99 units for a "prospective need" affordable housing obligation for the Fourth Round housing cycle; and

IT APPEARING that, a challenge to the Municipality's calculations was timely filed by the New Jersey Builders Association ("NJBA" or "Challenger") by and through its counsel, wherein NJBA disputed the Municipality's proposed obligation for prospective need, and supported DCA's present and prospective need obligations, with an expert report of J. Creigh Rahenkamp, PP of Creigh Rahenkamp & Associates, LLC; and

IT APPEARING that, pursuant to the Program, the Administrative Office of the Courts ("AOC") appointed and assigned the case to Program member, the Hon. Thomas Brogan, J.S.C., P.J.Cv. (Ret.) ("Program Member") to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14-24 ("Directive #14-24"); and

IT APPEARING that, on March 31, 2025, a settlement conference was conducted on notice to all parties with the participation of local officials, town planner, and attorneys for the Municipality and an attorney for the NJBA, and at which the parties engaged in extensive settlement negotiations, with the guidance and assistance of the Program Member and the Special Adjudicator; and

IT APPEARING that, as a result of the settlement conference the Municipality and NJBA reached a resolution ("Settlement"); the Settlement was placed on the record; and

THE COURT having received the Program Member's report dated April 7, 2025, since posted to the eCourts jacket for this matter at Trans. ID: LCV20251062561 the findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the "Report"); and

THE COURT, having been advised that the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality and that the Program Member further recommends that the Court adopt the findings and recommendations set forth in the Report and enter an Order implementing the terms of Settlement and thereby fix the "present need" and "prospective need" obligations of the Municipality for the Fourth Round housing cycle; and

THE COURT, having reviewed and considered the Program Member's Report and recommendations, having been satisfied that an arm's length Settlement was reached and entered into by and between the parties that is fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality, and for good and sufficient cause having otherwise been shown:

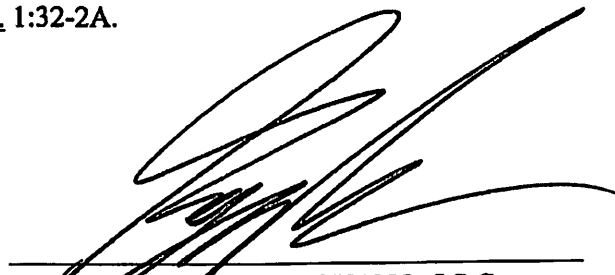
IT IS ON THIS THIS 19th DAY OF MAY 2025

ORDERED that the Program Member's Report and Recommendations for approval of the Settlement, be, and the same hereby **ACCEPTED** and **ADOPTED** in their entirety; and to that end, more specifically, it is further

ORDERED, as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 8 affordable units for the Fourth Round housing cycle.
2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 105 affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and
4. That any and all “challenges” to the Petitioner’s Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24; and it is further

ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner’s counsel, and Challenger NJBA’s counsel upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.



GREGG A. PADOVANO, J.S.C.
Designated Mt. Laurel Judge – Bergen Vicinage

(X) Challenged.

R. 1:7-4(a): Having reviewed and considered the Program Member's Report and Recommendations as well as the terms of Settlement placed on the record by the parties before the Program Member on March 31, 2025, the Court is satisfied that an arm's length Settlement was reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable as well as in the best interests of the protected class of low- and moderate-income households in the Municipality. This Settlement disposes of all challenges filed.

Accordingly, the Court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Program retains jurisdiction for the compliance phase in accordance with the statutory framework and AOC Directive #14-24.