

**MAYOR and COUNCIL of the
BOROUGH of HO-HO-KUS
BERGEN COUNTY, NEW JERSEY**

Resolution # 14-67

Subject: COAH-Affordable Housing Development

Dated: April 15, 2014

WHEREAS, the status of Ho-Ho-Kus Borough's voluntary participation before the Council on Affordable Housing ("COAH") for the First, Second and Third Rounds as well as the state's Third Round affordable housing upheaval has been detailed in the Borough's November 21, 2013 Master Plan (Exhibit A attached). The Borough awaits COAH's new third round regulations as ordered by the NJ Supreme Court in its March 14, 2014 decision. COAH's new Third Round regulations are to be published in the June 2, 2014 New Jersey Register; and

WHEREAS, in COAH's Second round grant of Substantive Certification to the Borough on October 7, 1999, COAH's certification resolution stated "the Borough of Ho-Ho-Kus shall capture opportunities for affordable housing to address its unmet need through the use of a development fee ordinance and continued participation in the Bergen County Home Improvement Program ("BCHIP"); and

WHEREAS, as a means to address the Borough's unmet need (the difference between the prior round affordable housing obligation and the realistic development potential (RDP)), the Borough previously adopted an Affordable Housing Development Fee ordinance in 1997 and currently has over \$170,000 in its Affordable Housing Trust Account. In addition, the Borough has participated in the BCHIP and will continue its participation as shown by the attached resolution (Exhibit B); and

WHEREAS, in June 2012, the Borough amended its Spending Plan pursuant to N.J.A.C. 5:97-8.11 to add a market-to-affordable housing program to enable the Borough to expend its collected Affordable Housing Development Fees to produce affordable housing towards its fair share obligation. The Borough entered into a contract with Bergen County United Way/Madeline Corp. to produce affordable housing through a market-to-affordable program in the Borough; and

WHEREAS, on June 26, 2012, the Borough adopted Resolution 12-76 which formally approved a spending plan amendment to expend collected trust funds on a market-to-affordable program to provide moderate-income affordable units and committed to amend its Fair Share Plan once COAH approved the Borough's spending plan. In addition, the resolution authorizes the Borough to provide the "equivalent number of housing units for low-income households through other affordable housing compliance mechanisms in a future third round fair share plan that is required to be prepared pursuant to N.J.A.C. 5:97-8.11(c)." In a June 15, 2012 certification prepared by Mary Beth Lonergan, PP, AICP, the Borough's affordable housing planner, and submitted to COAH along with the Borough's amended spending plan, Ms. Lonergan certified that "the affordable housing opportunity for a new market to affordable program in Ho-Ho-Kus Borough addresses COAH's criteria set forth in NJAC 5:97-6 as an eligible affordable housing compliance mechanism." The Borough awaits COAH's approval of its spending plan amendment to enable the Bergen County United Way/Madeline Corp. to produce affordable housing in the Borough through a market-to-affordable program; and

WHEREAS, on or about January 6, 2014, the Borough Planning Board received an application to subdivide a 3.66-acre lot with two (2) existing single-family dwellings into 9 new single-family dwelling units on 10,000 sq.ft. lots which, if such application is approved by the Planning Board, will provide

an affordable housing residential development fee as required by COAH’s second round grant of Substantive Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that in light of the recent residential development application to the Borough’s Planning Board, the Borough’s Affordable Housing Subcommittee (“Subcommittee”) is to immediately meet to address additional means for the Borough to address its unmet need. Such additional unmet need mechanisms that shall be explored by the Subcommittee should include the utilization of overlay zoning or the redevelopment process for future affordable housing production. Also, the Subcommittee shall explore the use of accessory apartments for affordable housing and shall explore the provision of affordable housing on Borough-owned property through a municipally-sponsored or 100% affordable housing program; and

BE IT FURTHER RESOLVED, that the Borough’s Subcommittee is also charged with reviewing COAH’s new third round regulations ordered by the NJ Supreme Court to be published in the NJ Register on June 2, 2014, specifically focused on COAH’s proposed rules governing vacant land adjustment communities and unmet need mechanisms; and

BE IT FURTHER RESOLVED, that the Subcommittee shall report back to the Governing Body, Planning Board, Borough Planner and the Borough’s Affordable Housing Planner with additional mechanisms to address the Borough’s unmet need and the statutory requirement for future third round very low income units by August 1, 2014; and

BE IT FURTHER RESOLVED, that the Planning Board will prepare and consider an amendment to the Borough’s 2008 housing element and fair share plan as needed; and

BE IT FURTHER RESOLVED, that once adopted, this resolution of commitment to provide additional means to address the Borough’s unmet need shall be submitted to COAH; the Subcommittee and Borough Planning Board.

I, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Bergen County, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council on April 15, 2014

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast	X		X			
Councilmember Lennon					X	
Councilmember Shea			X			
Councilmember Rorty		X	X			
Councilmember Weiss			X			
Councilmember Shell			X			