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**TOWNSHIP OF BLOOMFIELD MASTER PLAN
INITIAL DRAFT HOUSING ELEMENT AND FAIR SHARE PLAN**

Prepared for:

Planning Board
Township of Bloomfield
Municipal Plaza
Bloomfield, New Jersey 07003

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The original of this report was signed and
sealed in accordance with N.J.S.A. 13:41-1.2

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I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Township of Bloomfield, Essex 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.).

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 Township Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Township's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Bloomfield remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for its 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 Township 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 2023, 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 (2023) (the "2023 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2023 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 2023 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, Bloomfield, 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 were considered “participating municipalities.”

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 Bloomfield’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.

The Administrative Office of the Courts issued Administrative Directive #14-24 issued on December 13, 2024 establishing guidelines for the implementation of the Amended FHA through 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). The Directive added additional requirements of municipalities, some in violation of the Amended FHA. More specifically, the Directive adds the following requirements:

- 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 Directive also states that 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.

The most glaring example of the Directive exceeding the authority created by the Amended FHA is the requirement to adopt ordinances before the plan is approved. The Amended FHA explicitly provides that municipalities can adopt the ordinances after the plan is approved.

IV. Housing Stock and Demographic Analysis

Housing Stock Inventory

In 2023, there were 21,713 housing units in Bloomfield Township, of which 617, or approximately 2 percent, were vacant. Of the 21,096 occupied units, approximately 52 percent were owner occupied and 48 percent were renter occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status.

Table 1. Housing Units by Occupancy Status, 2023

| | Housing Units | Owner Occupied | Renter Occupied |
|--------------|---------------|----------------|-----------------|
| Occupied | 21,096 | 11,006 | 10,090 |
| Vacant | 617 | - | - |
| Total | 21,713 | - | - |

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

Approximately 42 percent of the total housing stock consists of single-family detached units. Structures with three or more units make up just over 40 percent of the total housing stock. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of the Township's housing units.

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

| Number of Units | Total | Percent |
|-----------------|---------------|---------------|
| 1, Detached | 9,118 | 42.0% |
| 1, Attached | 908 | 4.2% |
| 2 | 2,937 | 13.5% |
| 3 or 4 | 2,984 | 13.7% |
| 5 to 9 | 455 | 2.1% |
| 10 to 19 | 1,223 | 5.6% |
| 20+ | 4,075 | 18.8% |
| Mobile Home | 13 | 0.1% |
| Other | 0 | 0.0% |
| Total | 21,713 | 100.0% |

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

Table 3, Housing Units by Age, 2023, illustrates the age of the Township's housing stock. As one would expect from a built-out and historic community such as Bloomfield, the majority (65 percent) of its housing stock was built before 1950, including approximately 38 percent of which was built before 1940. Housing constructed after 2000 makes up approximately 11 percent of the Township's housing units.

Table 3. Housing Units by Age, 2023

| Year Built | Total Units | Percent |
|---------------|---------------|---------------|
| 2020 or later | 60 | 0.3% |
| 2010 to 2019 | 1,646 | 7.6% |
| 2000 to 2009 | 562 | 2.6% |
| 1990 to 1999 | 491 | 2.3% |
| 1980 to 1989 | 1,190 | 5.5% |
| 1970 to 1979 | 1,220 | 5.6% |
| 1960 to 1969 | 2,339 | 10.8% |
| 1950 to 1959 | 3,304 | 15.2% |
| 1940 to 1949 | 2,650 | 12.2% |
| Before 1940 | 8,251 | 38.0% |
| Total | 21,713 | 100.0% |

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

Table 4, Housing Units by Number of Rooms for the Township of Bloomfield and Essex County, 2023, shows that in Bloomfield, approximately 22 percent of housing units have between one and three rooms; 50 percent have between four and six rooms; and 28 percent have seven or more rooms. In Essex County, approximately 24 percent of housing units have between one and three rooms; 48 percent have between four and six rooms; and 28 percent have seven or more rooms. The median number of rooms per housing unit in Bloomfield is 5.1, which is largely similar to the number of rooms per housing unit in Essex County (5.0).

Table 4. Housing Units by Number of Rooms for the Township of Bloomfield and Essex County, 2023

| Rooms | Number of Units in Bloomfield | Percent of Units in Bloomfield | Number of Units in Essex County | Percent of Units in Essex County |
|------------------------------|-------------------------------|--------------------------------|---------------------------------|----------------------------------|
| 1 | 986 | 4.5% | 21,140 | 6.3% |
| 2 | 1,008 | 4.6% | 12,581 | 3.7% |
| 3 | 2,740 | 12.6% | 48,038 | 14.3% |
| 4 | 3,961 | 18.2% | 59,203 | 17.6% |
| 5 | 3,443 | 15.9% | 59,099 | 17.6% |
| 6 | 3,445 | 15.9% | 41,260 | 12.3% |
| 7 | 2,342 | 10.8% | 31,319 | 9.3% |
| 8 | 1,645 | 7.6% | 22,753 | 6.8% |
| 9+ | 2,143 | 9.9% | 40,157 | 12.0% |
| Total | 21,713 | 100.0% | 335,550 | 100.0% |
| Median Rooms per Unit | 5.1 | | 5.0 | |

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 in Bloomfield increased by almost 36 percent between 2013 and 2023. During this same time, the median value in Essex County also increased by approximately 36 percent. In 2013, Bloomfield's median housing value of \$329,800 was 10 percent lower than that of Essex County (i.e., \$364,800). In 2023, Bloomfield's median housing value of \$447,900 was again 10 percent lower than that of Essex County (i.e., \$494,400).

Table 5. Housing Values, Owner Occupied, 2013

| Housing Value | Number in Bloomfield | Percent in Bloomfield | Number in Essex County | Percent in Essex County |
|--------------------------|----------------------|-----------------------|------------------------|-------------------------|
| Less than \$50,000 | 209 | 2.1% | 2,182 | 1.7% |
| \$50,000 to \$99,999 | 47 | 0.5% | 2,064 | 1.6% |
| \$100,000 to \$149,999 | 316 | 3.2% | 5,277 | 4.1% |
| \$150,000 to \$199,999 | 533 | 5.4% | 9,746 | 7.7% |
| \$200,000 to \$299,999 | 2,680 | 26.9% | 25,459 | 20.0% |
| \$300,000 to \$499,999 | 5,635 | 56.6% | 48,066 | 37.8% |
| \$500,000 to \$999,999 | 482 | 4.8% | 28,451 | 22.4% |
| \$1,000,000 or more | 55 | 0.6% | 6,052 | 4.8% |
| Total | 9,957 | 100.0% | 127,297 | 100.0% |
| 2013 Median Value | \$329,800 | | \$364,800 | |

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

Table 6. Housing Values, Owner Occupied, 2023

| Housing Value | Number in Bloomfield | Percent in Bloomfield | Number in Essex County | Percent in Essex County |
|--------------------------|----------------------|-----------------------|------------------------|-------------------------|
| Less than \$50,000 | 177 | 1.6% | 4,224 | 3.0% |
| \$50,000 to \$99,999 | 75 | 0.7% | 1,211 | 0.9% |
| \$100,000 to \$149,999 | 55 | 0.5% | 2,283 | 1.6% |
| \$150,000 to \$199,999 | 208 | 1.9% | 3,726 | 2.6% |
| \$200,000 to \$299,999 | 1,199 | 10.9% | 16,654 | 11.8% |
| \$300,000 to \$499,999 | 5,567 | 50.6% | 43,938 | 31.1% |
| \$500,000 to \$999,999 | 3,582 | 32.5% | 52,829 | 37.4% |
| \$1,000,000 or more | 143 | 1.3% | 16,512 | 11.7% |
| Total | 11,006 | 100.0% | 141,377 | 100.0% |
| 2023 Median Value | \$447,900 | | \$494,400 | |

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

Monthly rental costs in Bloomfield are, on average, higher than monthly rental costs County-wide, with almost 94 percent of Township renters paying \$1,000 or more per month in rent versus only approximately 78 percent in Essex County. In Bloomfield, the largest percentage of renters, almost 33 percent, pay between \$1,500 to \$1,999 per month in rent. See Table 7, Comparison of the Township of Bloomfield and Essex County, Monthly Rental Cost, 2023 for additional details.

Table 7. Comparison of the Township of Bloomfield and Essex County, Monthly Rental Cost, 2023

| Monthly Rent | Number in Bloomfield | Percent in Bloomfield | Number in Essex County | Percent in Essex County |
|---------------------------|----------------------|-----------------------|------------------------|-------------------------|
| No Rent Paid | 261 | - | 3,459 | - |
| Less than \$500 | 308 | 3.1% | 17,560 | 10.2% |
| \$500 to \$999 | 342 | 3.5% | 19,907 | 11.5% |
| \$1,000 to \$1,499 | 2,497 | 25.4% | 53,634 | 31.1% |
| \$1,500 to \$1,999 | 3,211 | 32.7% | 46,316 | 26.8% |
| \$2,000 to \$2,499 | 2,031 | 20.7% | 21,870 | 12.7% |
| \$2,500 to \$2,999 | 959 | 9.8% | 6,572 | 3.8% |
| \$3,000 or more | 481 | 4.9% | 6,778 | 3.9% |
| Total | 9,829 | 100.0% | 172,637 | 100.0% |
| Median Rent | \$1,775 | | \$1,459 | |

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

In 2023, approximately 34 percent of Bloomfield owner occupied households contributed 30 percent or more of their income towards monthly housing costs, and 42 percent of Bloomfield 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 Housing Units, 2023, for additional 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% | 0.0% | 6.4% |
| \$20,000 - \$34,999 | 0.1% | 0.0% | 2.8% |
| \$35,000 - \$49,999 | 0.9% | 0.1% | 4.1% |
| \$50,000 - \$74,999 | 0.9% | 0.8% | 6.6% |
| \$75,000 or more | 40.2% | 23.2% | 13.7% |
| Zero or Negative Income | 0.1% | | |

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

In 2023, nearly 47 percent of Bloomfield renter occupied households contributed 30 percent or more of their income towards monthly housing costs, whereas only approximately 24 percent of Bloomfield 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 Housing 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% | 1.1% | 10.1% |
| \$20,000 - \$34,999 | 0.7% | 0.6% | 10.1% |
| \$35,000 - \$49,999 | 0.0% | 0.0% | 6.6% |
| \$50,000 - \$74,999 | 0.5% | 8.6% | 12.2% |
| \$75,000 or more | 22.3% | 16.5% | 7.6% |
| Zero or Negative Income | 0.3% | | |
| No Cash Rent | 2.6% | | |

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

Bloomfield has 53 housing units that lack complete plumbing facilities and 652 units that are overcrowded (defined as having 1.01 or more persons per room). There are 144 units in the Township that lack telephone service and 103 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 | 652 | 144 | 53 | 103 |

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

General Population Characteristics

There have been fluctuations in Bloomfield's population in the years since 1990. Between 1990 and 2000, the population increased by almost 6 percent, then briefly decreased by just under 1 percent between 2000 and 2010. In 2020, Bloomfield's population was observed at 53,105 persons, which was the largest change in population over the past 3 decades with a 12 percent increase. The County's population exhibited a similar trend to that of Bloomfield over the last three decades, increasing by approximately 2 percent between 1990 and 2000, decreasing by 1 percent between 2000 and 2010, and again increasing by 10 percent between 2010 and 2020. See Table 11, Population Change, 1990-2020, for more information.

Table 11. Population Change, 1990-2020

| | 1990 | 2000 | Percent Change (1990-2000) | 2010 | Percent Change (2000-2010) | 2020 | Percent Change (2010-2020) |
|---------------------|---------|---------|----------------------------|---------|----------------------------|---------|----------------------------|
| Bloomfield | 45,061 | 47,683 | 5.8% | 47,315 | -0.8% | 53,105 | 12.2% |
| Essex County | 778,206 | 793,633 | 2.0% | 783,969 | -1.2% | 863,728 | 10.2% |

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

From 2010 to 2020, there were shifts in Bloomfield's age distribution. The largest population increases with respect to age were for the groups aged 65-74 (1,685 persons or 59 percent increase), aged 25-34 (1,673 or 23 percent increase), aged 55-64 (1,205 persons or 22 percent increase). The largest decrease in population was for the group aged 45-54, with a decrease of 306 persons or by 4 percent. See Table 12, Age Distribution, 2010-2020, for additional details.

Table 12. Age Distribution, 2010-2020

| Age Group | 2010 | Percent | 2020 | Percent | Percent Change |
|----------------|--------|---------|--------|---------|----------------|
| Under 5 | 3,006 | 6.4% | 3,021 | 5.7% | 0.5% |
| 5-14 | 5,302 | 11.2% | 5,634 | 10.6% | 6.3% |
| 15-24 | 6,005 | 12.7% | 6,465 | 12.2% | 7.7% |
| 25-34 | 7,441 | 15.7% | 9,114 | 17.2% | 22.5% |
| 35-44 | 7,192 | 15.2% | 7,852 | 14.8% | 9.2% |
| 45-54 | 7,115 | 15.0% | 6,809 | 12.8% | -4.3% |
| 55-64 | 5,589 | 11.8% | 6,794 | 12.8% | 21.6% |
| 65-74 | 2,842 | 6.0% | 4,527 | 8.5% | 59.3% |
| 75+ | 2,823 | 6.0% | 2,889 | 5.4% | 2.3% |
| Totals | 47,315 | 100.0% | 53,105 | 100.0% | - |

Source: 2010 and 2020 U.S. Census

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 21,096 households in Bloomfield, with an average of 2.48 persons per household and an average of 3.12 persons per family. Almost 46 percent of the households are comprised of married couples with or without children. Approximately 17 percent of the Bloomfield households are non-family households, which include individuals (Source: ACS 2019-2023, Table S1101 & S2501).

Income Characteristics

Persons residing in Bloomfield have, on average, higher incomes than those of Essex County as a whole. Annual median income for Township households in 2023 was \$98,811, whereas annual median income for Essex County households was \$76,712. Table 13, Household and Family Income by Income Brackets for Bloomfield and Essex 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 Bloomfield and Essex County, 2023

| | Bloomfield | | Essex County | |
|------------------------|-----------------|---------------|-----------------|---------------|
| | Households | Percent | Households | Percent |
| Less than \$5,000 | 440 | 2.1% | 13,858 | 4.4% |
| \$5,000 to \$9,999 | 302 | 1.4% | 8,266 | 2.6% |
| \$10,000 to \$14,999 | 473 | 2.2% | 15,215 | 4.8% |
| \$15,000 to \$19,999 | 727 | 3.4% | 10,470 | 3.3% |
| \$20,000 to \$24,999 | 528 | 2.5% | 11,504 | 3.6% |
| \$25,000 to \$34,999 | 952 | 4.5% | 21,828 | 6.9% |
| \$35,000 to \$49,999 | 1,286 | 6.1% | 29,782 | 9.4% |
| \$50,000 to \$74,999 | 3,108 | 14.7% | 45,046 | 14.2% |
| \$75,000 to \$99,999 | 2,829 | 13.4% | 33,951 | 10.7% |
| \$100,000 to \$149,999 | 4,073 | 19.3% | 45,601 | 14.4% |
| \$150,000 or more | 6,378 | 30.2% | 81,952 | 25.8% |
| Total | 21,096 | 100.0% | 317,473 | 100.0% |
| Median Income | \$98,811 | | \$76,712 | |

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 Jersey¹ for Essex, Morris, Union, and Warren Counties (Region 2) indicate the median household income for a household of one person was \$90,591. As such, the moderate-income threshold for a household of one person was \$72,473 (i.e., 80 percent of \$90,591). In attempting to approximate the number of low- and moderate-income households in the Township, 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 Township for which income was below the closest breakpoint to this minimum threshold (i.e. \$75,000) was approximately 37 percent.

The percentage of persons and households below the poverty level, as defined by the 2023 American Community Survey, equates to nearly 9 percent of all Bloomfield Residents. This is lower than the County as a whole, wherein 15 percent of County residents were living below the poverty level in 2023 (Source: ACS 2019-2023, Table S1701).

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

Employment Characteristics

Table 14, Employment Status, 2023, indicates the number of Township 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 72 percent of Bloomfield 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.

Table 14. Employment Status, 2023

| | Number in Bloomfield | Percent in Bloomfield |
|-------------------------------------|----------------------|-----------------------|
| Population 16 years and over | 43,925 | - |
| In Labor Force | 31,823 | 72.4% |
| Civilian Labor Force | 31,823 | 72.4% |
| <i>Employed</i> | 29,875 | 68.0% |
| <i>Unemployed</i> | 1,948 | 4.4% |
| Armed Forces | 0 | 0.0% |
| Not in Labor Force | 12,102 | 27.6% |

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

Table 15, Employment by Occupation, Bloomfield, 2023, identifies the occupations of employed persons. While Bloomfield residents work in a variety of industries, the majority (nearly 51 percent) of employed residents work in Management, Business, Science, and Arts occupations; approximately 19 percent are employed in Sales and Office occupations; and almost 15 percent work in Service-related occupations.

Table 15. Employment by Occupation, Bloomfield, 2023

| Sector Jobs | Number | Percent |
|--|--------|---------|
| Management, Business, Science, and Arts Occupations | 15,220 | 50.9% |
| Service | 4,408 | 14.8% |
| Sales and Office | 5,529 | 18.5% |
| Natural Resources, Construction, and Maintenance | 1,546 | 5.2% |
| Production, Transportation, and Material Moving | 3,172 | 10.6% |
| Total | 29,875 | 100.0% |

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

Table 16, Distribution of Employment by Industry, Township Residents, 2023, shows the distribution of employment by industry for employed Bloomfield residents. The two industries to capture the largest segments of the population were Educational, Health and Social Services at nearly 26 percent and Professional, Scientific, Management, Administrative, and Waste Management Services at approximately 13 percent.

Table 16. *Distribution of Employment by Industry, Township Residents, 2023*

| Sector Jobs | Number | Percent |
|---|---------------|---------------|
| Agriculture, Forestry, Fishing and Hunting, and Mining | 33 | 0.1% |
| Construction | 1,471 | 4.9% |
| Manufacturing | 1,954 | 6.5% |
| Wholesale Trade | 855 | 2.9% |
| Retail Trade | 2,874 | 9.6% |
| Transportation and Warehousing, and Utilities | 2,097 | 7.0% |
| Information | 1,277 | 4.3% |
| Financing, Insurance, Real Estate, Renting, and Leasing | 2,180 | 7.3% |
| Professional, Scientific, Management, Administrative, and Waste Management Services | 4,011 | 13.4% |
| Educational, Health and Social Services | 7,709 | 25.8% |
| Arts, Entertainment, Recreation, Accommodation and Food Services | 2,226 | 7.5% |
| Public Administration | 1,325 | 4.4% |
| Other | 1,863 | 6.2% |
| Total | 29,875 | 100.0% |

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

Of employed Township residents, approximately 78 percent are private wage and salary workers; 17 percent are government workers; and 5 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 Bloomfield | Percent in Bloomfield |
|--|----------------------|-----------------------|
| Private Wage and Salary Workers | 23,211 | 77.7% |
| Government Workers | 5,160 | 17.3% |
| Self-employed in own not incorporated business workers | 1,461 | 4.9% |
| Unpaid family workers | 43 | 0.1% |
| Total | 29,875 | 100.0% |

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, Employment in Bloomfield by Industry Sector, 2012, 2017, 2022, for additional details. According to the New Jersey Department of Labor and Statistics, there were 13,450 jobs in Bloomfield in 2022. Health Care and Social Assistance, Retail Trade, and Educational Services were the largest sectors of in-town employment, with 2,509 jobs, 2,507 jobs, and 1,872 jobs, respectively. The sector which saw the largest increase in local employment between 2012 and 2022 was the Health Care and

Social Assistance sector, with an increase of 941 jobs (or 60 percent increase). The Administration & Support, Waste Management and Remediation sector saw the largest decrease in local employment during the same time period, with a loss of 785 jobs (or a nearly 47 percent decrease).

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

| SECTOR JOBS | 2012 | | 2017 | | 2022 | |
|--|---------------|---------------|---------------|---------------|---------------|---------------|
| | 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% | 1 | 0.0% |
| Utilities | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| Construction | 347 | 2.7% | 395 | 3.0% | 416 | 3.1% |
| Manufacturing | 377 | 2.9% | 299 | 2.3% | 450 | 3.3% |
| Wholesale Trade | 520 | 4.0% | 362 | 2.8% | 597 | 4.4% |
| Retail Trade | 2,229 | 17.2% | 2,423 | 18.4% | 2,507 | 18.6% |
| Transportation and Warehousing | 125 | 1.0% | 154 | 1.2% | 209 | 1.6% |
| Information | 111 | 0.9% | 64 | 0.5% | 74 | 0.6% |
| Finance and Insurance | 537 | 4.1% | 501 | 3.8% | 449 | 3.3% |
| Real Estate and Rental and Leasing | 161 | 1.2% | 210 | 1.6% | 185 | 1.4% |
| Professional, Scientific and Technical Services | 1,244 | 9.6% | 1,207 | 9.2% | 1,122 | 8.3% |
| Management of Companies and Enterprises | 11 | 0.1% | 25 | 0.2% | 3 | 0.0% |
| Administration & Support, Waste Management and Remediation | 1,672 | 12.9% | 765 | 5.8% | 887 | 6.6% |
| Educational Services | 2,095 | 16.2% | 2,038 | 15.5% | 1,872 | 13.9% |
| Health Care and Social Assistance | 1,568 | 12.1% | 2,506 | 19.0% | 2,509 | 18.7% |
| Arts, Entertainment, and Recreation | 154 | 1.2% | 81 | 0.6% | 71 | 0.5% |
| Accommodation and Food Services | 915 | 7.1% | 1,111 | 8.4% | 1,013 | 7.5% |
| Other Services (Excluding Public Administration) | 436 | 3.4% | 546 | 4.1% | 510 | 3.8% |
| Public Administration | 443 | 3.4% | 475 | 3.6% | 575 | 4.3% |
| TOTAL PRIVATE SECTOR | 12,945 | 100.0% | 13,162 | 100.0% | 13,450 | 100.0% |

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, Bloomfield issued 1,875 residential certificates of occupancy, which included 51 certificates for 1 & 2 family units and 1,824 certificates for multifamily 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 | 9 | 21 | 3 | 5 | 0 | 2 | 0 | 7 | 1 | 1 | 2 | 51 |
| Multifamily | 50 | 0 | 224 | 640 | 197 | 0 | 0 | 176 | 200 | 73 | 264 | 1,824 |
| Mixed Use | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 59 | 21 | 227 | 645 | 197 | 2 | 0 | 183 | 201 | 74 | 266 | 1,875 |

Source: New Jersey Construction Reporter

Bloomfield is essentially a fully developed community, with environmental constraints on the remaining undeveloped tracts zoned for residential use. There has been significant residential development in the past decade as a result of redevelopment projects located within the proximity of the Township's train stations. As shown on Table 19, the Township has had an average of approximately 170 dwelling units constructed each year between 2013 and 2023. Given the built-out nature of the municipality and lack of significant available developable land in the municipality, new housing development in coming years will be through redevelopment of existing properties. The Township has recently designated multiple areas as in need of redevelopment, several of which have subsequently been developed pursuant to redevelopment plans.

Nonresidential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Bloomfield issued certificates of occupancy for a total of ±2,385,954 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:

- 1,915,309 square feet of multifamily/dormitories space, for which certificates of occupancy were issued in 2013, 2015, 2016, 2017, 2020, 2021, 2022, 2023.
- 195,646 square feet of retail space, for which certificates of occupancy were issued in 2015, 2016, 2019, 2020, 2022
- 126,398 square feet of storage, for which certificates of occupancy were issued in 2015, 2016, and 2018.

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

| | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | Total |
|---|---------------|----------|----------------|----------------|----------------|---------------|---------------|----------------|----------------|----------------|----------------|------------------|
| Office | 0 | 0 | 0 | 32,984 | 716 | 535 | 0 | 8,880 | 6,369 | 5,931 | 1,750 | 57,165 |
| Retail | 0 | 0 | 148,035 | 17,073 | 0 | 0 | 17,073 | 3,465 | 0 | 10,000 | 0 | 195,646 |
| A-1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A-2 | 0 | 0 | 0 | 22,260 | 0 | 0 | 0 | 2,454 | 0 | 0 | 0 | 24,714 |
| A-3 | 0 | 0 | 0 | 4,080 | 0 | 0 | 4,276 | 0 | 0 | 0 | 1,664 | 10,020 |
| A-4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A-5 | 0 | 0 | 0 | 0 | 0 | 0 | 16,000 | 0 | 0 | 0 | 0 | 16,000 |
| Multifamily/ Dormitories | 80,474 | 0 | 95,726 | 387,816 | 513,764 | 0 | 0 | 199,054 | 295,632 | 133,289 | 209,554 | 1,915,309 |
| Hotel/ Motel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Education | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Industrial | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazardous | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Institutional | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37,750 | 0 | 0 | 0 | 37,750 |
| Storage | 0 | 0 | 111,000 | 3,278 | 0 | 12,120 | 0 | 0 | 0 | 0 | 0 | 126,398 |
| Signs, Fences, Utility and Misc. | 240 | 0 | 238 | 0 | 0 | 81 | 0 | 260 | 883 | 439 | 811 | 2,952 |
| TOTAL | 80,714 | 0 | 354,999 | 467,491 | 514,480 | 12,736 | 37,349 | 251,863 | 302,884 | 149,659 | 213,779 | 2,385,954 |

Source: New Jersey Construction Reporter

Capacity for Growth

Bloomfield is essentially fully developed, with limited vacant developable land. The most realistic development opportunities involve the redevelopment of existing developed properties.

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. The Bloomfield Township Council adopted a resolution on January 27, 2025 setting forth its determination of the Township'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 Township'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. DCA proposed a non-binding Present Need obligation for Bloomfield of 329. The Township of Bloomfield has accepted this obligation.

Prospective Need

The Township of Bloomfield is a "Qualified Urban Aid Municipality," meaning it is exempt from addressing Prospective Need, and therefore has a Prospective Need obligation of zero.

Proposed Compliance Mechanisms

As noted, Bloomfield's Present Need obligation is 329. The Township will address this obligation as detailed below.

Rehabilitation Programs

Bloomfield has been a participant in the Essex County Home Improvement Program in the past, and is seeking to rejoin this program. The Township has also had its own municipal Home Improvement Program, which was funded through the Community Development Block Grant program. Bloomfield will continue to promote rehabilitation of existing units through these programs and, as well as through its affordable housing trust fund and other sources.

The Township will create a payment in lieu of providing housing to help fund the rehabilitation program. Bloomfield has experienced a significant amount of development in recent years through the redevelopment process governed by the New Jersey Local Redevelopment and Housing Law (LRHL). This process allows for the adoption of site-specific redevelopment plans and redeveloper agreements,

which may include a community benefit agreement to fund public purposes. It is proposed that a fee be established to be included in redevelopment plans to fund the Township’s rehabilitation program.

For non-redevelopment projects, the Township’s residential and nonresidential development fee requirements will be applicable. As the entirety of Bloomfield has been designated as an “area in need of rehabilitation,” homeowners and other property owners can take advantage of five-year tax abatement to help offset the contribution to the affordable housing trust fund. This benefit should be marketed to homeowners.

The Spending Plan included in Appendix 1 projects a total of \$2,009,850 from the Township’s Affordable Housing Trust Fund will be available to fund rehabilitation projects between January 1, 2025 and June 30, 2035. With an average cost of \$20,000 per rehabilitated dwelling, this portion of the Affordable Housing Trust Fund will result in the rehabilitation of 100 dwellings.

It is anticipated that the Township will address the remainder of its rehabilitation obligation through its renewed participation in the Essex County Home Improvement Program.

Other Credits

The Township can receive credit for existing and proposed affordable dwellings as well. There are 7 documented Supportive and/or Special Needs Housing facilities, three developments with affordable units created through the NJHMFA CHOICE Program and three affordable age-restricted properties in Bloomfield, as listed in Table 21 and detailed below.

Group Homes:

1. **Project Live – Block 287, Lot 9:** This five-bedroom low-income group home for the developmentally disabled is located on Liberty Street and was initially established in 1997. 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. Thus, the above home is eligible for five credits.
2. **ARC of Essex County I – Block 461, Lot 7:** This six-bedroom low-income group home for developmentally disabled adults is located on Clarendon Place and was initially established in 1981. 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. Thus, the above home is eligible for five credits.
3. **ARC of Essex County II – Block 219, Lot 13.02:** This six-bedroom low-income group home for developmentally disabled adults is located on Linden Avenue and was initially established in 1991. 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. Thus, the above home is eligible for six credits.

4. **Easter Seals Society of NJ I – Block 481, Lot 56:** This three-bedroom low-income group home for the developmentally disabled is located on Montgomery Street and built in 1985. 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. Thus, the above home is eligible for three credits.
5. **The Center for Family Support – Block 1262, Lot 10:** This five-bedroom low-income group home for developmentally disabled adults is located on East Passaic Avenue and was initially established in 2002. 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. Thus, the above home is eligible for five credits.
6. **Mental Health Association of Essex County Inc. I – Block 2, Lot 9:** This three-bedroom low-income group home for developmentally disabled adults is located on North Sixteenth Street and was established in 2009. 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. Thus, the above home is eligible for three credits.
7. **Mental Health Association of Essex County Inc. II – Block 691, Lot 35:** This three-bedroom low-income group home for developmentally disabled adults is located on North Sixteenth Street and was established in 2008. 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. Thus, the above home is eligible for three credits.

NJHMFA CHOICE Program Developments:

1. **Court Manor – Bland Court | Block 126, Lot 28, 23, 25-27:** This 17-unit development is located on Bland Court. It was developed as part of the NJ Housing and Mortgage Finance Agency’s Choices in Home Ownership Incentives Created for Everyone (CHOICE) program. The CHOICE program offers developers subsidies for the development of affordable housing units or emerging market units. Emerging market units are not deed restricted like traditional affordable housing units; however, they are subject to Equity Sharing Controls for up to 15 years, or at the time of non-restricted sale, allowing for a lump sum in exchange for partial ownership of the unit, and/or a share of its future appreciation and subject to the deed restrictions, mortgages and notes related to the units set forth in the Master Deed for Court Manor of Bloomfield Condominium (2017).
2. **Watsessing Manor – 7 Myrtle Street | Block 134, Lot 63:** This 12-unit development is located on Myrtle Street and was developed in 2017. The development is within 0.5 miles from the

Watsessing Train Station. It was developed as part of the NJ Housing and Mortgage Finance Agency's Choices in Home Ownership Incentives Created for Everyone (CHOICE) program. The CHOICE program offers developers subsidies for the development of affordable housing units or emerging market units. Emerging market units are not deed restricted like traditional affordable housing units; however, they are subject to Equity Sharing Controls for up to 15 years, or at the time of non-restricted sale, allowing for a lump sum in exchange for partial ownership of the unit, and/or a share of its future appreciation and subject to the deed restrictions, mortgages and notes related to the units set forth in the Master Deed for Watsessing Manor Condominium (2017).

3. **Willow Manor – 92 Willow Street | Block 126, Lot 108-113:** This 12-unit development is located on Willow Street and was developed in 2014. It was developed as part of the NJ Housing and Mortgage Finance Agency's Choices in Home Ownership Incentives Created for Everyone (CHOICE) program. The CHOICE program offers developers subsidies for the development of affordable housing units or emerging market units. Emerging market units are not deed restricted like traditional affordable housing units; however, they are subject to Equity Sharing Controls for up to 15 years, or at the time of non-restricted sale, allowing for a lump sum in exchange for partial ownership of the unit, and/or a share of its future appreciation and subject to the deed restrictions, mortgages and notes related to the units set forth in the Master Deed for Willow Manor Condominium (2015).

Age Restricted Properties:

1. **Heritage Village at Bloomfield – 390 Franklin Street | Block 311, Lot 13:** This recently developed 82-unit age-restricted affordable complex is located on the corner of Franklin Street and Municipal Plaza. It offers 60% median-income affordable units (49 units) and 40% low-income affordable units (33 units). Additionally, it is age-restricted for tenants 55 and over. As such, these units are eligible for 82 credits.
2. **National Church of Residences of New Jersey (Kinder Tower) – 400 Hoover Avenue | Block 697, Lot 100:** This 129-unit development is located on Bloomfield Avenue and was developed in 2018 and is commonly known as Kinder Tower. Kinder Tower is an age-restricted affordable community for seniors aged 62 and older. Thus, the above units are eligible for 129 credits
3. **100 Llewellyn Ave Urban Renewal LLC (Felicity Tower) – 100 Llewellyn Avenue | Block 197, Lot 32:** This 147-unit development is located on Llewellyn Avenue and is commonly known as Felicity Tower. Felicity Tower was built in 1974 and is an affordable age-restricted community for seniors aged 62 and older. This property also is subject to a Use Agreement to continue Interest Reduction Payments on the Section 236 property. Such an agreement ensures that the property will operate in accordance with all low-income affordability restrictions. Thus, the above units are eligible for 147 credits.

Table 21. Existing Affordable Housing Credits

| <i>Affordable Development</i> | <i>Type</i> | <i>Units</i> |
|--|--|--|
| Project Live (Group Home) | Alternative Living Arrangements | 5 bedrooms |
| ARC of Essex County I (Group Home) | Alternative Living Arrangements | 6 bedrooms |
| ARC Of Essex County II (Group Home) | Alternative Living Arrangements | 6 bedrooms |
| Eastern Seals Society of NJ I (Group Home) | Alternative Living Arrangements | 3 bedrooms |
| The Center for Family Support (Group Home) | Alternative Living Arrangements | 5 bedrooms |
| Mental Health Association of Essex County Inc. I (Group Home) | Alternative Living Arrangements | 3 bedrooms |
| Mental Health Association of Essex County Inc. II (Group Home) | Alternative Living Arrangements | 3 bedrooms |
| SUBTOTAL | | 31 |
| Court Manor | Emerging Market Unit <i>NJHMFA CHOICE Program</i> | 17 units* |
| Watsessing Manor | Emerging Market Unit <i>NJHMFA CHOICE Program</i> | 12 units* |
| Willow Manor | Emerging Market Unit <i>NJHMFA CHOICE Program</i> | 12 units* |
| SUBTOTAL | | 41* |
| Heritage Village at Bloomfield | Age-Restricted Affordable | 82 units |
| National Church of Residences (Kinder Tower) | Age-Restricted Affordable | 129 units |
| 100 Llewellyn Ave Urban Renewal LLC (Felicity Tower) | Age-Restricted Affordable | 147 units |
| SUBTOTAL | | 358 |
| TOTAL | | 389 Affordable Units (+41 EMUs) |

*These units are Emerging Market Units (EMUs) and are therefore not deed restricted, however, they are subject to Equity Sharing Controls for up to 15 years, or at the time of sale. Such developments participated in the CHOICE (Choices in Home Ownership Incentives Created for Everyone) program, New Jersey Housing and Mortgage Finance Agency's (HMFA) comprehensive financing program for the development of newly constructed and substantially rehabilitated workforce homeownership (owner-occupied primary residence) housing in New Jersey. The purchasers of the homes may be eligible for homebuyers below market interest-rate loans and closing cost/down payment assistance.

Summary

Bloomfield plans to resume participation in the Essex County Home Improvement Program and to restart its own municipal Home Improvement Program. It is estimated that development fees, payments-in-lieu of construction and trust fund interest will provide funding for the rehabilitation of approximately 100 substandard dwelling units in the Township through the municipal program. In addition, Bloomfield is entitled to credits for existing affordable housing in the Township as detailed above.

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

As noted in Chapter III, this document must include 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.” Bloomfield is essentially fully developed, with limited vacant developable land. The most realistic development opportunities involve the redevelopment of existing developed properties.

As of the date of this plan, there have been no developers who have expressed a commitment to providing low- and moderate-income housing.

Spending Plan

The Township of Bloomfield has a development fee ordinance which provides 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. A Spending Plan is included in Appendix 1.

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 Bloomfield could 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 facilities cohesive living for all ages.

Bloomfield presently allows second residential structures in the form of accessory dwelling units (ADUs) in the R-1A Zone as a conditional use. Per Zoning Ordinance §315-38A(4)(b), "Conditional Uses: Accessory dwelling units in existing detached garages in the R-1A Zone, only." Conditional Uses in the R-1A Zone are subject to the requirements set forth in §315-39B(10) of the Township Ordinance. Additional potential recommendations for the Township to address multigenerational housing needs are as follows:

- 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 Township of Bloomfield 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.

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The Bloomfield Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Township. This Housing Plan promotes the rehabilitation of existing housing, and is therefore consistent with the State Plan.

Appendices

Appendix 1: Spending Plan

Appendix 2: Draft Ordinances and Amendments

Appendix 3: Existing Affordable Housing Units Map

Appendix 4: Existing Affordable Housing Documentation (separate document)

Affordable Housing Trust Fund Spending Plan
Township of Bloomfield
May 2025

INTRODUCTION

The Township of Bloomfield, Essex 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). The Township has a development fee ordinance creating a dedicated revenue source for affordable housing. The ordinance establishes the Bloomfield affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, the Bloomfield affordable housing trust fund had a balance of \$0. 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 will be deposited in a separate interest-bearing affordable housing trust fund 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 Township 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 Township to address its affordable housing obligation.

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1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round, Bloomfield 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, which has been assumed to be three percent annually.

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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 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | |
| (b) Payments in Lieu of Construction | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | |
| (c) Other Funds (Specify source(s)) | \$0 | \$0 | \$0 | \$0 | \$0 | |
| (d) Interest | \$4,500 | \$9,000 | \$9,000 | \$9,000 | \$9,000 | |
| Total | \$304,500 | \$309,000 | \$309,000 | \$309,000 | \$309,000 | |
| | 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 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$500,000 |
| (b) In Lieu | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$2,500,000 |
| (c) Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (d) Interest | \$9,000 | \$9,000 | \$9,000 | \$9,000 | \$9,000 | \$85,500 |
| Total | \$309,000 | \$309,000 | \$309,000 | \$309,000 | \$309,000 | \$3,085,500 |

Bloomfield projects a total of \$3,085,500 in revenue to be collected between January 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.

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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 Bloomfield:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Bloomfield'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 Bloomfield'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.

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3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

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

Bloomfield will dedicate \$2,009,850 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 | | \$0 |
| Development fees projected 2025-2035 | + | \$3,000,000 |
| Interest projected 2025-2035 | + | \$85,500 |
| Total | = | \$3,085,500 |
| 30 percent requirement | x 0.30 = | \$925,650 |
| Less Affordability assistance expenditures through 12/31/2024 | - | \$0 |
| PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2025 through 6/30/2035 | = | \$925,650 |
| PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2025 through 6/30/2035 | ÷ 3 = | \$308,550 |

Bloomfield will dedicate \$925,650 from the affordable housing trust fund to render units more affordable, including \$308,550 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Bloomfield 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)

Bloomfield 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

Bloomfield 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 | \$ 200,985 | \$ 200,985 | \$ 200,985 | \$200,985 | \$200,985 | |
| Affordability Assistance | \$ 92,565 | \$ 92,565 | \$ 92,565 | \$ 92,565 | \$ 92,565 | |
| Administration | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 15,000 | |
| Total | \$ 308,550 | \$ 308,550 | \$ 308,550 | \$308,550 | \$308,550 | |
| | 2031 | 2032 | 2033 | 2034 | 2035 | Total |
| Rehab. | \$200,985 | \$200,985 | \$200,985 | \$200,985 | \$200,985 | \$2,009,850 |
| Aff. Asst. | \$ 92,565 | \$ 92,565 | \$ 92,565 | \$ 92,565 | \$ 92,565 | \$ 925,650 |
| Admin. | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 150,000 |
| Total | \$308,550 | \$308,550 | \$308,550 | \$308,550 | \$308,550 | \$3,085,500 |

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Bloomfield will adopt a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation program and providing affordability assistance. In the event that a shortfall of anticipated revenues occurs, Bloomfield 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

Bloomfield 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.

Bloomfield had a balance of \$0 as of December 31, 2024 and anticipates an additional \$3,085,500 in revenues from 2025 to 2035. The municipality will dedicate \$2,009,850 towards rehabilitation, \$925,650 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 | \$0 |
| PROJECTED REVENUE 2025-2035 | |
| Development fees | + \$500,000 |
| Payments in lieu of construction | + \$2,500,000 |
| Other funds | + \$0 |
| Interest | + \$85,500 |
| TOTAL REVENUE | = \$3,085,500 |
| EXPENDITURES | |
| Funds used for Rehabilitation | - \$2,009,850 |
| Affordability Assistance | - \$925,650 |
| Administration | - \$150,000 |
| TOTAL PROJECTED EXPENDITURES | = \$3,085,500 |
| REMAINING BALANCE | = \$0 |

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**Proposed Affordable Housing Zoning Amendments
Township of Bloomfield**

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

§ 112-1. Purpose.

The purpose of this chapter is to facilitate the provision of affordable housing in connection with residential and nonresidential development in compliance with the requirements of statutory law ~~and COAH's Revised Round Three Rules, as same may be amended from time to time, as amended and supplemented.~~

§ 112-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AFFORDABLE – Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as ~~same may be amended from time to time.~~amended and supplemented.

AFFORDABLE HOUSING UNIT(S) – Residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.

HOUSEHOLD – Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as ~~same may be amended from time to time.~~amended and supplemented.

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

LOW-INCOME – Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as ~~same may be amended from time to time.~~amended and supplemented.

MIXED-USE DEVELOPMENT – Shall have the same meaning as that provided by the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, ~~as same may be amended from time to time.~~as amended and supplemented.

MODERATE-INCOME – Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as ~~same may be amended from time to time.~~amended and supplemented.

NONRESIDENTIAL DEVELOPMENT – Shall have the same meaning as that provided by the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as ~~same may be amended from time to time.~~amended and supplemented.

§ 112-3. Applicability.

This chapter sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township. Except as otherwise set forth herein, this specifically includes, without limitation, any parcel within the Township which would accommodate five or more dwelling units as a result of a “d” variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a 20% set-aside. It also includes any parcel in an area designated by the Township as an area in need of redevelopment or an area in need of rehabilitation pursuant to the Redevelopment Law. Notwithstanding the above, this chapter shall not apply to any parcel within the Township which would not accommodate five or more dwelling units where the zoning would require a 20% set-aside; or to any parcel within an area designated by the Township as an area in need of redevelopment or an

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area in need of rehabilitation under the Redevelopment Law, provided the developer of any such project is required to execute a redevelopment agreement under the terms of a prevailing redevelopment plan. Any affordable housing obligation for a project undertaken in a designated redevelopment or rehabilitation area which is subject to a redevelopment agreement pursuant to the terms of a prevailing redevelopment plan will be determined through negotiations between the redevelopment entity and a designated redeveloper and incorporated into the redevelopment agreement.

§ 112-4. Zoning for inclusionary development.

Reserved.

~~A. Residential growth share provisions.~~

~~(1) Quantification of affordable housing obligation for residential developers. In those circumstances where a developer seeks to develop land for residential purposes, with projects of five or more units, said developer shall provide and develop on-site one affordable housing unit for every four market rate residential units constructed 20%. Residential developers shall fully integrate the affordable housing units with the market rate residential units. As an alternative to providing the required affordable housing unit(s) on-site, a developer shall have the option of either:~~

~~(a) Providing the required affordable housing unit(s) elsewhere in the Township; or~~

~~(b) Making a payment-in-lieu pursuant to § 112-7 of this chapter.~~

~~(2) Projects financed with state funds. Notwithstanding anything in this chapter to the contrary, a developer of a project consisting of newly constructed residential units being financed in whole or in part with state funds, including, but not limited to, transit villages designated by the Department of Transportation, units constructed on state-owned property, and urban transit hubs as defined pursuant to N.J.S.A. 34:1B-208, shall reserve at least 20% of the residential units constructed for occupancy by low or moderate-income households with affordability controls as required under the rules of COAH. Any such project shall be otherwise excluded from the provisions of this chapter, except that any such project which also consists of nonresidential development shall not be excluded from § 112-4B of this chapter.~~

~~B. Statewide Nonresidential development fee program. This provision is intended to facilitate the requirements of the statewide nonresidential development fee program created by the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7.~~

~~(1) Pursuant to the Statewide Nonresidential Development Fee Act at N.J.S.A. 40:55D-8.4, a fee is imposed on all construction resulting in nonresidential development as follows:~~

~~(a) A fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots; or~~

~~(b) A fee equal to 2.5% of the increase in equalized assessed value of the additions to existing structures to be used for nonresidential purposes.~~

~~(2) A developer of a mixed use development shall be required to pay the statewide nonresidential development fee relating to the nonresidential development component of a mixed use development subject to the provisions of N.J.S.A. 52:27D-329.1, et seq.~~

~~(3) Pursuant to N.J.S.A. 40:55D-8.4, the developer must pay such fee to the Treasurer of the State of New Jersey. A certificate of occupancy for the subject nonresidential development~~

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~~will not issue unless and until the Treasurer of the State of New Jersey has furnished the Township of Bloomfield with certified proof concerning the payment.~~

~~(4) Upon COAH authorization, and notwithstanding § 112-4B(3) of this chapter, the developer shall pay such fee such directly to the Township rather than to the Treasurer of the State of New Jersey.~~

~~(5) This Subsection B shall not apply to any project which is exempt from the Statewide Nonresidential Development Fee Act pursuant to N.J.S.A. 40:55D-8.4, or to which the Statewide Nonresidential Development Fee Act does not apply, as determined in accordance with N.J.S.A. 40:55D-8.6.~~

~~C. Mixed-use growth share provisions.~~

~~(1) For all mixed use development, the affordable housing requirements for the residential component of the project is set forth in § 112-4A(1) of this chapter.~~

~~(2) For all mixed use development, the affordable housing requirements for the nonresidential component of the project is set forth in § 112-4B of this chapter.~~

§ 112-5. Density and affordable housing set-asides standards.

To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the minimum gross density and the affordable housing set-aside for any residential development shall be as follows:

- A. Minimum gross density: eight units per acre.
- B. Affordable housing set-aside: 20% of the total number of units in the development shall be affordable to low- and moderate-income households if the affordable units will be for sale and 15% of the total number of units in the development shall be affordable to low- and moderate-income households if the affordable units shall be for rent.

§ 112-6. Financial incentives.

The Township intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Township may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

§ 112-7. Payment-in-lieu.

Pursuant to § 112-4A(1) of this chapter, and upon ~~COAH-DCA~~ or other court approved entity's authorization, a developer ~~may elect to~~ shall make payment to the Township in lieu of constructing the required affordable housing units, subject to the following:

- A. The developer shall make such payment to the Township in the amount of \$148,683 per each affordable housing unit required, unless another amount is agreed to as part of a redeveloper agreement.
- B. The affordable housing requirements set forth in this chapter shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to § 112-4 of this chapter results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Township shall be prorated.
- C. Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4, as amended and supplemented.

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- D. Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by ~~COAH the Dispute Resolution Program~~ of the Township's Development Fee Ordinance, zoning that does not require an affordable housing set-aside or payment-in-lieu shall be subject to the Township's Development Fee Ordinance.

§ 112-8. Schedule.

Affordable housing units shall be built in accordance with the ~~following schedule requirements set forth in UHAC, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented~~, unless otherwise specifically agreed to by the Township and a developer pursuant to a developers agreement executed by the same.

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

§ 112-9. Design.

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.
- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market-rate units within the inclusionary development.
- D. The first floor of all of all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-4.21, ~~as amended and supplemented and with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.3-14.~~
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9, ~~as amended and supplemented~~ and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., ~~as amended and supplemented.~~
- F. The following documentation shall be submitted prior to marketing the completed units:
 - (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., ~~as amended and supplemented.~~
 - (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., ~~as amended and supplemented.~~
 - (3) Designation of an experienced administrative agent, including a statement of their qualifications, in accordance with N.J.A.C. 5:95-17, ~~as amended and supplemented~~.

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§ 112-10. Development fees.

A. Purpose. This section establishes standards for the collection, maintenance and expenditure of development fees pursuant to P.L. 2024, c. 2, which amend those regulations originally established COAH's regulations and in accordance P.L. 2008, c. 46 Sections 8 and 32 through 38, and supersede COAH's regulations where in conflict, which remain otherwise valid. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. ~~This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8, as same may be amended and/or supplemented from time to time.~~

B. Basic requirements.

(1) This section shall not be effective until approved by ~~COAH~~ the Dispute Resolution Program pursuant to P.L. 2024, c. 2 and N.J.A.C. 5:96-5.1, as same may be amended and/or supplemented from time to time.

(2) The Township of Bloomfield (the "Township") shall not spend development fees until ~~COAH~~ the Dispute Resolution Program has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3, as same may be amended and/or supplemented from time to time.

C. Definitions. The following terms, as used in this section, 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-percent affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing, as previously established under the Fair Housing Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State prior to its abolition through P.L. 2024, c. 2.

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 FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3, as same may be amended and/or supplemented from time to time.

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.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the Township, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c), as same may be amended and/or supplemented from time to time.

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services, in accordance with accepted national or state standards and such guidance as may be provided by the Township.

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D. Residential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to 1.5% of the equalized assessed value of the land and improvements, subject to Subsection D(1)(b) of this section.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5), as same may be amended and/or supplemented from time to time (known as a "D-variance"), has been permitted, developers shall be required to pay a development fee equal to 6% of the equalized assessed value of each additional unit authorized and constructed as a result of the D-variance. (See Example 1 below.) However, if the zoning on a site has changed during the two-year period preceding the filing of an application for a D-variance, the base density for the purposes of calculating the six-percent development fee shall be the highest density permitted by right during the two-year period preceding the filing of the application for a D-variance. (See Example 2 below.)

Example 1: If as a result of a D-variance, four units are authorized and constructed on a site that is zoned for two units, the fees imposed equal 1.5% of the equalized assessed value of the land and the first two units, plus 6% of the equalized assessed value of the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of the application for a D-variance.

Example 2: Assume zoning permits a maximum residential density of three units per acre on a site. Zoning subsequently changes to permit a maximum of two units per acre on the site. Within two years following that zoning change, a developer files an application for a D-variance to permit the construction of four units per acre on the site. Assuming the developer's application for a D-variance is approved and the four units are constructed, the fees imposed equal 1.5% of the equalized assessed value of the land and the first three units, plus 6% of the equalized assessed value of the one additional unit.

(2) Eligible exactions, ineligible exactions and exemptions from residential development fees.

- (a) The percentage of the development fee shall be vested on the date that the building permit is issued.
- (b) Affordable housing developments, developments for which the developer provides affordable units off-site and developments where the developer makes a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (c) Developments that have received preliminary or final site plan approval prior to the adoption of this section shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose.
- (d) Development fees shall be imposed and collected where, other than pursuant to N.J.S.A. 40:55D-70d(5), as same may be amended and/or supplemented from time to time (known as a "D-variance"), an existing structure undergoes a change to a

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more intense use, is demolished and replaced [subject to Subsection D(2)(f) below] or is expanded, but only if such change, replacement or expansion results in the construction of an additional unit and unless such change, replacement or expansion is otherwise exempt from the development fee requirement. The development fee shall be equal to 1.5% of the increase in the equalized assessed value of the improved structure.

- (e) Developments consisting solely of a one- or two-dwelling unit owner-occupied structure shall be exempt from paying a development fee.
- (f) Residential structures demolished and replaced as a result of fire, flood or natural disaster, or other involuntary destruction (e.g., arson), shall be exempt from paying a development fee.
- (g) Residential development which utilizes green building strategies shall be subject to a reduced development fee of 0.5%.
- (h) Residential development within any designated historic district shall be exempt from paying a development fee.

E. Nonresidential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Development fees shall be imposed and collected when 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 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 non-residential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for non-residential development.

- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
- (b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) 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 specified in Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption form, as same may be amended or modified from time to time. Any exemption claimed by a developer shall be substantiated by that developer

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to the satisfaction of the Township.

- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, as same may be amended and/or supplemented from time to time, shall be subject to such fee when the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later. Such fee shall be calculated as of the date the basis for the exemption of the nonresidential development no longer applies
- (e) If a property which was exempted by Section 35b of P.L. 2008, c. 46, as amended and supplemented from the collection of a nonresidential development fee by virtue of its tax exempt status under N.J.S.A. 54:4-3.6 thereafter ceases to be exempt from property taxation under N.J.S.A. 54:4-3.6, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the exemption. Such fees shall be calculated as of the date such property ceases to be exempt from property taxation under N.J.S.A. 54.4-3.6. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

F. 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 Township Construction Official.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF State of New Jersey Non-Residential Development Certification/Exemption, as same may be amended or modified from time to time, 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 Township Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF,
- (3) The Township Construction Official shall promptly notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The Township Construction Official shall promptly notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6),

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as same may be amended and/or supplemented from time to time.

- (8) The developer shall pay 100% of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

G. Appeal of development fees.

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

H. Affordable Housing Trust Fund established.

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township Director of Finance for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls (the "Affordable Housing Trust Fund")
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Township's affordable housing program.

~~(3) Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three party escrow agreement between the Township, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-81.3(b), as same may be amended and/or supplemented from time to time.~~

~~(4) All interest accrued in the housing trust fund shall only be used on eligible affordable~~

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~~housing activities approved by COAH.~~

I. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by ~~COAH~~the Dispute Resolution Program. Funds deposited in the housing trust fund may be used for any activity approved by ~~COAH~~the Dispute Resolution Program to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:97-8.7 through 5:97-8.9, as applicable. as same may be amended and/or supplemented from time to time, and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (a) 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.
 - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - (c) 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.
- (4) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with ~~N.J.A.C. 5:96-18, as same may be amended and/or supplemented from time to time.~~N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-7, as applicable and amended and supplemented.
- (5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative

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funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with ~~COAH's DCA or other court approved entity's~~ monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

- J. Monitoring. The Township shall ~~complete and return to COAH 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 Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH, comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.~~
- K. Ongoing collection of fees. The ability of the Township to impose, collect and expend development fees shall expire upon the expiration of its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with ~~COAH~~the Dispute Resolution Program or other appropriate jurisdiction, has ~~petitioned for substantive certification filed a Declaratory Judgement action,~~ and has received ~~COAH's the Dispute Resolution Program's~~ approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund, established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320), as same may be amended and/or supplemented from time to time. The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification.

§ 112-11. Municipal Housing Liaison and Administrative Agent.

- A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of Bloomfield Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Bloomfield Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.
- MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Bloomfield Township.
- C. Establishment of Municipal Housing Liaison position; compensation; powers and duties.
- (1) There is hereby established the position of Municipal Housing Liaison for Bloomfield Township.
- (2) ~~Subject to the approval of the Council on Affordable Housing (COAH), t~~The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time

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municipal employee.

(3) Powers and duties.

- (a) Serving as Bloomfield Township's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
- (b) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
- (c) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by ~~COAH~~Affordable Housing Professionals of New Jersey.

(4) ~~Subject to approval by COAH,~~ Bloomfield Township may contract with an administrative agent or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Bloomfield Township. If Bloomfield Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

(5) Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

D. Establishment of Administrative Agent position; compensation; powers and duties.

(1) There is hereby established the position of Administrative Agent for Bloomfield Township.

(2) Subject to the approval of the ~~Council on Affordable Housing (COAH), court,~~ the Administrative Agent shall be appointed by the governing body and may be a full- or part-time municipal employee. The Administrative Agent shall have the administrative powers and duties assigned to the Administrative Agent.

(3) The Administrative Agent shall be responsible for oversight and administration of the affordable housing program for Bloomfield Township, including the following responsibilities:

(a) Monitoring the status of all restricted units in Bloomfield Township's Fair Share Plan.

(b) Compiling, verifying and submitting annual reports as required by COAH.

(4) Duties.

(a) Affirmative marketing.

[1] Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of Bloomfield Township and the provisions of N.J.A.C. 5:80-26.165, as amended and supplemented; 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.

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- [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 noneligibility;
 - [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 Appendixes 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 the random selection process as provided in the affirmative marketing plan of Bloomfield Township when referring households for certification to affordable units.
- (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 appropriate county's 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. 5:80-26.119.
- (d) Resale and rental.
- [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 rental.
- (e) Processing requests from unit owners.
- [1] Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - [2] Reviewing and approving requests to increase sales prices from owners of

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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 cost of central air-conditioning systems; and

- [3] Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(f) Enforcement.

- [1] Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their units or sell them;

- [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] The 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 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;

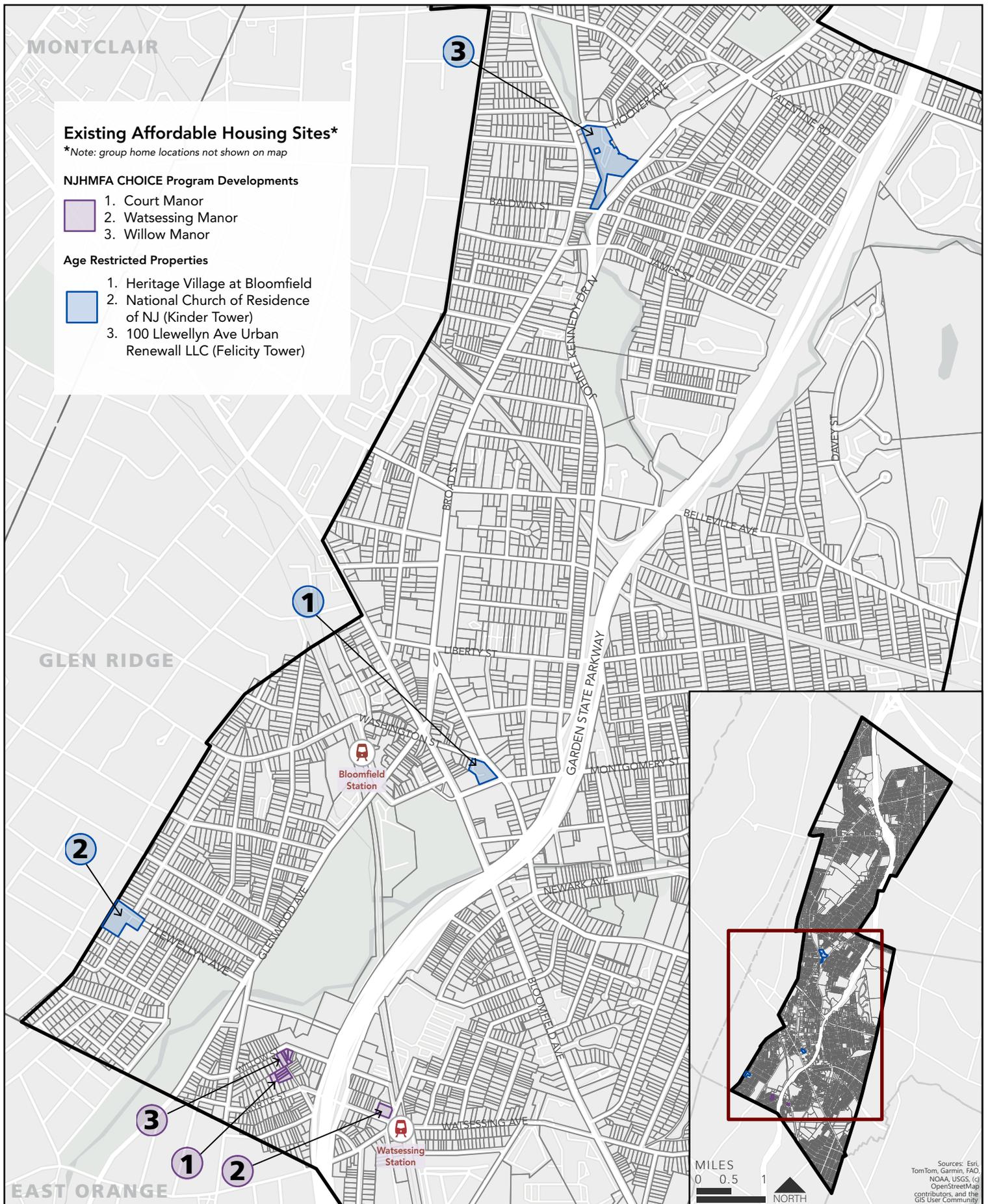
- [5] Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA;

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

~~[6] Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and~~

~~[7] Providing annual reports to COAH as required.~~

- (g) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.



Appendix 3: Existing Affordable Housing Sites