JANUARY 2025

AMENDED JUNE 25, 2025

THIRD ROUND & FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF LEONIA | BERGEN COUNTY, NEW JERSEY

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ADOPTED BY THE PLANNING BOARD: JUNE 25, 2025

ENDORSED BY THE MAYOR & COUNCIL: JUNE 25, 2025

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INTRODUCTION & EXECUTIVE SUMMARY

Since the 1975 New Jersey Supreme Court decision known as "Mount Laurel I", New Jersey municipalities have had a constitutional obligation to provide opportunities for the creation of low and moderate housing units. This 1975 decision led to a body of case law, legislative changes, and rulemaking by a state agency that, collectively, is now referred to as the "Mount Laurel doctrine". Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation to have "satisfied" their constitutional obligation, commonly referred to as their affordable housing obligation. The purpose of this Third Round and Fourth Round Housing Element and Fair Share Plan is to present how Leonia Borough will satisfy its affordable housing obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for very-low-, low-, and moderate-income households for not less than 30 years and it is typically enforced by a deed restriction. Each affordable unit is eligible for one "credit" against the obligation and certain units are eligible for "bonus credits", which provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very-low-, low- and moderate-income units – and diversity in the size of affordable units – meaning one-, two- and three-bedroom units.

Participation in this process, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily. However, our laws heavily incentivize voluntary compliance. Municipalities that do not successfully participate may be vulnerable to "builder's remedy" litigation. A builder's remedy is a litigation tool to compel the municipality to include its site in the Fair Share plan. However, to secure such a remedy, the developer must "succeed in litigation", provide a "substantial" affordable housing set-aside and the developer's "proposed project" must not clearly violate "sound land use planning". The Supreme Court's desire to ensure that developers who provide affordable housing do so in accordance with sound planning, which is a pillar of the Mount Laurel doctrine.

Past Affordable Housing Efforts in Leonia Borough

The Borough received Substantive Certification from COAH on October 3, 1990, for the Borough's First Round affordable housing obligation that included a vacant land adjustment which resulted in a zero (0) unit Realistic Development Potential and ten (10) prior cycle credits for the Grandview Meadows condominiums located at 392 Grand Avenue which is a 100% family development. In addition, the Borough implemented a rehabilitation program with Bergen County Home Improvement Program and completed seven (7) units and agreed to commit to funding an additional twelve (12) units under the County program.

The Borough adopted a Second Round Housing Element and Fair Share Plan (HEFSP) on July 1, 1999, and submitted it to COAH requesting Prior Round (combined First and Second Round) Substantive Certification

from COAH. On July 16, 2002, COAH granted final Substantive Certification to the Borough's Prior Round Plan recognizing a total obligation of 50 units (19 rehabilitation and 31 new construction) which was satisfied through a seven (7) rehabilitation unit credits, a twelve (12) unit rehabilitation program, ten (10) prior-cycle credits and a 21-unit downward adjustment due to the lack of vacant land. The Prior Round Substantive Certification recognized the Borough's implementation of a three (3) unit 100% affordable family housing for-sale project location on Station Parkway which was attributed to Unmet Need as well as the adoption of a Spending Plan and a Development Fee Ordinance.

Pursuant to Section 10 of the FHA (N.J.S.A. 52:27D-310) the Borough adopted and endorsed a Third Round Housing Element and Fair Share Plan in June 2022 to address a Third-Round rehabilitation obligation of 77 units and a Third Round new construction obligation of 212 units. However, a developer filed a builder's remedy suit before the Borough filed that plan with the Court and sought immunity. In the suit the developer proposed a project for 120 units substantially out of character with the surrounding neighborhood in which the parcel is located. The Borough found itself subject to a builder's remedy lawsuit as a result of an unfortunate misstep in a history of continuous voluntary municipal compliance.

As described in this Plan, the Borough has provided a considerable amount of affordable housing over the past 35 years with over 125 affordable housing units constructed and proposes to address the Fourth Round obligation with significant meaningful affordable housing opportunities despite the scarcity of land. The Borough will seek approval of this Housing Element and Fair Share.

DEFINING THE OBLIGATION

As a result of the evolution of the State's affordable housing laws, the fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). The NJ State Department of Community Affairs (DCA) has recently identified the rehabilitation and prospective need obligation and the Amended Fair Housing Act (FHA) entitles municipalities to adjust that obligation based upon COAH standards. The new construction component consists of the Prior Round obligations, the Third Round obligation and the Fourth Round obligation, which is currently being determined. If there is a lack of sufficient land to meet the new construction obligation, a municipality is entitled to rely on COAH regulations to adjust the new construction obligation downward pursuant to *N.J.S.A 52:27D- 311 (m).* The adjusted number is known as the realistic development potential (RDP). The RDP represents the portion of the new construction affordable housing obligation that can theoretically be addressed with inclusionary development (defined as a mix of market and affordable units) on lots identified as being suitable in the Vacant Land Analysis ("VLA"). The portion of the new construction obligation for which there is insufficient land is known as the "unmet need". The unmet need is calculated as the difference between the total obligation and the RDP.

With this overview , the Borough's obligations can be summarized as follows:

Rehabilitation Obligation: 68 units

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Leonia Borough occupied by low- and moderate-income households. The DCA issued a report on October 18, 2024 wherein it identified the Borough's rehabilitation obligation as 68.

Prior Round Obligation (Rounds 1 and 2): 31 units adjusted to 0

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. COAH defined the Borough's Prior Round obligation as 31 and determined that the land-poor municipality was entitled to adjust this obligation based upon lack of adequate vacant developable land leaving the Borough with a zero (0) new construction obligation.

Third Round Obligation: 212 units

The Third Round obligation can be defined as the cumulative 1999 through 2025 new construction affordable housing obligation. This includes the "gap present need" from 1999 through 2015 and the "prospective need" from 2015 through June 30, 2025 according to a trial court opinion authored by Judge Jacobson and referenced in the Amended FHA . See In the *Matter of the the Application of Princeton et al Docket No L-1550-15.*

Fourth Round Obligation: 99 units

The Fourth Round obligation can be defined as the cumulative July 1, 2025, through June 30, 2035, new construction affordable housing obligation. The October 18, 2024 DCA Report identified the Borough's Fourth Round prospective need obligation as 104 and the DCA invited municipalities to determine if it was overinclusive in the sites it regarded as developable. The Borough accepted that invitation and demonstrated that the DCA was overinclusive and that when this over-inclusiveness was adjusted, its Fourth Round prospective need obligation is 97.

The New Jersey Builder's Association (NJBA) filed an objection to the Borough's adoption of the recalculated obligation. In accordance with the Amended FHA, the Affordable Housing Dispute Resolution Program ("Program") held mediation sessions between the parties and as a result of the mediation process provided by the Program, the parties agreed to a prospective need obligation of 99 units. The Settlement Agreement was executed on April 15, 2025 by the Borough and NJBA, recommended by the Program on March 28, 2025 and ordered by the Superior Court Judge on May 19, 2025.

The Vacant Land and Realistic Development Potential Analysis

The Borough petitioned the Council on Affordable Housing (COAH) for the First Round substantive certification and on March 19, 1990, COAH certified the Borough's Housing Element and Fair Share Plan for the First Round. COAH found that the Borough was entitled to adjust its new construction obligation to zero based upon the lack of vacant developable land. On July 16, 2002, COAH certified the Borough's Housing Element and Fair Share Plan for Round 2. Again, COAH found that the Borough had no new construction obligation and that it had satisfied its unmet need by adopting a development fee ordinance and adopting a spending plan. Under COAH Third Round regulations, the Borough is entitled to rely on its prior vacant land adjustment. N.J.A.C. 5:97-5.1 (d). Although COAH was abolished in April of 2024 by N.J.S.A. 52:27D-304.1, the Borough is entitled to rely on COAH's Third Round regulation since it has not been contradicted by statutory amendment or a binding court decision. N.J.S.A. 52:27D-311(m).

The Amended FHA permits municipalities to rely on COAH regulations that do not contradict the FHA or a binding court decision. COAH regulations recognized that a municipality that spent the time and effort to secure a vacant land adjustment should not be required to do that analysis again:

> *COAH regulations N.J.A.C. 5:97-5.1 (d): A vacant land adjustment that was granted as part of a first round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance, and received or petitioned to the Council for second round substantive certification or was under the Court's jurisdiction for second round. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.*

As noted, COAH determined that the Borough had an RDP of zero (0) when it certified the Borough's plan in the First Round and did not disturb that determination when it certified the Borough's obligation in Second Round (Prior Round). Indeed, COAH found that the Borough satisfied its unmet need by adopting a development fee ordinance, a Spending Plan and approving three (3) 100% affordable townhomes on Station Parkway.

Since the Borough lacked sufficient land to satisfy its Prior Round Obligation of 31, it obviously lacked sufficient land to satisfy the additional 212 obligation imposed in the Third Round. The Borough's continued entitlement to a vacant land adjustment for the 99-unit Fourth Round obligation is also assumed to be valid.

While the Borough might have relied on COAH policies to pursue an RDP of zero (0) as permitted by COAH regulations and while the Borough reserves the right to revisit the RDP calculation should that be deemed necessary or desirable, the Borough undertook a current vacant land analysis which supports an RDP of 18 as shown in the Table below.

Table 1: Sites Generating RDP						
Sites	**Block / Lot**	**Address**	**Acres**	**Density (du/acre)**	**Total units**	**RDP**
Vacant Land Suitable For Inclusionary Development						
1	1501/22,23,24	106-108 Grand Avenue	3.04 gross 1.11 net	27	30	6
2	503/24,25	Schor Avenue	0.29 gross 0.25 net	19	5	1
3	1203/4	326 Grand Avenue	0.53 gross 0.53 net	26	14	3
4	1213/3&4	266 Grand Avenue	0.98 gross 0.98 net	20	20	4
5	1501/26	Oakdene Avenue	3.9 gross 1.0 net	20	20	4
					Total	***18***

Significantly, 13 of the 18 RDP unit obligation set forth above is attributable to the Borough's proactive efforts to provide inclusionary zoning through an aggressive overlay district on Block 1501, Lots 22, 23 and 24, the encouragement of redevelopment at appropriate densities on Block 1213, Lots 3 and 4 and the redevelopment Planning Board approval of Block 1203, Lot 4. While the effect of attributing an RDP to sites used to create affordable housing is to impose a burden on a commendable municipality being proactive, even still this plan satisfies the 18 RDP and creates a significant effort in addressing the unmet need as further explained below.

Unmet Need Determination

The Borough's vacant land adjustment resulted in a combined Third Round and Fourth Round RDP and unmet need as follows:

- RDP:18
- Unmet Need: 293

Since different standards apply to the Fourth Round Unmet Need obligation than to obligations for prior rounds, this plan will discuss those standards when discussing how to satisfy them below.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey's FHA as a dwelling, either for sale or rent, that is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Leonia Borough is in Region 1, which includes Bergen, Hudson, Passaic and Sussex counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50%

or less than the regional median income. Very-low-income households are a subset of "low-income" households and are defined as those with incomes 30% or less than the regional median income.

The Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3(d) and (e) requires that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable for households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable for a household with an income of 55% or less than the median income.

The regional median income is defined by using the federal income limits established by Department of Housing and Urban Development (hereinafter "HUD") on an annual basis. In the spring of each year, HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. Said income limits post Mount Laurel IV are now set by Court Order.

Late in December 2024, the New Jersey Housing and Mortgage Finance Agency (HMFA) adopted regulations on an emergent basis that modify the UHAC regulations discussed above. The HMFA will eventually adopt the regulations through the standard non-emergent procedures to adopt regulations. This will give the public an opportunity to comment which typically results in further changes to rules that agencies, like HMFA, proposed. As a result of the foregoing, changes to rules described above are likely and this section may need to be updated.

For 2025, New Jersey Housing and Mortgage Finance Agency (NJHMFA) updated income limits for all housing regions in New Jersey. See Table 1 for 2025 income limits for Region 1.

Table 2: 2025 Income Limits for Region 1

Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Moderate	**$71,280**	**$81,440**	**$91,600**	**$101,760**	**$109,920**
Low	**$44,550**	**$50,900**	**$57,250**	**$63,600**	**$68,700**
Very Low	**$26,730**	**$30,540**	**$34,350**	**$38,160**	**$41,220**

Source: 2025 Income Limits prepared by NJHMFA.

HOUSING ELEMENT AND FAIR SHARE PLAN

This Third Round Housing Element and Fair Share Plan has been prepared to supersede and replace the June 2022 Fair Share Plan adopted by the Planning Board on June 22, 2022, and endorsed by the Borough Council on July 18, 2022. As noted, while the plan was adopted and endorsed, the Borough did not submit the plan to Superior Court under a Declaratory Judgment Action and therefore did not have immunity from builder's remedy lawsuits. On May 30, 2023, only after the adoption and endorsement of the June 2022 Fair Share Plan, CPC Aquista LLC (CPC) filed a builder's remedy lawsuit. This Third Round Fair Share Plan includes the CPC site as a mechanism to address the Borough's affordable housing obligation, updates the Vacant Land Analysis and Realistic Development Potential and Unmet Need obligations and provides for an affordable housing fair share plan for all four rounds in accordance with applicable law.

The Third Round Compliance Process

On March 10, 2015, the New Jersey Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities could no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities had to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Adjudicator to the Court, review municipal plans in accordance with the established COAH regulations.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, it ordered the trial courts to determine the obligation. However, the New Jersey Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld, as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing elements and fair share plans. This plan is prepared in response to and in compliance with the March 10, 2015, New Jersey Supreme Court decision.

After Mount Laurel IV, municipalities could no longer seek substantive certification from COAH. Instead, those municipalities sought the judicial equivalent of substantive certification by seeking a Judgment of Compliance and Repose from the Superior Court.

The trial judges that approved Housing Element and Fair Share Plans pursuant to the procedures established by the Supreme Court in Mount Laurel IV awarded the municipalities a Judgment of Compliance and Repose which gave municipalities immunity from exclusionary zoning litigation, including builder's remedy litigation, for the remaining portion of the third round, which ends on July 1, 2025.

The Fourth Round Compliance Process

On March 20, 2024, Governor Murphy signed an amendment to the Fair Housing Act into law ("Amended FHA") that created new procedures and laws. Pursuant to the Amended FHA, by January 31, 2025, municipalities must adopt a "binding resolution"; and file a declaratory relief lawsuit with the Court and "the Program" that includes the binding resolution within 48 hours from the adoption of the binding resolution. In addition, the municipality must publish the resolution on a publicly accessible internet website and the municipal website. In addition, the municipality must file a Housing Element and Fair Share Plan with the Court and Program by June 30, 2025 and comply with a series of other requirements.

The Borough is taking the first step required by the Amended FHA by adopting the binding resolution and filing the declaratory relief action to establish the Fourth Round obligation. The Borough and the Planning Board will continue to comply with applicable law.

The Housing Element and Fair Share Plan

In accordance with the Fair Housing Act (as amended) this Housing Element and Fair Share Plan include the following:

a. 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;
b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age; and
d. An analysis of the existing and probable future employment characteristics of the municipality.
e. A determination of the municipality's present and prospective fair share 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
f. 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 providing low and moderate income housing.
g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)

h. 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.

Items (a) through (d) are included as an appendix item and items (e) through (h) are included in the body of this Fair Share Plan.

Consideration of Affordable Housing Options

As part of this Plan, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing.

Two developers approached the Borough with prospective inclusionary housing development proposals.

CPC Aquista LLC (CPC), a developer, initially presented an inclusionary multi-family development on Block 1213, Lots 3 and 4 to the Borough Planning Board in 2021 after the Borough Council delegated the Planning Board to provide an initial analysis of the project and to determine if the project was appropriate for the subject parcel. In consideration of the proposed inclusionary development, the Planning Board reviewed the initial concept plan presented and provided feedback related to the excessive height of the building, the large quantity of units, massing and scale of the development indicating that the building was too tall, out of character for the neighborhood, and therefore not suitable for the subject parcel and it did not promote sound land use planning. At the same time, the Planning Board recommended that the site in question be designated as an area in need of redevelopment after the Borough Council adopted a resolution directing the Planning Board to undertake a study pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. CPC Aquista, LLC, filed a builder's remedy lawsuit in May 2023 in which it proposed a 120 unit project on a 0.98-acre parcel equating to a density of 122 dwelling units per acre, which represents more than a 900% increase as compared to the surrounding residential density which is approximately ten (10) dwelling units per acre. Ten (10) dwelling units per acre is also the minimum presumptive density that the COAH regulations support for economically feasible multi-family housing projects.

However, the Borough and the Planning Board recognize that a multi-family development, albeit a less intense inclusionary development on the CPC parcel is appropriate, provided the project would respect the character of the surrounding neighborhood with building height and mass that is compatible to the surrounding single family and multi-family dwellings, and provides for adequate setbacks, building step-backs and buffers to the adjacent low density residential dwellings, preserves significant mature trees on the property that are a hallmark and distinguishing character of the Leonia and reduces the intensity of future traffic generation which will protect public safety and welfare. The Borough has as part of this Fair Share Plan included the subject parcel as a component of addressing the Borough's Third Round prospective need at a density of 20 units per acre.

As part of this HEFSP, the Borough has considered land that is appropriate for the construction of low- and moderate-income housing. Although the Borough has limited available and developable land, the

Borough successfully satisfied its affordable housing obligation using the vacant land adjustment process and a variety of zoning mechanisms that have or will create low- and moderate-income housing.

In addition to considering vacant land for the creation of affordable housing, the Borough has amended its zoning ordinances to create an overlay zone that creates low- and moderate-income housing opportunities and will contribute toward the Borough's unmet need. Additionally, the Borough adopted the mandatory set-aside ordinance which ensures unforeseen opportunities for affordable housing are captured. The existing mandatory set-aside ordinance was updated in May 2025 to capture additional opportunities for affordable housing.

The second developer, High Jump Realty, LLC, requested consideration of a parcel located at 517 Grand Avenue to be included in the Borough's 4th Round HEFSP in a letter dated March 10, 2025. The developer is proposing a six (6) story building with 64 total units including thirteen (13) affordable housing units on the subject parcel, known as Block 504, Lots 1 & 2, which is 0.81 acres. The lot is located in the Single Family Dwelling (A-3) zoning district with provides for a maximum density of eight (8) dwelling units per acre. The proposed inclusionary density the developer is seeking is 79 dwelling units per acre, almost 10 times what is permitted in the A-3 zoning district. The Borough is not inclined to include the proposed project at this density as it is violates sound planning principles and is grossly out of character with the surrounding neighborhood in terms of density, height and building mass. In addition, the Borough, had at the time and still does have a compliant HEFSP which satisfies the Third Round and Fourth Round obligations and is not in need of another project to satisfy the obligations.

The Borough believes that the projects that exist and are proposed in this Fair Share Plan represent the best options for affordable housing in the Borough. The mechanisms within this Third Round Fair Share Plan satisfy the Borough's affordable housing obligation as adjusted through an updated Vacant Land Analysis. While the Borough recognizes that developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional sites are not needed to satisfy the obligation at this time. Additionally, the Borough may consider appropriate sites or projects in the future for an inclusionary or 100% affordable housing project. The progressive efforts of this community to provide affordable housing within the bounds of sound planning provide a solid basis for the consideration of responsible proposals.

Satisfaction of the Affordable Housing Obligation

The Borough is addressing its affordable housing obligation through a rehabilitation program to address its rehabilitation obligation and through a variety of mechanisms that include existing affordable units, proposed inclusionary housing through redevelopment plans, 100% affordable housing and overlay zones to address the new construction obligation.

Rehabilitation Obligation

Leonia Borough's rehabilitation obligation (present need) is 68 units. The rehabilitation obligation is not cumulative but is a recalculation based on the most recent census data. As such, the

Borough is addressing the 68-unit rehabilitation obligation through a municipally run rehabilitation program. The Borough will create a Borough Rehabilitation Program to provide funding to income-eligible homeowners and/or landlords to repair major systems in their home or rental property. All rehabilitated units will comply with the definition of a substandard unit in N.J.A.C. 5:93-5.2(b), which states, "a unit with health and safety code violations that require the repair or replacement of a major system."

Major systems include weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems. All rehabilitated units shall meet the applicable construction code. Additionally, all rehabilitated units shall be occupied by very-low, low- or moderate-income households and subject to 10-year affordability controls, which shall be placed on the property in the form of a lien or deed restriction. The average hard cost for the rehabilitation of a major system will be at least $10,000.

Realistic Development Potential

The Borough is addressing an RDP obligation of 18 units with a mix of unit types within existing, approved and proposed projects throughout the Borough.

Sima Development (Approved) – 3 family rental units and 3 rental bonus credits

On December 13, 2022, the Borough Planning Board approved a 14-unit family rental project of which three (3) units will be deed restricted for low- and moderate-income individuals and families on Block 802, Lot 16 located at 131 Fort Lee Road. The three (3) affordable family rental units shall consist of one (1) three-bedroom unit and two (2) two-bedroom units. These affordable units will comply with the income limits in the Uniform Housing Affordability Control regulations, N.J.A.C. 5:80, and the affirmative marketing requirements imposed by the Borough of Leonia's ordinances.

Grandview Meadows Extension of Controls (Proposed) – 10 family credits

Grandview Meadows is an existing development of ten (10) family condominium units located at 392 Grand Avenue (Block 802, Lot 6), which received prior cycle credits from the Council on Affordable Housing (COAH). The bedroom distribution for development includes five (5) three-bedroom units and five (5) two-bedroom units. A 40-year deed restriction was placed on the units. The Borough will extend the expiring controls for a minimum of thirty (30) additional years beginning on June 25, 2025.

Jewish Association for Developmental Disabilities (J-ADD) Group Home (Existing)

5 Supportive and Special Needs Bedroom credits and 2 rental bonus credits

This supportive and special needs home is located at 128 Palisade Avenue (Block 1205, Lot 25) and contains five (5) bedrooms for intellectually challenged individuals. J-ADD purchased the home in 1998 and the affordability controls are effective for 30 years as of August 31, 1999.

Leonia Retirement Housing (Existing) – 4 of 108 Senior Rental units

This project, located at 270 Glenwood Avenue (Block 901, Lot 7) consists of two phases. The first phase includes 75 units. There are 61 one-bedroom units and 14 studio apartments within this first phase. 20% of the units are available for moderate income individuals, 40% (at least 30 units) are available to very-low-income individuals and the remainder are available to low-income individuals. An initial 50-year deed restriction was placed on the property evidenced by the initial land lease between the Borough of Leonia and Leonia Retirement Housing Corporation. The lease and deed restriction were extended an additional 25 years via Ordinance #21-08 ending in 2054. The second phase of the development includes 33 one-bedroom units. This phase was financed with low-income tax credits, HUD 202 subsidy funds and HOME funds and is deed restricted for 60 years. All units are available to low-income individuals. The Borough is claiming 4 age-restricted rental credits toward the RDP and 77 units toward the Unmet Need (Third Round 48 units (194 x 0.25) and Fourth Round 29 units (97 x 0.30). The remainder 31 units will be surplus credits toward a future round of affordable housing.

100% Affordable Housing Project (Proposed) – 4 family rental units and 2 family for sale units

The Borough owns two (2) lots, Block 1209, Lots 3 (0.109 acres) and 6 (0.115 acres) located along the west side of Grand Avenue. The Borough will work with a non-profit developer to create one structure on each lot and provide for four (4) family rental units on Lot 6 and an attached single family for sale structure for two (2) families on Lot 3. The site provides for a realistic opportunity for affordable housing in compliance with COAH's Prior Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93- 5.5 for municipally sponsored and 100% affordable programs. The specific regulations are addressed below:

- ✓ Site Control – The Borough owns the sites and will convey the parcels to a non-profit developer of affordable housing.
- ✓ Suitable Site – The sites are suitable as defined in COAH's regulations at N.J.A.C. 5:93-1.3, which indicates that a suitable site is one in which it is adjacent to compatible uses, has access to appropriate streets and is consistent with environmental policies in N.J.A.C. 5:93-4.
    - *The sites have a clear title and are free of encumbrances that preclude development of affordable housing.* To the Borough's knowledge, the sites have a clear title and no legal encumbrance that would preclude their development for affordable housing.

- *The sites are adjacent to compatible land uses and have access to appropriate streets.* The sites are surrounded by single-family dwelling units.

- *Adequate sewer and water capacity are available.* The sites are within the Bergen County Utility Authority's sewer service area. According to the Borough Engineer, both water and sewer infrastructure and capacity are available.

- *The sites can be developed in accordance with R.S.I.S.* Development of the sites will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

- *The sites are located in a "Smart Growth Planning Area."* The sites are located in PA1 (Metropolitan Planning Area) which is the preferred location for redevelopment for compact growth. The development of the sites is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into existing "centers" where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.

- *The location of the sites as it relates to a Regional Planning Agency or CAFRA*. The sites are located outside of the Pinelands, Highlands and Meadowlands planning areas.

- *The sites will comply with all applicable environmental regulations*. There are no wetlands, floodplains or Category One streams present on the sites.

- *The sites will not affect any historic or architecturally important sites and districts*. There are no historic or architecturally important sites or buildings on the parcels or in the immediate vicinity that will affect the development of affordable housing.

✓ Developable Site – In accordance with N.J.A.C. 5:93-1.3, a developable site has access to appropriate sewer and water infrastructure and is consistent with the areawide water quality management plan. The sites are in the Bergen County Utility Authority's sewer service area and water and sewer mains exist on Grand Avenue and Spring Street. The Borough Engineer confirmed that the Borough's sewer and water system has sufficient capacity to accommodate the multi-family residences.

✓ Approvable Site – Pursuant to N.J.A.C. 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The sites are approvable and will be developed in accordance with Borough, County and State regulations.

- ✓ Administrative Entity – The Borough will enter into an agreement with an experienced Administrative Agent to administer the Borough's affordable housing units pursuant to COAH's regulations. For the proposed Third Round affordable units, the Borough's Administrative Agent or the developer of the 100% project will affirmatively market the units, income qualify applicants, place 30-year affordability control deed restrictions on the units and provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1, or any successor regulation, with the exception that in lieu of 10% affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income.
- ✓ Low/Moderate Income Split – At least half of all the affordable units developed at the sites will be affordable to low-income households (13% of all affordable units will be very low-income) and an odd number of affordable units will always be split in favor of the low-income unit per UHAC at N.J.A.C. 5:80-26.1.
- ✓ Affirmative Marketing – The Borough's Administrative Agent or the developer of the 100% projects will affirmatively market the units in accordance with UHAC per N.J.A.C. 5:80-26.1.
- ✓ Controls on Affordability – The Borough's agreement with the developer of the sites will require a minimum 30-year affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.
- ✓ Bedroom Distribution – The units controlled by the developer of the 100% projects will be required to be developed in accordance with UHAC requirements regarding bedroom distribution in accordance with N.J.A.C. 5:80-26.1.
- ✓ Funding – The Borough and the developer will execute an agreement that in exchange for a deed restriction of at least 30 years, the Borough will provide the parcels as a municipal contribution toward the construction of the affordable housing development projects. The developer will also look to potential funding from sources including but not limited to DCA Balanced Housing funds, Bergen County HOME funds, Federal Home Loan Bank funds, and/or HMFA bond financing. The Borough will adopt a resolution of intent to bond for any shortfall in funding the Municipally Sponsored Affordable Housing Construction Program.
- ✓ Construction Schedule – The Borough anticipates the beginning of construction to occur prior within 2 years of the Judgment of Repose and Compliance.

Table 3: Satisfaction of the Third Round 18 Unit RDP					
Program	**Unit Type**	**Status**	**Units**	**Bonus Credits**	**Total Credits**
Sima Development	Family For Rent	Approved	3	3	6
J-ADD	Supportive and Special Needs Bedrooms	Existing	5	2	7
Grandview Meadows	Family For Sale Extensions of Control	Existing	10	0	10
Leonia Retirement Housing	Senior For Rent	Existing	4 of 108	0	4
100% Municipally Sponsored	Grand Avenue Family For Rent	Proposed	4	0	4
100% Municipally Sponsored	Grand Avenue Family For Sale	Proposed	2	0	2
Total			**28**	**5**	**33**
Surplus Credits		**15 units toward Unmet Need**			

Affordable Housing Micro-Requirements

In addition to meeting the total 18-unit RDP, the Borough must also meet a rental obligation, total family unit obligation, the very low-income obligation and not exceed the maximum senior unit cap.

Minimum Rental = 5 units

.25 (RDP) = 5 units | .25 (18) = 4.5, rounded up to 5

This obligation is satisfied with 12 credits associated with the Sima Development (3), J-ADD (5) and 100% Affordable Housing Grand Avenue Rental Project (4).

Maximum Senior = 4 units

.25 (RDP) = 4 units | .25 (18) = 4.5, rounded down to 4

The Borough does not exceed the overall maximum senior units permitted.

Minimum Family = 7 units

.50 (RDP – the bonus credits) = 7 units | .50 (18-5 =13) = 6.5 rounded up to 7

This obligation is satisfied with 19 credits associated with the Sima Development (3), Grandview Meadows Extension of Controls (10), 100% Affordable Housing Grand Avenue Family Rental (4) and 100% Affordable Housing Grand Avenue Family For-Sale (2).

Minimum Family Rental: 4 units

.50 (7) = 4 units | .50 (7) = 3.5 rounded up to 4

This obligation is satisfied with 7 credits associated with the Sima Development (3) and the 100% Affordable Housing Grand Avenue Family Rental (4).

Minimum Very Low Income = 2 units

.13 (units created or approved on or after July 1, 2008) = 2 unit | .13 (9) = 1.17

This obligation is satisfied with 2 credits associated with 100% Affordable Housing Grand Avenue projects (2).

Addressing Third Round Unmet Need

The RDP of 18 is subtracted from the Third Round Obligation of 212 units, resulting in an Unmet Need of 194 units. The Borough is utilizing an existing overlay district (5), surplus credits from the Leonia Retirement Housing project (48), surplus credits from the RDP (15) and a proposed Redevelopment Plan for Block 1213, Lots 3 and 4 (266 Grand Avenue – the CPC parcel) (4). In addition, the Borough will update the Mandatory Setaside Ordinance and Affordable Housing Ordinance as needed.

Surplus Credits from RDP: 15 units

Existing Overlay District (AH-2): 5 units

The Borough adopted Ordinance 2023-10 which implements an affordable housing overlay district (AH-2) on Block 1501, Lots 22, 23 and 24 located on Grand Avenue. The ordinance permits multi-family dwellings at a density of 27 units per acre. There is approximately one (1) acre of uplands on the parcel and with a 20% setaside of affordable housing required, a minimum of five (5) affordable housing units may be realized.

Leonia Retirement Housing: 48 units

The Borough is claiming 4 age-restricted rental credits toward the RDP and 77 units toward the Unmet Need (Third Round 48 units (194 x 0.25) and Fourth Round 29 units (97 x 0.30). The remainder 31 units will be surplus credits toward a future round of affordable housing.

Redevelopment Plan for Block 1213, Lots 3 and 4 (CPC site) (Proposed): 4 units

The Borough designated Block 1213, Lots 3 and 4 as an area in need of redevelopment (Resolution 2022-107 adopted on April 4, 2022) and will adopt a redevelopment plan to permit multi-family dwellings on the 0.98 acre parcel at a density of 20 dwelling units per acre with a required 20% setaside for affordable units. Given the character of the surrounding neighborhood and the surrounding single-family homes and low density multi-family and townhomes, the proposed density will be in character with the building mass and intensity of the surrounding built environment and not have a negative impact on traffic congestion given that the lot fronts on three (3) roads. In addition, the proposed density and intensity for the proposed redevelopment plan will help to maintain a mature tree canopy that reduces the heat island effect of large swaths of impervious surfaces and ensures that stormwater runoff does not negatively impact the adjacent residences and streets. The implementation of the redevelopment plan will provide a meaningful opportunity for affordable housing and in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., a redevelopment plan offers many benefits including a Payment in Lieu of Taxes (PILOT), which the Borough would consider, as an incentive to provide for a lower density project while still achieving a setaside of affordable housing units and realizing a reasonable economic rate of return on the project.

All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

Mandatory Set-aside Ordinance

The Borough adopted a mandatory set-aside ordinance that requires, where via use variance, rezoning, or redevelopment, the Borough permits multi-family residential housing with 5 units or greater at a density greater than otherwise permitted compared to the existing zoning permitted, than an affordable housing set-aside will be imposed on the development. The Ordinance was updated to capture all residential housing proposals of 5 units or more regardless of the existing zoning permitted density and will require a 20% set-aside for the affordable units. Fractional affordable unit requirements shall be rounded up to a whole integer. All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

Addressing the Fourth Round Obligation

Fair Housing Act Amendments

The 2024 Fair Housing Act (FHA) was signed into law in March 2024. The amendments made to the 2024 FHA govern how the municipal fair share obligations are established and satisfied. A few of the noteworthy changes include the following:

- The Department of Community Affairs (DCA) using the FHA methodology computes an advisory fourth round present (rehabilitation) and prospective need (new construction) obligation.

- The Affordable Housing Dispute Resolution Program (Program) will administer the review, dispute resolution and approval of the Housing Element and Fair Share Plans submitted. However, the Program recently published new administrative rules requiring municipalities to file a Declaratory Judgment action to Superior Court once a municipality adopts their Fourth Round affordable housing obligation. It would appear that the process for review, dispute resolution and approval would move through a judicial and administrative process.

- Each municipality must adopt a binding resolution committing to a present need, also known as the rehab obligation, and to the its Fourth Round prospective need obligation by January 31, 2025.

- The deadline for the submission of a Fourth Round Housing Element and Fair Share Plan to the Program is June 30, 2025. If a municipality does not meet this deadline, the municipality may be open to a builder's remedy lawsuit. The Fourth Round runs from July 1, 2025, to June 30, 2035.

- An overview of the general requirements of the law are as follows:

    - ✓ Third Round Assessment: A municipality shall include an assessment of meeting the Third Round obligation and determine if there is a deficit or surplus that must be addressed.
    - ✓ Unused/Underutilized Property: A municipality must consider converting or redevelopment of this type of property when planning for location of affordable housing.
    - ✓ 25% of affordable units have to be rental housing units and half of those have to be available to families with children.
    - ✓ 50% of the municipality's prospective need (exclusive of any bonus credits) have to be available to families with children.
    - ✓ Transitional Housing: Municipalities can now count affordable housing credits from transitional housing, but towards no more than 10 percent of the municipality's fair share obligation.
    - ✓ Age-Restricted Units: 30% of a municipality's prospective need (exclusive of any bonus credits) can be age restricted.

- ✓ Extension of Expiring Controls is a permitted mechanism credit if affordability controls are extended for a new term of affordability provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended term, in combination, total at least 60 years. Any 100 percent affordable rental property shall have a right to extinguish a deed restriction regardless of original length, beginning 30 years following the start of the deed restriction, provided a refinancing or rehabilitation, or both, for the purpose of preservation is commenced and that a new deed restriction of at least 30 years is provided.
- ✓ Adaptability Requirements/Possible Loss of Immunity: If affordable units do not properly comply with adaptability and barrier free requirements, the municipality "shall lose its immunity to builder's remedy lawsuits."
- ✓ Loss of Immunity and Trust Fund: If a municipality loses immunity, the municipality is prohibited from expending trust funds.
- ✓ Affordability controls for rental units shall be a minimum of 40 years and for for-sale shall be a minimum of 30 years.

- Bonus credits for affordable housing have been updated as follows:

  - Bonus credits are limited:
    - No more than one type of credit for any unit
    - No more than 25% of the obligation shall be bonus credits

  - One Full Bonus Credit
    - Supportive and Special Needs Bedroom
    - Market to Affordable Unit which includes municipal site control of the property or an agreement between the municipality and the landowner

  - Half Bonus Credit
    - Partnership with a non-profit developer
    - The affordable housing units are within ½ mile of transit (rail, bus)
    - Age restricted units are limited to 10% of the age-restricted units provided the age-restricted unit total is capped at 30% of the obligation
    - Three Bedrooms units above the required three-bedroom distribution (min. 20%)
    - Redevelopment for units on land that is within a redevelopment zone
    - Extension of affordability controls on rental housing only and the municipality funds the cost for the preservation
    - 100% Affordable Projects: Units within 100% affordable housing project provided the municipality provide the land or a minimum of 3% of the project costs
    - Very Low-Income units above the 13% required

Fourth Round Obligation

Due to limited vacant and developable land that is within the Borough's land use jurisdiction, the Borough qualifies for a vacant land adjustment. The Borough performed a vacant land analysis and because the Realistic Development Potential associated with the qualifying vacant parcels is addressed in the Third Round Fair Share Plan, the Fourth Round RDP shall be zero (0). The remaining obligation is known as the Fourth Round Unmet Need.

The Amended FHA requires a municipality that receives an adjustment of the prospective need to identify sufficient parcels that are likely to redevelop during the fourth round to address 25 percent of the "adjusted number" with realistic or meaningful zoning. While the plain reading of the Amended FHA could mean that the "adjusted number" is RDP then the Borough would have a zero (0) obligation toward this requirement because the Fourth Round RDP is zero (0). In any event, the Borough is addressing it's unmet need (99 units) as provided below.

Addressing Fourth Round Unmet Need

Unmet Need: 99

Leonia Retirement Housing (Existing) : 29 units surplus units

The Borough is claiming 4 age-restricted rental credits toward the RDP and 77 units toward the Unmet Need (Third Round-48 units (194 x 0.25) and Fourth Round-29 units (97 x 0.30). The remainder 31 units will be surplus credits toward a future round of affordable housing.

Redevelopment Plan (proposed)

The Borough proposes to adopt a redevelopment plan for several areas within the Borough that were found to be in need of redevelopment (Resolution 2023-71 adopted on February 6, 2023). Approximately 28 acres will be included in the redevelopment plan and will permit multi-family dwellings as part of a mixed-use development on lots that are either located on Fort Lee Road or generally north of Fort Lee Road and west of Grand Avenue. Neither area is developed with extensive residential uses, as the Fort Lee Road corridor is typified by commercial, office and some existing multifamily uses, while the area north of Fort Lee Road and west of Grand Avenue is zoned for office and industrial uses. The proposed densities for the zoning district range from 40 to 60 dwelling units per acre and with a 20% setaside, the build out of the redevelopment zones may provide for the possibility of creating 243 affordable housing units.

The adoption of the redevelopment plan as well as the surplus credits from the existing affordable housing units will provide for the significant and meaningful creation of affordable housing evidenced

by the fact that there is an excellent opportunity to exceed the total Third Round and Fourth Round Unmet Need of 291 units.

Preservation of Multigenerational Family Continuity

The 2024 FHA requires 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, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Borough's ordinance indicates that there are no ordinances that would specifically create a detraction from meeting the Commission's goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Borough defines a family that is permitted to live in a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential zoning districts. The Leonia ordinances advance the multigenerational family continuity goal.

State Development and Redevelopment Plan Consistency

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) as the proposed redevelopment plan for the Borough's downtown areas will provide for a meaningful opportunity for the construction of affordable housing. Other than the County Park along the western municipal boundary, all of Leonia is designated as PA1, which is the Metropolitan Planning Area. Pursuant to the SDRP, PA1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into existing "centers" where infrastructure can support the development and support services such as open space, retail shopping, public transportation, schools are within walking distance.

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Leonia Borough adopted an Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC. The Affordable Housing Ordinance governs the establishment of affordable units in the Borough as well as regulating the occupancy of such units. The Borough's Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income

qualification, etc. The Borough will update the Affordable Housing Ordinance as needed and determined by the Program or Court.

The Borough also established the position of the Municipal Housing Liaison and appointed a staff member to the position. The Borough will rely on an affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Borough will permit developers who demonstrate the appropriate experience and expertise to administer their own units as both are experienced affordable housing administrators. The affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region, Region 1, consisting of Bergen, Hudson, Passaic and Sussex counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

AFFORDABLE HOUSING TRUST FUND

A development fee ordinance was adopted to create a dedicated revenue source for affordable housing.

In April 2025, the Borough updated the Spending Plan which covers anticipated revenues, collection of revenues, and the use of revenues, which was prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Borough's Affordable Housing Trust fund and may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;

- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

COST GENERATION

The Borough's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards. The Borough will adopt, if needed, Planning Board rules for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Leonia Borough shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.