



2020 HOUSING ELEMENT AND FAIR SHARE PLAN

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This document was duly adopted by the Planning Board of the Borough of Wallington at their public hearing held on _____.

2020 HOUSING ELEMENT AND FAIR SHARE PLAN

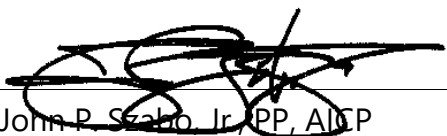
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Bergen County, New Jersey

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INTRODUCTION

The Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-62a, requires every municipality with a zoning ordinance to adopt a master plan containing at least a land use plan element and housing plan element. N.J.S.A. 40:55D-28 b (3) requires that the housing plan element include residential standards and proposals for the construction and improvement of housing in accordance with the New Jersey Fair Housing Act (FHA), specifically, N.J.S.A. 52:27D-310. This required plan is commonly referred to as the Housing Plan Element and Fair Share Plan (HE&FSP) and must contain certain sub-elements that, at minimum, include the following:

1. 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards.
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
6. A consideration of the lands that are most appropriate for construction of low and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Enacted in 1985, the Fair Housing Act (FHA) established the Council on Affordable Housing (COAH) which was charged with establishing rules and regulations to promote the development of affordable

housing in the State of New Jersey. COAH was created in response to the extensive litigation arising from the Supreme Court's Mount Laurel I and II decisions wherein the Court determined that every municipality had a State constitutional obligation to provide the realistic opportunity for the development of affordable housing within their communities. COAH was created to expedite and otherwise remove the court system from exclusionary zoning disputes and to provide the administrative mechanism of review and mediation as a much more preferable avenue for resolving affordable housing issues.

Since the adoption of the FHA and the creation of COAH, there have been two prior rounds or cycles of regulations adopted by COAH providing the methodology that established a municipality's affordable housing obligation and the mechanisms by which that obligation should be addressed. At the end of the second-round period which expired in 1999, COAH subsequently promulgated new rules for the "Third Round" of affordable housing regulations and introduced the concept of "Growth Share" as the methodology by which municipal affordable housing obligations and compliance would be determined. Simply stated, the growth share model established a municipality's affordable housing requirements as a function of its potential future residential and economic growth.

Significantly, these regulations were challenged as unconstitutional in court by affordable housing advocates and representatives of the building industry. After years of litigation and failed amendments, on September 26, 2013, the New Jersey Supreme Court (Court) affirmed the Appellate Division's invalidation of COAH's "growth share methodology" on the basis that the "growth share" methodology, incorporated into the Third Round Rules, were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the FHA.¹

The Supreme Court "endorsed the remedy imposed by the Appellate Division," that required COAH to adopt new Third Round Rules within five (5) months.² The effect of the Supreme Court's decision was to require COAH to adopt new Third Round Rules by February 26, 2014 consistent with the lower court's decision.

After numerous delays, court challenges and COAH's failure to adopt revised regulations consistent with the Court's order and in response to the Fair Share Housing Center (FSHC) filing a motion "in aid of litigant's rights," the Supreme Court issued its decision In re: Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) on March 10, 2015 stripping COAH of its administrative duties relating to the affordable housing certification process. This decision granted FSHC's motion in aid of litigant's rights, declared COAH ineffective in complying with the mandates of the FHA, dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation. The New Jersey Supreme Court appointed fifteen

¹ See in re: Adoption of N.J.A.C. 5:96 & 5:97, 215 N.J. 578, 586, 620 (2013).

² See in re: N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462, 511 (App. Div. 2010).

(15) "Mount Laurel" judges specifically to hear and decide these actions. The Court directed that the reviewing judges utilize methodologies similar to that developed by COAH in the prior first and second rounds. The Court further established a specific deadline (July 8, 2015) by which municipalities could file such actions.

Pursuant to the New Jersey Supreme Court's March 10, 2015 decision and to preserve immunity from developer remedy lawsuits, the Borough filed a declaratory judgment action (DJ Action) entitled In the Matter of the Application of the Borough of Wallington for Judgement of Compliance and Repose, County of Bergen, Docket Number BER-L-6285-15 with the Superior Court. The DJ Action sought a judicial determination of compliance with the Borough's Third Round affordable housing obligation.

As a result of ongoing mediation and by way of settlement with the Fair Share Housing Center, the Borough's prospective need for the Third Round has been determined to be 125 units. This affordable housing obligation of the Borough for the Third Round was based on the methodology set forth in the decision rendered by the Honorable Mary C. Jacobson, A.J.S.C., in the consolidated declaratory judgment proceedings: *In the Matter of the Municipality of Princeton*, Docket No. MER-L-1550-15 and *In the Matter of West Windsor Township*, Docket No. MER-L-1561-15, Superior Court of New Jersey, Law Division, Mercer County (collectively, the "Mercer Proceeding"). It was determined by the Borough and FSHC that the decision reached in the Mercer Proceeding presented a fair and equitable way to settle the Borough's Third Round affordable housing obligation. It should be further noted that prospective need obligation is deemed to also include the Gap Period Present Need as recognized by the New Jersey Supreme Court in In re Declaratory Judgement Actions Filed by Various Municipalities, 227 N.J. 508 (2017).

The DJ Action was settled, and the settlement agreement between Fair Share Housing Center and the Borough (the "Settlement Agreement") was reviewed and approved by the Superior Court of New Jersey, the Honorable Christine Farrington, J.S.C. presiding, after a Fairness Hearing held on November 20, 2019, which approval is memorialized in an order entered by the court and filed on January 6, 2020 (the "Settlement Order").

The preparation of this HE&FSP is contemplated by, and consistent with the "Settlement Order" as approved by the Court as part of creating a realistic opportunity for the development of affordable housing units within the community thereby satisfying its constitutional obligation under the New Jersey Supreme Court's Mount Laurel decisions from 2015 to 2025 inclusive of the GAP period between 1999 and 2015.

EXECUTIVE SUMMARY

The plan details presented in this document demonstrate the Borough's efforts and commitment to satisfy its constitutional obligation to provide for affordable housing opportunities in the community.

As will be detailed in subsequent sections of the HE&FSP, for this Third Round and as a basis for settlement, the Borough of Wallington affordable housing obligation is as follows:

Rehabilitation Share (pursuant to a municipal windshield survey)	36
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	5
Third Round (1999-2025) Prospective Need Fair Share	125

1. The Borough of Wallington has a present need/rehabilitation obligation of 36-units. The Borough will implement a housing rehabilitation program to address its 36-unit present need in conjunction with participating in the Bergen County Housing Rehabilitation Program.
2. The Borough has a prior round obligation of 5-units. The prior round obligation will be satisfied by 4 affordable rental units plus 1 rental credit to be generated by the Morningside Development (see Prospective Need below).
3. The Borough's Prospective Need obligation is established at 125 units by way of settlement with the Fair Share Housing Center based on the Mercer Proceeding. This obligation will be satisfied by rezoning three properties for inclusionary development:
 - a. **Wallington Homes, LLC** (Block 70.05 Lot 8.01 on the Tax Map of the Borough of Wallington) - The Borough has entered into an agreement with the owner of this 1.5 +/- acre property for an inclusionary development permitting up to 42 total units with a 19% set-aside of 8 family affordable housing rental units to be provided on-site.
 - b. **Property owned by Wallington Real Estate Investment Trust LLC aka 4 H site** (Block 70.01 Lot 78 on the Tax Map of the Borough of Wallington) - The Borough intends to rezone this 4.7 +/- acre property to permit a residential inclusionary development. The zoning will permit no less than 269 total residential units and no more than 275 total residential units and require no less than 48 on-site units to be set-aside as affordable to low and moderate income households (the "Affordable Units") based on an 18% set aside. Alternatively, the 48 Units may be achieved by including up to 31 units of age-restricted affordable housing, up to 15 alternative living arrangement beds, and the remainder units as family affordable housing units, so to achieve the necessary 48 affordable housing rental units onsite, and provided that any such alternative arrangement provides at least one family very low income unit as part of the seven (7) total very low income units required to

be provided on the site.

- c. **Morningside at Wallington, LLC/New Wallington Homes LLC** (Block 71 Lots 35.01 and 35.02 on the Tax Map of the Borough of Wallington) – The Borough has entered into an agreement with Morningside, the owner of this 11.7 +/- acre property, for an inclusionary development permitting up to 207 total units with a 20% set-aside of 42 affordable housing rental units to be provided on-site.

This HE&FSP is organized into three sections. The first part, the Housing Element, contains background data on the Borough's population, housing, and employment characteristics pursuant to the requirements of the Municipal Land Use Law. The second part, the Fair Share Plan, describes how the Borough will satisfy its affordable housing obligations under the settlement agreement for the Third Round. The Third part contains the appendices that document the mechanisms by which the Borough will implement the plan.

The Plan components provided herein describe the Borough's compliance with satisfying its 125 unit Third Round affordable housing obligation (the Borough's total obligation) in a manner that complies with the Settlement Agreement, Settlement Order and the Borough's constitutional obligation to provide a realistic opportunity to develop affordable housing within the community pursuant to the Supreme Court's Mount Laurel doctrine.

HOUSING PLAN ELEMENT

Community Overview

The Borough of Wallington is located along the western border of Bergen County, adjacent with Bergen County's border with Passaic County. Several Bergen County municipalities surround Wallington, including the Borough of East Rutherford to the south, the Boroughs of Carlstadt and Wood-Ridge to the east, and the Township of South Hackensack and the City of Garfield to the north. To the west, Wallington is bounded by the City of Passaic in Passaic County. Wallington's land area is slightly less than one square mile (0.983 square miles) according to the U.S. Census. Though no major highway traverse Wallington, Route 21 is located within neighboring Passaic. The Westmont Bergen County Line NJ Transit Station is located on Wallington's eastern border with Wood-Ridge.

Inventory of Municipal Housing Stock

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. **Number of Dwelling Units.** Because the Borough is completely developed and has virtually no vacant land available for development, the Borough's housing stock grew by just 0.8 percent between 2000 and 2010. The rate of growth has continued to have been almost nonexistent since 2010. American Community Survey data shows the Borough's housing stock has grown by only 42 units or 0.8 percent since 2010.

**Table 1: Dwelling Units (1980 to 2017)
Borough of Wallington, New Jersey**

Year	Total Dwelling Units	# Change	% Change
1980	4,728	874	22.7
1990	4,873	145	3.1
2000	4,906	33	0.7
2010	4,946	40	0.8
2017	4,988*	42	0.8

Sources: U.S. Census data; American Community Survey 5-Year Estimates;

*U.S. Census Data, American Community Survey 2017 Estimate;

The following table provides additional detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, 40.1 percent of the Borough's housing stock was

estimated to be owner-occupied in 2017, the same as in 2000. The number of rental units decreased from 2,784 units in 2000 to 2,543 units in 2017, while the number of vacant units increased from 154 in 200 to 443 in 2017.

**Table 2: Housing Units by Tenure and Occupancy Status (2000 - 2017)
Borough of Wallington, New Jersey**

Category	2000		2010		2017*	
	# Units	Percent	# Units	Percent	# Units	Percent
Owner-Occupied Units	1,968	40.1	1,815	36.7	2,002	40.1
Renter-Occupied Units	2,784	56.7a	2,822	57.1	2,543	51.0
Vacant Units	154	3.1	309	6.2	443	8.9
Total Units	4,906	100.0	4,946	100.0	4,988	100.0

Sources: U.S. Census 2000 & 2010, American Community Survey 5-Year Estimates;
* U.S. Census Data, American Community Survey 2017 Estimate

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Borough's housing stock, including data on the number of units in structures and the number of bedrooms. The American Community Survey (ACS) 2017 data estimates that there has been a net gain of 42 units in the Borough since 2010, according to the 2010 U.S. Census, and a net gain of 82 units since the 2000 U.S. Census. However, New Jersey Construction Reporter data shows that the actual increase after, but not including, 2010 has been a net gain of only 19 units. From 2000 to 2019, there has been a net gain of 124 units.

**Table 3: Units in Structure (2000 to 2017)
Borough of Wallington, New Jersey**

Units in Structure	2017		2010*		2000	
	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	1,181	23.7	1,343	26.8	1,031	21.0
1-unit, attached	144	2.9	140	2.8	40	0.8
2 units	1,937	38.8	1,937	38.7	2,064	42.1
3 or 4 units	500	10.0	440	8.8	505	10.3
5 to 9 units	252	5.1	157	3.1	162	3.3
10 to 19 units	441	8.8	440	8.8	534	10.9
20 or more units	515	10.3	547	10.9	570	11.6
Other	18	0.4	0	0.0	0	0
Total	4,988	100.0	5,004	100.0	4,906	100.0

Sources: U.S. Census 2000; 2010 & 2017 American Community Survey 5-Year Estimate;

*These figures were taken from the 2010 ACS 5-Year estimate, thus the total number of units in 2010 does not equal the total number of units stated in **Table 2**, which uses 2010 U.S. Census data.

3. **Housing Age.** The following table details the age of the Borough’s housing stock. As shown on the table, almost two-thirds of the Borough’s housing units were constructed before 1960.

**Table 4: Year Structure Built
Borough of Wallington, New Jersey**

Year Built	Number of Units	Percent
2014 or later	0	0.0
2010 to 2013	59	1.2
2000 to 2009	157	3.1
1990 to 1999	106	2.1
1980 to 1989	339	6.8
1970 to 1979	490	9.8
1960 to 1969	654	13.1
1950 to 1959	1,159	23.2
1940 to 1949	880	17.6
1939 or earlier	1,144	22.9
Total	4,988	100

Source: 2017 American Community Survey 5-Year Estimate.

4. **Housing Conditions.** An inventory of the Borough’s housing conditions is presented in the following tables. The first table identifies the extent of overcrowding in the Borough, defined as housing units with more than one occupant per room. In 2017, there were an estimated 4,545 occupied housing units in the Borough. The data indicates that the number of occupied housing units considered overcrowded is negligible at 3 percent.

**Table 5: Occupants Per Room (2000 to 2017)
Borough of Wallington, New Jersey**

Occupants Per Room	2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	4,456	93.8	4,362	94.3	4,411	97.1
1.01 to 1.50	155	3.3	128	2.8	62	1.4
1.51 or more	141	3.0	136	2.9	72	1.6
Total**	4,752	100.0	4,626	100.0	4,545	100.0

Sources: U.S. Census 2000, 2017 American Community Survey 5-Year Estimate;

*These figures were taken from the 2010 ACS 5-Year estimate, thus the total number of units in 2010 does not equal the total number of units stated in **Table 2**, which uses 2010 U.S. Census data; **Total number of occupied housing units.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, 99.8 percent of units have complete kitchen facilities in 2017, and 100 percent of units have complete plumbing facilities. As of 2017, 97.9 percent of units use standard heating facilities.

**Table 6: Equipment and Plumbing Facilities (2000 to 2017)
Borough of Wallington, New Jersey**

Facilities	2000		2010*		2017	
	Number	Percent**	Number	Percent**	Number	Percent**
Kitchen: With Complete Facilities	4,738	99.7	4589	99.2	4,536	99.8
Lacking Complete Facilities	14	0.3	37	0.8	9	0.2
Plumbing: With Complete Facilities	4,739	99.7	4594	99.3	4,545	100.0
Lacking Complete Facilities	13	0.3	32	0.7	0	0
Heating Equipment: Standard Heating Facilities	4,702	98.9	4594	99.3	4,443	97.9
Other Means, No Fuel Used	50	1.1	28	0.6	102	2.2

Sources: U.S. Census; American Community Survey 5-Year Estimates;

*These figures were taken from the 2010 ACS 5-Year estimate, thus the total number of units in 2010 does not equal the total number of units stated in **Table 2**, which uses 2010 U.S. Census data;

**Percent taken from total number of occupied housing units.

5. Purchase and Rental Values. As shown in the Table 7, approximately 8.5 percent of Wallington’s rental housing stock had monthly rents greater than \$1,000 in 2000. By 2017, approximately 74.7 percent of rents are greater than \$1,000. The Borough’s median rent in the Borough was less than that of Bergen County in 2000, 2010, and 2017.

Table 8 shows that approximately 11.5 percent of Wallington’s owner-occupied units had a value of \$500,000 or more in 2017, whereas in 2010 approximately 22.3 percent of the owner-occupied units had a value of \$500,000 or more. The decline in overall value is most likely attributable to the real estate bust that occurred as a result of the 2008 great recession. It is also noted that the Borough’s median value was lower than that of the County in 2000, 2010 and 2017.

**Table 7: Gross Rent of Renter-Occupied Housing Units (2000 to 2017)
Borough of Wallington, New Jersey**

Gross Rent	2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
Less than \$500	296	10.6	41	1.7	0	0.0
\$500 to \$999	2,211	79.3	1,094	44.3	597	23.5
\$1,000 or more	236	8.5	1,308	53.0	1,900	74.7
No Cash Rent	46	1.6	24	1.0	46	1.8
Total	2,789**	100.0	2,467	100.0	2,543	100.0
Median Gross Rent	\$756		\$1,028		\$1,189	
Bergen County Median Gross Rent	\$872		\$1,236		\$1,419	

Sources: U.S. Census 2010, American Community Survey 5-Year Estimates;

*These figures were taken from the 2010 ACS 5-Year estimate, thus the total number of units in 2010 does not equal the total number of units stated in **Table 2**, which uses 2010 U.S. Census data;

The total number of rental units according to the 2000 U.S. Census differs from the 2000 U.S. Census figure shown in **Table 2.

**Table 8: Value of Owner-Occupied Housing Units (2000 to 2017)
Borough of Wallington, New Jersey**

Value Range	2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
Less than \$100,000	21	1.1	8	0.4	110	5.5
\$100,000 to \$199,999	918	46.8	148	6.9	150	7.5
\$200,000 to \$299,999	807	41.1	309	14.3	376	18.8
\$300,000 to \$499,999	184	9.4	1,214	56.2	1,135	56.7
\$500,000 to \$999,999	21	1.1	474	22.0	215	10.7
\$1,000,000 or More	12	0.1	6	0.3	16	0.8
Total	1,963**	100.0	2,159	100.0	2,002	100.0
Median Value	\$203,700		\$406,000		\$351,900	
Bergen County Median Value	\$250,300		\$482,300		\$451,200	

Sources: U.S. Census, American Community Survey 5-Year Estimates;

*These figures were taken from the 2010 ACS 5-Year estimate, thus the total number of units in 2010 does not equal the total number of units stated in **Table 2**, which uses 2010 U.S. Census data;

The total number of rental units according to the 2000 U.S. Census differs from the 2000 U.S. Census figure shown in **Table 2.

6. Number of Units Affordable to Low- and Moderate-Income Households. Wallington is placed in COAH Housing Region 1, which is comprised of Bergen, Passaic, Hudson and Sussex counties. Based on the 2019 COAH regional income limits, the median household income for a three-person household is \$85,637. A three-person moderate-income household, defined as 80 percent of the median income, would have an income not exceeding \$68,510. A three-person low income household, established at no more than 50 percent of the median income, would have an income not exceeding \$42,819.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$260,000. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$155,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. Approximately 31.8 percent of the Borough's owner-occupied housing units are valued at less than \$300,000, and approximately 7.2 percent are valued at less than \$150,000, according to 2017 ACS data.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,550. An affordable monthly rent for a three-person low-income household is estimated at approximately \$970. According to the 2017, 5-year estimate data, approximately 80 percent of Wallington's rental units have a gross rent less than \$1,500, and approximately 23.5 percent of the rental units have a gross rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated. The number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation" will be discussed in more detail in a subsequent section to follow. According to 2017 American Community Survey information, the Borough's housing stock does not exhibit indications of a housing stock that is in general need of rehabilitation. General indicators of substandard housing are presented in Tables 5 and 6 which provides information on housing occupancy and the presence or absence of key housing elements such complete kitchen, plumbing and heating facilities. As shown in Table 5, only 3 percent of Wallington's housing stock could be considered overcrowded with occupancy of more than 1.01 persons per room. As further indicated in Table 6, only 0.2 percent of housing units lacked complete kitchen facilities, no units lacked complete plumbing facilities and over 97 percent had standard heating facilities. As verified by the windshield survey recently undertaken by the Borough's Construction Official, a total of only 30 structures containing 59 units were identified that could possibly qualify as substandard units eligible for rehabilitation.

Population Analysis

The MLUL requires that a Housing Element provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As seen in the table below, the Borough experienced its greatest population growth in the 1920s. The 2010 Census data indicates the Borough had 11,335 residents, representing a 2.1 percent decrease from the 2000 Census figure, while 2017 available data reveals this figure increased to 11,701 people, a 3.2 percent increase from 2010, and a net increase of one percent from 2000. As a completely developed community, the low population growth experienced by the Borough is a function of the lack of available land for development.

**Table 9: Population Growth (1920 to 2017)
Borough of Wallington, New Jersey**

Year	Population	Population Change	Percent Change
1920	5,715	--	--
1930	9,063	3,348	58.6%
1940	8,981	-82	-0.9%
1950	8,910	-71	-0.8%
1960	9,261	351	3.9%
1970	10,284	1,023	11.0%
1980	10,741	457	4.4%
1990	10,828	87	0.8%
2000	11,583	755	7.0%
2010	11,335	-248	-2.1%
2017 (est.)	11,701	366	3.2%

Source: U.S. Census data, American Community Survey 5-Year Estimates;
Historical Population Trends in Bergen County document (Tabulated by the Bergen County Department of Planning and Economic Development)

2. Age Characteristics. The Borough's age characteristics are outlined in the table below. As shown, the Borough's median age increased slightly from 38.2 years of age in 2000 to 39.6 years of age in 2010 indicating that the Borough's population is getting older. The Borough's median age remained at 39.6 years of age in 2017.

**Table 10: Age Characteristics (2000 to 2017)
Borough of Wallington, New Jersey**

Age	2000		2010		2017	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	611	5.3	669	5.9	558	4.8
5 to 19 years	1,749	15.1	1,606	14.2	1,826	15.6
20 to 24 years	792	6.8	686	6.1	589	5.0
25 to 34 years	2,022	17.5	1,925	17.0	1,968	16.8
35 to 44 years	1,907	16.5	1,645	14.5	1,733	14.8
45 to 54 years	1,708	14.7	1,773	15.6	1,552	13.3
55 to 64 years	1,037	9.0	1,501	13.2	1,727	14.8
65 to 74 years	831	7.2	716	6.3	1,038	8.9
75 to 84 years	706	6.1	523	4.6	434	3.7
85 years and over	220	1.9	291	2.6	276	2.4
Total	11,583		11,335		11,701	
Median Age	38.2		39.6		39.6	

Source: U.S. Census –2000, 2010, U.S. Census data, American Community Survey 5-Year Estimates

3. Average Household Size. After a small decrease in the Borough’s average household size from 2.35 persons in 1980 to 2.32 persons in 1990, the average household size in Wallington has been gradually been increasing since 1990 to 2.57 persons in 2017.

**Table 11: Average Household Size (1980 to 2017)
Borough of Wallington, New Jersey**

Year	Total Population	Number of Households	Average Household Size
1980	10,741	4,572	2.35
1990	10,828	4,663	2.32
2000	11,583	4,752	2.44
2010	11,335	4,637	2.44
2017	11,701	4,545	2.57

Sources: U.S. Census, American Community Survey 5-Year Estimates

4. Household Income. Detailed household income figures are shown in Table 12 below. As shown, an estimated 26.9 percent of the Borough’s households had an income of \$100,000 or

more in 2017. The Borough’s median household income in 2017 was slightly less than a third the median household income of Bergen County as a whole, in 2017.

**Table 12: Household Income (1989 to 2017)
Borough of Wallington, New Jersey**

Income Category	1999		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	290	6.1%	296	6.4	218	4.8%
\$10,000 to \$14,999	236	5.0%	157	3.4	59	1.3%
\$15,000 to \$24,999	562	11.8%	448	9.7	527	11.6%
\$25,000 to \$34,999	677	14.3%	444	9.6	414	9.1%
\$35,000 to \$49,999	843	17.8%	656	14.2	577	12.7%
\$50,000 to \$74,999	944	19.9%	1,124	24.3	982	21.6%
\$75,000 to \$99,999	628	13.2%	596	12.9	541	11.9%
\$100,000 to \$149,999**	398	8.4%	629	13.6	745	16.4%
\$150,000 to \$199,999	78	1.6%	222	4.8	382	8.4%
\$200,000 or more	91	1.9%	55	1.2	95	2.1%
Total	4747	100.0%	4,626	100.0	4,545	100%
Median Household Income	\$45,656		\$58,724		\$62,648	
Bergen County Median	\$65,241		\$81,708		\$91,572	

Sources: U.S. Census -1990, 2000; American Community Survey 5-Year Estimates;

*This total was taken from the 2010 ACS and does not equal to the total number of households that appears in the 2010 U.S. Census.

Note that the numbers in this table do not equal 2,159 do to rounding errors;

**This was labeled \$100,000 or more in the 1990 U.S. Census.

- Housing Cost Burden.** Households that pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. In 2017 nearly 45 percent of owner-occupied households and 42.6 percent of rental households had housing costs of 30 percent or more.
- Number of Units Affordable to Low- and Moderate-Income Households.** Based on COAH’s 2019 regional income limits, the median household income for a three-person household in COAH Region 1, Wallington’s housing region comprised of Bergen, Hudson Passaic and Sussex Counties, is \$85,637. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$68,510. A three-person low-income household, established at no more than 50 percent of the median

income, would have an income not exceeding \$42,819.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$260,000. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$155,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Approximately 31.8 percent of Wallington’s owner-occupied housing units are valued at less than \$300,000 or less, and approximately 5.5 percent are valued at less than \$100,000, according to the 2017 ACS data.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,550. An affordable monthly rent for a three-person low-income household is estimated at approximately \$970. According to the 2017 5-year estimate data, approximately 80 percent of Wallington’s rental units have a gross rent less than \$1,500, and approximately 23.5 percent of the rental units have a gross rent less than \$1,000.

Table 13: Housing Cost as Percentage of Income (2000 to 2017)
Wallington, New Jersey

Percentage of Income	2000*				2010				2017			
	Owner-occupied		Renter		Owner-occupied		Renter		Owner-occupied		Renter	
	#	%	#	%	#	%	#	%	#	%	#	%
Less than 20 percent	394	44.1%	1,236	44.3%	605	28.0%	802	32.5%	632	31.6%	758	29.8%
20 to 29 percent	176	19.7%	622	22.3%	432	20.0%	602	24.4%	455	22.7%	570	22.4%
30 percent or more	303	33.9%	830	29.8%	1,114	51.6%	935	37.9%	897	44.8%	1,084	42.6%
Zero or negative income**	n/a	n/a	n/a	n/a	11	0.5%	104	4.2%	18	0.9%	85	3.3%
No cash rent**	n/a	n/a	n/a	n/a	n/a	n/a	25	1.0%	n/a	n/a	46	1.8%
Not computed***	20	2.2	101	3.6%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Occupied Units	893**	100.0	2,789	100.0	2,159	100.0	2,467	100.0	2,002	100.0	2,543	100.0

*Household Income in 1999;

**No data provided by the 2000 Census;

***All data in 2017 ACS is computed;

****As depicted in **Table 2** the total number of owner-occupied housing units determined by the U.S. Census is 1,968 housing units;

****The total number of rental units according to the 2000 U.S. Census differs from the 2000 U.S. Census figure shown in **Table 2**;
 *****This total was taken from the 2010 ACS and does not equal to the total number owner-occupied homes that appears in the 2010 U.S.

Employment Analysis

The MLUL requires that the Housing Element include data on employment levels in the community. The following tables present information on the Borough’s employment characteristics.

1. Employment Status. Table 14 provides information on the employment status of Borough residents age 16 and over. Of those in the labor force in 2017, 3.3 percent were unemployed. This is somewhat higher than Bergen County’s but lower than the State of New Jersey’s 2017 unemployment rate, which was 5.2 percent and 7.0 percent respectively

**Table 14: Employment Status, Population 16 and Over (1990 to 2017)
 Borough of Wallington, New Jersey**

Employment Status	2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
In labor force	6,269	64.5%	6,098	65.3%	6,354	64.0%
Civilian labor force	6,269	64.5%	6,098	65.3%	6,354	64.0%
Employed	5,899	60.7%	5,663	60.7%	6,141	61.9%
Unemployed	370	3.8%	435	4.7%	213	2.1
% of civilian labor force	5.9%	--	7.1	--	3.3%	--
Armed Forces	0	0.0%	0	0.0%	0	0.0%
Not in labor force	3,451	35.5%	3,236	34.7%	3,568	36.0%
Total Population 16 and Over	9,720		9,334		9,922	

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates;
 *This total was taken from the 2010 ACS not the 2010 U.S. Census.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Wallington residents. Table 15 details occupation characteristics, while Table 16 details industry characteristics.

**Table 15: Employed Residents Age 16 and Over, By Occupation (1990 to 2017)
Borough of Wallington, New Jersey**

Occupation	2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent
Management, Professional and related occupations**	1,548	26.2%	1,779	31.4%	1,942	31.6%
Service Occupation	782	13.3%	969	17.1%	942	15.3%
Sales and Office Occupations***	1,711	29.0%	1,164	20.6%	1,540	25.1%
Farming, fishing and forestry occupations****	0	0.0%	*****	-	*****	-
Construction, extraction and maintenance*****	740	12.5%	1,093	19.3%	724	11.8%
Production, transportation and material moving occupations*****	1,118	19.0%	658	11.6%	993	16.2%
Total	5,899	100.0%	5,663	100.0	6,141	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey 5-Year Estimates;

*This total was taken from the 2010 ACS not the 2010 U.S. Census;

**Titled “Management, business, science, and arts occupations” in the 2017 ACS, titled “Managerial and professional specialty occupations” in the 1990 Census;

***Titled “Technical sales, and administrative support occupations” in the 1990 Census;

****“Farming, fishing and forestry occupations” is combined with “construction, extraction and maintenance” in the 2010 ACS and 2017 ACS, the new heading is named “Natural resources, construction, and maintenance occupations;”

***** The 31 people in Wallington with “Farming, fishing and forestry occupations” are included under the “Construction, extraction and maintenance” heading on this table. Note that both these headings are combined in the “Natural resources, construction, and maintenance occupations” heading in the 2010 ACS;

*****The 13 people in Wallington with “Farming, fishing and forestry occupations” are included under the “Construction, extraction and maintenance” heading on this table. Note that both these headings are combined in the “Natural resources, construction, and maintenance occupations” heading in the 2017 ACS;

*****“Farming, fishing and forestry occupations” is combined with “construction, extraction and maintenance” in the 2017 ACS, the new heading is named “Natural resources, construction, and maintenance occupations.” Titled “Operators, fabricators and laborers” in 1990 Census;

***** Titled “Precision production craft, and repair occupation” in the 1990 Census.

**Table 16: Employed Residents Age 16 and Over, By Industry (1990 to 2017)
Borough of Wallington, New Jersey**

Industry	1990		2000		2010*		2017	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining**	46	0.8%	6	0.1%	48	0.8%	13	0.2%
Construction	332	5.7%	562	9.5%	926	16.4%	527	8.6%
Manufacturing	1,563	27.0%	1,090	18.5%	771	13.6%	700	11.4%
Wholesale trade	556	9.6%	295	5.0%	118	2.1%	271	4.4%
Retail trade***	757	13.1%	621	10.5%	403	7.1%	755	12.3%
Transportation and warehousing, and utilities	453	7.8%	379	6.4%	281	5.0%	527	8.6%
Information****	--	--	219	3.7%	145	2.6%	141	2.3%
Finance, insurance, real estate and rental and leasing	514	8.9%	407	6.9%	375	6.6%	237	3.9%
Professional, scientific, management, administrative and waste management services*****	525	9.1%	638	10.8%	615	10.9%	675	11.0%
Educational, health and social services*****	725	12.5%	853	14.5%	1,248	22.0%	1,401	22.8%
Arts, entertainment, recreation, accommodation and food services*****	40	0.7%	285	4.8%	227	4.0%	282	4.6%
Other services*****	142	2.4%	373	6.3%	332	5.9%	292	4.8%
Public administration	144	2.5%	171	2.9%	174	3.1%	320	5.2%
Total	5,797	100.0%	5,899	100.0%	5,663	100.0	6,141	100.0%

Sources: U.S. Census – 1990 & 2000, American Community Survey, 5-Year Estimates;

* This total was taken from the 2010 ACS not the 2010 U.S. Census;

**Listed as three separate categories in the 1990 Census, titled "Agriculture," "Forestry and fisheries," and "Mining;"

***In the 1990 Census, "Eating and drinking places" are listed under the Title "Retail Trade," while in the 2000 Census and the 2017 ACS they are categorized under the title "Arts, entertainment, recreation, accommodation and food service;"

****Not an industry category according to the 1990 Census;

*****Listed as separate categories in the 1990 Census, titled "Business services," "Legal, engineering, and other professional services," and "Other personal services."

*****Listed as separate categories in the 1990 Census, titled "Hospitals," "Health service, except hospitals," "Elementary and secondary schools and colleges," "Other educational services," "School service, religious and membership organizations." This is titled Educational services, and health care and social assistance" in the 2010 ACS and 2017 ACS;

*****Titled "Entertainment and recreation services" in the 1990 Census. Note that 129 jobs food service jobs are listed under "Retail Trade" in the 1990 Census;

*****"Other services" figures from the 1990 Census include "Repair services" and "Private households."

Housing and Employment Projections

The following section identifies the extent to which recent development has occurred in the community, to assist in the determination of future residential and employment projections. Tables 17 and 18 describe the Borough’s most recent employment and housing trends.

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Municipal Employment. Employment within the Borough, in terms of both the number of units and the number of jobs, has generally declined from 2004 to 2018. Total employment peaked in 2004 but has not recovered since that time. From the 2004 to 2018 the number of units has declined by approximately 16 percent.
2. Projection of the Municipality’s Housing Stock. With limited acreage remaining in the municipality that may be developed for residential use, it is anticipated that the Borough’s residential growth shall remain very modest, as reflected in the recent annual data presented in Table 18.
3. Probable Future Construction of Housing Affordable to Low and Moderate Income Households. Considering the rate of residential growth experienced in Wallington over the past decade and the fact that there are a limited number of developable parcels remaining in the Borough, it is anticipated that the Borough will continue to see only modest growth in residential development over the next decade. According to Table 18, the past 19 year average in nits constructed is only 6.5 units per year.

As will be discussed in more detail in the ensuing section, residential development can be anticipated resulting from projects and zoning revisions envisioned by the Fair Share Plan.

**Table 17: Covered Employment Trends 2004-2018
Borough of Wallington, New Jersey**

Year	Number of Units	Change in Number of Units	Percent Change in the number of Units	Number of Jobs	Change in Number of Jobs	Percent Change
2004	269	--	--	2,423	--	--
2005	267	-2	-0.7%	2,291	-132	-5.4%
2006	265	-2	-0.7%	2,282	-9	-0.4%
2007	255	-10	-3.8	2,360	78	3.4%
2008	257	2	0.8%	2,385	25	1.1

2009	256	-1	-0.4%	2,587	2	0.08%
Year	Number of Units	Change in Number of Units	Percent Change in the number of Units	Number of Jobs	Change in Number of Jobs	Percent Change
2010	257	1	0.4%	2,524	-63	-2.4%
2011	247	-10	-3.9%	2,404	-120	-4.8%
2012	232	-15	-6.1%	2,329	-75	-3.1%
2013	226	-6	-2.6%	2,253	-76	-3.3%
2014*	221	-5	-2.2%	1,916	-337	-15.0%
2015	218	-3	-1.4%	1,994	78	4.1%
2016	225	7	3.2%	2,146	152	7.6%
2017	221	-4	-1.8%	2,196	50	2.3%
2018	226	5	2.3%	2,292	96	4.4%

Source: NJ Department of Labor and Workforce Development;

**Table 18: Trend in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 2000-2018
Borough of Wallington, New Jersey**

Year	COs Issued	Demo Permits Issued	Net Dif
2000	3	0	3
2001	14	1	13
2002	8	3	5
2003	3	5	-2
2004	0	1	-1
2005	4	10	-6
2006	5	1	4
2007	28	6	22
2008	21	1	20
2009	4	0	4
2010	44	1	43
2011	5	0	5
2012	1	2	-1
2013	11	4	7
2014	2	0	2
2015	4	4	0
2016	2	0	2
2017	7	3	4
2018	0	0	0
19 YR Total	166	42	124

N.J. Department of Community Affairs, N.J. Construction Reporter.

FAIR SHARE PLAN

Summary of Fair Share Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey continues to be in flux, given that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. The recent decision by Judge Jacobsen, in the Mercer County litigation referenced earlier rendered a judicial determination as to the methodology to be used for determining affordable housing obligations based upon COAH's Second Round methodology within that vicinage. For purposes of settlement, the Borough of Wallington and the FHSC have agreed to utilize the methodology from Judge Jacobson's determination in the Mercer Proceeding to establish the Borough's Third Round affordable housing obligation as presented below.

	Jacobson
1. Rehabilitation Obligation (:	36
2. Prior Round Obligation (1987-1999):	5
3. Gap + Prospective Need Obligation (1999-2025):	125

The Settlement Agreement reached between the Borough and FSHC, approved by the Court at a fairness hearing duly advertised and held on November 20, 2018, establishes the Borough's Prospective Need Obligation (1999-2025) inclusive of the GAP period at 125 units. The Borough's Fair Share Plan provides mechanisms that creates opportunities to satisfy the Borough's entire obligation pursuant to the settlement. Therefore, significantly, there is no unmet affordable housing need.

The Borough of Wallington's Fair Share obligation falls within three components: prior round obligation, present or rehabilitation need and prospective need for the time covering 1999 to 2025, inclusive of the GAP period. Each component is described in detail in the following sections.

Prior Round Obligation

The Borough has a prior round obligation of 5 affordable units for the Second Round. The prior round obligation will be satisfied with 4 affordable housing units plus 1 rental credit generated by the Morningside inclusionary development.

Present Need

The Borough's Present Need obligation was established by a municipal wide windshield survey conducted by the Borough's Construction Official. Based upon the windshield survey, a total of 30

structures containing 59 units were identified that could possibly qualify as substandard units eligible for rehabilitation. Utilizing a PUMS Data cited in Dr. David Kinsey’s May 2016 report, 60.77% of deficient housing units within Region 1 are occupied by low and moderate income families. Applying this ratio to the potential units identified in the Windshield Survey, the Borough’s Present Need obligation is 36 units.

The Borough will satisfy its Present Need obligation by implementing a rehabilitation program consistent with COAH regulations in conjunction with participating in the Bergen County Home Improvement Program.

Prospective Need – 1999 to 2025

The HE&FSP identifies the manner in which the Borough’s 125-unit affordable housing obligation is to be addressed. This is summarized in the accompanying table.

**Table 19: Third Round Prospective Need Fair Share Plan Components
Borough of Wallington, New Jersey**

Plan Component	Number of Units	Bonus	Credits
Morningside: Block 71, Lots 35.01 & 35.02	38	32	70
Wallington Homes: Block 70.05, Lot 8.01	8	-	8
4H Site: Block 70.01, Lot 78	48*	-	48
Total	94	32**	126

*18 percent set aside with not less than 269 housing units and not more than 275 housing units with alternative development scenario as permitted by the settlement agreement.

**One bonus credit to be used for prior round obligation.

As noted in Table 19, the Fair Share Plan can accommodate the entirety of the community’s affordable housing obligation without needing to provide for any unmet affordable housing need. The HE&FSP therefore, affirmatively addresses the entirety of the Borough’s affordable housing obligation while at the same time maintaining the overall character of the community. This Plan describes the affordable housing delivery techniques used to satisfy the municipality’s affordable housing obligation through 2025.

As detailed above, the Borough of Wallington’s Third Round Prospective Need obligation per the Borough’s settlement with FSHC is 125 units. The Borough will affirmatively address its prospective need of 125 units through the following as described herein.

Under COAH regulations a municipality must demonstrate that each site selected as presenting a realistic opportunity for affordable housing development satisfy 4 criteria:

1. **Suitable** meaning a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated under N.J.A.C. 5:93-4.
2. **Developable** meaning a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included to the areawide water quality management plan submitted to and under review by DEP.
3. **Approvable** meaning a site that 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. Notably, the rules also state a site may be approvable although not currently zoned for low and moderate income housing.
4. **Available** meaning a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

The following describes each site designated for inclusionary zoning for purposes of satisfying the Borough's prospective need:

Morningside at Wallington, LLC/New Wallington Homes LLC (Block 71, Lots 35.01 and 35.02):

1. The 11.7 acre site is proposed for development of 207 multifamily rental units that will provide for a 20% setaside of 42 affordable units on site (note: 4 units plus 1 rental credit will be allocated to the prior round obligation).
2. Satisfies all 4 criteria:
 - a) **Suitable:** Site is contiguous to existing multifamily development (Jamestown) and is redevelopment of a preexisting skating rink location. The site is underutilized and presents an ideal opportunity for redevelopment. No known environmental constraints are present that would preclude development.
 - b) **Developable:** Per the Borough Engineer and the Developers per their respective approvals, the site has access to appropriate water and sewer infrastructure and there is sufficient capacity to service the project.
 - c) **Approvable:** Prior court actions have determined the site to be appropriate for affordable housing development and there are court orders in place requiring the Borough to approve

the site for the development as proposed in the settlement agreement, as memorialized by separate settlement agreement with the Morningside at Wallington, LLC/New Wallington Homes, LLC approved on August 22, 2019. Morningside at Wallington, LLC was an intervenor in the DJ Action.

- d) **Available:** Borough is unaware of any title defects that would prevent the development. The availability of the site has already been established through court, board proceedings and representations made by the property owner.

Wallington Homes, LLC (Block 70.05, Lot 8.01)

1. The 1.5 acre site is proposed for development of 42 multifamily rental units that will provide for a 19% set aside of 8 affordable units on site.
2. Satisfies all 4 criteria:
 - a) **Suitable:** Site is contiguous to existing multifamily development directly across the street, is designed to integrate the development as an appropriate transition between housing types in the neighborhood (SF vs. MF) and is redevelopment of an old swimming pool recreational site that has fallen into severe disrepair and as such negatively impacts the existing residential neighborhood. The site is underutilized and presents an ideal opportunity for redevelopment. No known environmental constraints are present that would preclude development.
 - b) **Developable:** Per the Borough Engineer, the site has access to appropriate water and sewer infrastructure and there is sufficient capacity to service the project.
 - c) **Approvable:** The Borough has committed to approving the development as demonstrated by separate settlement agreement with the Wallington Homes, LLC, an intervenor in the DJ Action, approved on or about August 22, 2019. As set forth in that settlement agreement, the Borough has drafted a zoning ordinance amendment that is expected to be introduced and adopted after the adoption of the HE&FSP.
 - d) **Available:** Borough is unaware of any title defects that would prevent the development. The availability of the site for development has been represented by the property owner.

4-H Site (Block 70.01, Lot 78)

1. Wallington Real Estate Investment Trust LLC (“WREIT”) is not an intervenor in the Compliance Action but owns real property at Block 70.01, Lot 78, 380 Mount Pleasant Avenue (the “WREIT Property”), formerly commonly known as the 4-H Parcel, with Donald Nuckel, as the Managing Member of WREIT represented to have controlling authority to bind said ownership with regard to negotiations regarding the use and development of the WREIT Property.
2. Based on those negotiations and what has been represented to be acceptable to WREIT, the Borough intends to rezone this 4.7 +/- acre property to permit a residential inclusionary development. The zoning will permit no less than 269 total residential units and no more than 275 total residential units and require no less than 48 on-site units to be set-aside as affordable to low and moderate income households (the "Affordable Units") based on an 18% set aside. Alternatively, the 48 Units may be achieved by including up to 31 units of age-restricted affordable housing, up to 15 alternative living arrangement beds, and the remainder units as family affordable housing units, so to provide for the necessary 48 affordable housing units onsite, and provided further that any such alternative arrangement provide at least one family very low income unit as part of the seven (7) total very low income units required to be provided on the site.
3. This alternative would diversify the Borough’s housing stock and provide needed housing for special needs and senior populations.
4. Satisfies all 4 criteria:
 - a) **Suitable:** The site is vacant, cleared for development and is contiguous to an active rail commuter line which possibly offers an opportunity to develop a transit oriented development consistent with State Smart Growth policies. Some steep slopes exist along Mount Pleasant Avenue; however, the property owner represents there adequate developable land available to permit development of the site as contemplated by the FSHC settlement agreement.
 - b) **Developable:** Per the Borough Engineer, all infrastructure needed for the project (sewer/water) is in place and there is sufficient capacity to service the project.
 - c) **Approvable:** The Borough has agreed and is willing to rezone the property to promote the development of the property consistent with the FSHC settlement agreement.
 - d) **Available:** Borough is unaware of any title defects that would prevent the development.

Additional Requirements. Based upon the settlement agreement reached with FSHC, the following additional requirements are incorporated into the Fair Share Plan affecting any affordable housing developments generated by the plan:

- 1) At least fifty percent of the units addressing the Third Round Prospective Need shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- 2) At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
- 3) At least half of the units addressing the Third Round Prospective Need in total shall be available to families.
- 4) There will be a cap of twenty-five percent on age-restricted units on all units developed or planned to meet its cumulative prior round and third round fair share obligation.
- 5) At minimum 13 percent of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary and final site plan approval, shall be affordable to very low income families with half of the very low income units being available to families.
- 6) All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:89-26.1.
- 7) The Borough will amend its Affordable Housing Ordinance, Chapter 153, to increase the development fee percentage for residential projects from 1% to 1.5% as permitted by COAH regulations to increase funding for its Affordable Housing Trust fund, the monies of which will be used exclusively to fund permitted affordable housing expenditures per statute.
- 8) The Borough will amend its Affordable Housing Ordinance, Chapter 153, to establish a mandatory affordable housing set aside for any residential developments creating 5 housing units or more at a density of 6 dwelling units per acre in order to capture affordable housing units for housing developments otherwise not identified by this plan.

**Table 20: Satisfaction of Obligation Minimums and Maximums
Borough of Wallington, New Jersey**

Requirement	Required	Proposed
Max. Age-Restricted Units	32	31
Min. Rental Units	32	125
Max. Rental Bonus Credits (Total, Incl. Age-Rest.)	32	32
Max. Rental Bonus Credits (Age-Restricted)	0	0

**Table 21: Satisfaction of Very Low Obligation Per Development
Borough of Wallington, New Jersey**

Requirement	Required
Morningside: Block 71, Lots 35.01 & 35.02	6
Wallington Homes: Block 70.05, Lot 8.01	1
4H Site: Block 70.01, Lot 78	7
Total	13

APPENDICES