

HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF TETERBORO
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF TETERBORO PLANNING BOARD
BA# 3054.01

Revised June 22, 2017
September 27, 2016

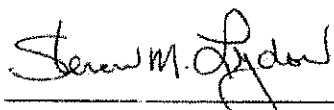
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The original document was appropriately signed and sealed on June 22, 2017 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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INTRODUCTION

Historic Overview of the Courts and COAH

In 1975 the New Jersey Supreme Court decided So. Burlington Cty. NAACP v. Borough of Mount Laurel (Mount Laurel I), declaring that every developing municipality in the State has an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (Mount Laurel II), the Court acknowledged that the vast majority of municipalities in the state had ignored their constitutional obligation. The Court refined in that decision the constitutional obligation to focus the obligation primarily on those municipalities that have portions of their boundaries within the growth area as shown on the State Development and Redevelopment Plan, and also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the adoption of the Fair Housing Act in 1985 and the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate income housing needs.

COAH proceeded to adopt regulations for the First Round obligation covering the years 1987 to 1993, and established Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the first and second housing rounds COAH utilized what is commonly referred to as a "fair share" methodology to assign affordable housing obligations to municipalities.

COAH utilized a different methodology, called "growth share" beginning with their efforts to prepare Third Round housing-need numbers. Their first adopted Third Round substantive and procedural rules occurred in 2004. These regulations were challenged and in January 2007 the Appellate Division invalidated various aspects of the regulations and remanded considerable portions of the rules to COAH with the directive to adopt revised rules.

In May 2008 COAH adopted revised Third Round regulations and published them on June 2, 2008, thereby having them become effective. Coincident to this adoption, COAH proposed amendments to the rules it just adopted, and they went into effect in October 2008.

The rules and regulations adopted in 2008 were challenged, and in an October 2010 decision the Appellate Division invalidated the growth share methodology, and indicated that COAH should adopt regulations pursuant to the fair share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations, sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

In October 2014 COAH failed to adopt their newly revised and proposed Third Round regulations, deadlocking with a 3-3 vote. The Fair Share Housing Center, which was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigant's rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued their ruling on March 10, 2015. According to the Court's ruling, COAH was found to be effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had been prior to the creation of COAH in 1986.

The Court decision has now effectively created a process for municipalities like Teterboro that had previously participated in the process before COAH but due to the inertia of COAH never obtained Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP). It provided an opportunity to file a declaratory judgment seeking to declare their HE&FSP constitutionally compliant or receive temporary immunity from affordable housing builders remedy lawsuits while they prepare a new or revised HE&FSP to ensure their plan continues to affirmatively addresses their local housing need as may be adjusted by new housing-need numbers promulgated by the Court or COAH.

The Borough's Historic Response to Its Affordable Housing Obligations

The Borough of Teterboro has prepared a number of Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. As noted above, COAH had originally adopted in 1987, and again in 1994, a 'fair share' methodology to determine housing-need numbers for all municipalities in the state. The adopted combined first and second round housing need numbers for Teterboro initially indicated a 106-unit affordable housing obligation. The Borough's obligation was subsequently modified a number of times by COAH, and Teterboro received an adjustment to zero.

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004. At the same time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers. COAH's Third Round housing need number for Teterboro is 27 affordable housing units.

In 2006, an 18-unit inclusionary development, with five affordable units, was constructed on Vincent Place in 2006. These five affordable housing units represent 20 percent of the community's total housing stock. Any additional affordable housing units built would exceed COAH's 20 percent cap on affordable housing (as a percentage of a community's total occupied housing stock).

The Third Round Affordable Housing Obligation and the Borough's Response

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Two sets of numbers have been promulgated and widely discussed. These include numbers prepared by Econsult Solutions ("Econsult"). Subsequent to the March 2015 Supreme Court decision on affordable housing, approximately 250 or so municipalities joined together to retain a consultant to assist in determining reasonable affordable housing need obligations and the task of allocating this obligation among the state's municipalities.

David Kinsey on behalf of the Fair Share Housing Center has also prepared estimates of New Jersey's affordable housing need. Their statewide estimates vary dramatically. Because of the unique nature of Teterboro and the scarcity of housing with the borders of the Borough, the affordable housing need projections are of limited significance in preparing a compliant Housing Element and Fair Share Plan.

The plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Borough's population and housing characteristics. The second section describes the Borough's obligation for the provision of affordable housing. The Borough's plan for meeting its affordable housing obligation is contained in the final section, Fair Share Plan. As noted above, the process being followed is fluid, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

The Borough of Teterboro, located in southwest Bergen County, occupies an area of approximately 1.1 square miles. It is bordered by five municipalities, including Hasbrouck Heights to the west, Moonachie to the south, Little Ferry to the east, South Hackensack to the east and north, and Hackensack to the northwest. Regional access to the Borough is provided by Route 46, which runs east-west through the northern portion of the Borough.

The Borough is predominantly an industrial/warehouse community, dominated by the existence of Teterboro Airport, which accounts for 55 percent of the community's land area. The surrounding warehouse, industrial, commercial, and other uses encompass another 44 percent of the Borough's land mass. Residential development, comprising less than one percent of the Borough's land area, is limited to Huyler Street corridor in the northeast corner of the Borough where seven lots are developed with nine dwellings, and Vincent Place, where there is an 18 unit multi-family development inclusive of five affordable housing units. All of the housing units in the Borough are rental units. Teterboro is a fully-developed community, with no vacant land remaining.

A notable feature of Teterboro is that it is one of 14 municipalities within the planning and zoning jurisdiction of the New Jersey Sports and Exposition Authority ("NJSEA"). A significant percentage of the community's southern land area is within the planning and zoning jurisdiction of the NJSEA. All 27 dwellings in the Borough are within that portion of the community where planning and zoning authority is vested in Teterboro's municipal government.

B. 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. Although the Borough's 27 dwelling units reported in the 2010 Census is a relatively small number, it is a significant increase from the nine units that were present in Teterboro prior to 2006. All 27 dwelling units in Teterboro are rental units, five of which are deed restricted as affordable housing units. According to records filed with COAH, each of the five deed restricted units are restricted to low-income households, there are no moderate-income units at Vincent Place. Bedroom distribution among the deed restricted units as reported to COAH includes one (1) three-bedroom unit and four (4) one-bedroom units.

The following table provides details regarding the tenure and occupancy of the Borough's housing stock. All of Teterboro's occupied housing units are rental units. When the 2010 Census was conducted, two of 27 rental units were vacant.

Table 1: Housing Units by Tenure and Occupancy Status (2000 - 2010)
Borough of Teterboro, New Jersey

| Category | 2000 | | 2010 | |
|-----------------------|-----------|---------|-----------|---------|
| | No. Units | Percent | No. Units | Percent |
| Owner-Occupied Units | 0 | 0.0 | 0 | 0.0 |
| Renter-Occupied Units | 8 | 88.9 | 25 | 92.6 |
| Vacant Units | 1 | 11.1 | 2 | 7.4 |
| Total Units | 9 | 100.0 | 27 | 100.0 |

Sources: U.S. Census 2000 & 2010

2. Housing Characteristics. The following table provides additional information on the characteristics of the Borough's housing stock, including data on the number of units in structures.

Table 2: Units in Structure (2000 - 2010)
Borough of Teterboro, New Jersey

| Units in Structure | 2000 | | 2010 | |
|--------------------|--------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| 1-unit, detached | 5 | 55.6 | 5 | 18.5 |
| 2 units | 4 | 44.4 | 4 | 14.8 |
| 5 or more units | 0 | 0.0 | 18 | 66.7 |
| Total | 9 | 100.0 | 27 | 100.0 |

Sources: U.S. Census 2000 & 2010

3. Housing Age. The following table outlines the age of the Borough's housing stock. The 18 unit Vincent Place development was built in 2006.

Table 3: Year Structure Built
Borough of Teterboro, New Jersey

| Year Built | Number of Units | Percent |
|-----------------|-----------------|---------|
| 2010 or later | 0 | 0.0 |
| 2000 to 2009 | 18 | 66.7 |
| 1990 to 1999 | 2 | 7.4 |
| 1970 to 1989 | 0 | 0.0 |
| 1960 to 1969 | 2 | 7.4 |
| 1950 to 1959 | 5 | 18.5 |
| 1949 or earlier | 0 | 0.0 |
| Total | 27 | 100.0 |

Sources: U.S. Census 2000 & 2010

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. The data indicates that there are no overcrowded units located in the Borough.

Table 4: Occupants per Room (2000 to 2013)
Borough of Teterboro, New Jersey

| Occupants Per Room | 2000 | | 2013 | |
|--------------------|--------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| 1.00 or less | 6 | 100.0 | 27 | 100.0 |
| 1.01 to 1.50 | 2 | 0.0 | 0 | 0.0 |
| 1.51 or more | 0 | 0.0 | 0 | 0.0 |
| Total | 8 | 100.0 | 27 | 100.0 |

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

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, 100 percent of the units have complete kitchen, plumbing, and heating facilities. This is a likely determining factor influencing the conclusion that the Borough has a zero rehabilitation obligation.

Table 5: Equipment and Plumbing Facilities (2000 to 2013)
Borough of Teterboro, New Jersey

| Facilities | 2000 | | 2013 | |
|-----------------------------|--------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| <u>Kitchen:</u> | | | | |
| With Complete Facilities | 8 | 100.0 | 27 | 100.0 |
| Lacking Complete Facilities | 0 | 0.0 | 0 | 0.0 |
| <u>Plumbing:</u> | | | | |
| With Complete Facilities | 8 | 100.0 | 27 | 100.0 |
| Lacking Complete Facilities | 0 | 0.0 | 0 | 0.0 |
| <u>Heating Equipment:</u> | | | | |
| Standard Heating Facilities | 8 | 100.0 | 27 | 100.0 |
| Other Means, No Fuel Used | 0 | 0.0 | 0 | 0.0 |

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

5. Rental Values. We only show information regarding rental values as no owner-occupied units are located in Teterboro. As shown in the following table, Teterboro's rental housing stock had monthly rents under \$1,000 in 2000. By 2013, 70 percent of rents are greater than \$1,500, with the median rent reported at \$1,667. This number increased even with the five affordable rental units located in the Borough.

Table 6: Gross Rent of Renter-Occupied Housing Units (2000 to 2013)
Borough of Teterboro, New Jersey

| Gross Rent | 2000 | | 2013 | |
|------------------------------------|--------|---------|---------|---------|
| | Number | Percent | Number | Percent |
| Less than \$200 | 0 | 0.0 | 0 | 0.0 |
| \$200 to \$299 | 0 | 0.0 | 0 | 0.0 |
| \$300 to \$499 | 0 | 0.0 | 0 | 0.0 |
| \$500 to \$749 | 4 | 50.0 | 0 | 0.0 |
| \$750 to \$999 | 2 | 25.0 | 3 | 11.1 |
| \$1,000 to \$1,499 | 0 | 0.0 | 5 | 18.5 |
| \$1,500 or More | 0 | 0.0 | 19 | 70.4 |
| No Cash Rent | 2 | 0.0 | 0 | 0 |
| Total | 8 | 100.0 | 27 | 100.0 |
| Median Gross Rent | \$571 | | \$1,667 | |
| Bergen County Median Gross Rent | \$872 | | \$1,295 | |

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

6. Number of Units Affordable to Low- and Moderate-Income Households. Teterboro is placed in COAH Housing Region No.1, which is comprised of Bergen, Passaic, Hudson and Sussex Counties. Based on the most current COAH regional income limits, the median household income for a three-person household is \$75,980. A three-person moderate-income household, defined as 80 percent of the median income, would have an income not exceeding \$60,784.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,890.

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" has been provided, as detailed in other sections of this report. For Teterboro this figure is zero units, as supported by the data indicating that 100 percent of the Borough's housing stock contains complete facilities and standard heating.

C. 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 last 90 years. The 2010 Census data indicates the Borough has 37 residents, an almost 300 percent increase from the 2000 Census. This increase was due to the opening of the Vincent Place 18 unit inclusionary residential development.

Table 7: Population Growth (1920 to 2010)
Borough of Teterboro, New Jersey

| Year | Population | Change (#) | Change (%) |
|------|------------|--------------|------------|
| 1920 | 24 | -- | -- |
| 1930 | 26 | 2 | 8.3 |
| 1940 | 40 | 14 | 53.8 |
| 1950 | 28 | (-12) | (-30.0) |
| 1960 | 22 | (-6) | (-21.4) |
| 1970 | 19 | (-2) | (-13.6) |
| 1980 | 19 | -- | -- |
| 1990 | 22 | 3 | 15.8 |
| 2000 | 18 | (-4) | (-18.1) |
| 2010 | 67 | 49 | + 272.0 |

Source: U.S. Census data

2. Age Characteristics. The Borough's age characteristics are outlined in the table below. As shown, the Borough's population is growing older, consistent with suburban national trends. Teterboro's median age has increased since 2000 from 33 to 43.5 years in 2010. While the number of children under the age of 19 years has increased since 2000, the percentage has decreased from 38.8 percent of the Borough's population to 25.5 percent in 2010.
- 3.

Table 8: Age Characteristics (2010)
Borough of Teterboro, New Jersey

| Age Group | Total | % Total |
|-------------------|-------------|--------------|
| Under 5 | 6 | 9.0 |
| 5-9 | 4 | 6.0 |
| 10-14 | 2 | 3.0 |
| 15-19 | 5 | 7.5 |
| 20-24 | 3 | 4.5 |
| 25-29 | 6 | 9.0 |
| 30-34 | 3 | 4.5 |
| 35-39 | 1 | 1.5 |
| 40-44 | 6 | 9.0 |
| 45-49 | 8 | 11.9 |
| 50-54 | 9 | 13.4 |
| 55-59 | 5 | 7.5 |
| 60-64 | 0 | 0.0 |
| 65-69 | 3 | 4.5 |
| 70-74 | 1 | 1.5 |
| 75-79 | 4 | 6.0 |
| 80-84 | 0 | 0.0 |
| 85 and over | 1 | 1.5 |
| Total | 67 | 100.0 |
| Median Age | 43.5 | |

Source: 2010 U.S. Census

3. Average Household Size. The average household size for the Borough has increased since 1990 over the past three decades, rising slightly from 2.57 persons in 2000 to 2.68 persons per household in the 2010 Census.

Table 9: Average Household Size (1990 to 2010)
Borough of Teterboro, New Jersey

| Year | Borough Population | Household Population | Total Households | Average Household Size |
|------|--------------------|----------------------|------------------|------------------------|
| 1990 | 22 | 22 | 9 | 2.44 |
| 2000 | 18 | 18 | 8 | 2.57 |
| 2010 | 67 | 67 | 25 | 2.68 |

Sources: U.S. Census 1990, 2000, 2010

4. Household Income. Detailed household income figures are shown in the table below. As shown, 80% of the Borough's households had an income of \$100,000 or more in 2012 which is an increase of 17% over 1999 incomes. The Borough's median household income in 2012 was slightly more than double the median household income of Bergen County as a whole.

Table 10: Household Income (1999 to 2013)
Borough of Teterboro, New Jersey

| Income Category | 1999 | | 2013 | |
|-------------------------|----------|---------|----------|---------|
| | Number | Percent | Number | Percent |
| Less than \$10,000 | 0 | 0.0 | 2 | 0.6% |
| \$10,000 to \$14,999 | 0 | 0.0 | 2 | 1.4% |
| \$15,000 to \$24,999 | 0 | 0.0 | 5 | 1.6% |
| \$25,000 to \$34,999 | 0 | 0.0 | 0 | 1.5% |
| \$35,000 to \$49,999 | 5 | 62.5 | 0 | 5.1% |
| \$50,000 to \$74,999 | 0 | 0.0 | 1 | 2.0% |
| \$75,000 to \$99,999 | 0 | 0.0 | 10 | 6.9% |
| \$100,000 to \$149,999 | 3 | 37.5 | 2 | 23.4% |
| \$150,000 to \$199,999 | 0 | 0.0 | 5 | 12.7% |
| \$200,000 or more | 0 | 0.0 | 0 | 44.9% |
| Total | 8 | 100.0 | 27 | 100.0% |
| Median Household Income | \$44,167 | | \$82,321 | |
| Bergen County Median | \$78,079 | | \$84,255 | |

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

4. 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 11 provides information on the employment status of Borough residents age 16 and over. The small sample size shows that vast majority of residents 16 years of age and over are participating in the labor force.

Table 11: Employment Status, Population 16 and Over (2013)
Borough of Teterboro, New Jersey

| Employment Status | 2013 | |
|------------------------------|--------|---------|
| | Number | Percent |
| In labor force | 50 | 90.9 |
| Civilian labor force | 50 | 90.9 |
| Employed | 47 | 85.5 |
| Unemployed | 3 | 5.4 |
| % of civilian labor force | 6.0 | |
| Armed Forces | 0 | 0.0 |
| Not in labor force | 5 | 9.1 |
| Total Population 16 and Over | 55 | |

Source: American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Teterboro residents.

Table 12: Employed Residents Age 16 and Over, By Occupation (2013)
Borough of Teterboro, New Jersey

| Occupation | 2013 | |
|--|--------|---------|
| | Number | Percent |
| Management, business, science, and arts occupations | 22 | 46.8 |
| Service occupations | 9 | 19.1 |
| Sales and office occupations | 4 | 8.5 |
| Natural resources, construction, and maintenance occupations | 11 | 23.4 |
| Production, transportation, and material moving occupations | 1 | 2.1 |
| Total | 47 | 100.0 |

Source: American Community Survey 5-Year Estimates.

Table 13: Employed Residents Age 16 and Over, By Industry (2000 to 2013)
Borough of Teterboro, New Jersey

| Industry | 2000 | | 2013 | |
|--|--------|---------|--------|---------|
| | Number | Percent | Number | Percent |
| Agriculture, forestry, fishing, hunting, and mining | 0 | 0.0 | 0 | 0.0 |
| Construction | 4 | 30.8 | 0 | 0.0 |
| Manufacturing | 0 | 0.0 | 1 | 2.1 |
| Wholesale trade | 0 | 0.0 | 0 | 0.0 |
| Retail trade | 0 | 0.0 | 15 | 31.9 |
| Transportation and warehousing, and utilities | 0 | 0.0 | 2 | 4.3 |
| Information | 0 | 0.0 | 0 | 0.0 |
| Finance, insurance, real estate and rental and leasing | 0 | 0.0 | 1 | 2.1 |
| Professional, scientific, management, administrative and waste management services | 0 | 0.0 | 0 | 0.0 |
| Educational, health and social services | 6 | 46.1 | 14 | 29.8 |
| Arts, entertainment, recreation, accommodation, and food services | 0 | 0.0 | 2 | 4.3 |
| Other services, except public administration | 0 | 0.0 | 4 | 8.5 |
| Public administration | 3 | 23.1 | 8 | 17.0 |
| Total | 13 | 100.0 | 47 | 100.0 |

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

5. 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.

1. Probable Future Employment and Regional or Community Factors Impacting Upon Future Municipal Employment. Since 2005, Teterboro has reduced the number of jobs within its boundaries from 8,631 to 7,250 in 2014. Although there will be increased activity with the Teterboro Landing commercial development being fully completed, there is no great anticipation of major expansion given the limited amount of available vacant, developable land.

Table 14: Covered Employment Trends (2004-2013)
Borough of Teterboro, New Jersey

| Year | Number of Jobs | Change in Number of Jobs | Percent Change |
|------|----------------|--------------------------|----------------|
| 2005 | 8,631 | -- | -- |
| 2006 | 8,671 | + 40 | + 0.4 |
| 2007 | 8,695 | + 24 | + 0.3 |
| 2008 | 8,920 | + 225 | + 2.6 |
| 2009 | 7,946 | - 974 | - 10.9 |
| 2010 | 7,656 | - 290 | - 3.6 |
| 2011 | 7,641 | - 15 | - 0.2 |
| 2012 | 7,531 | - 110 | - 1.4 |
| 2013 | 7,275 | - 256 | - 3.4 |
| 2014 | 7,250 | - 25 | - 0.3 |

Source: New Jersey Department of Labor and Workforce Development

2. Projection of the Municipality's Housing Stock. With limited acreage remaining in the municipality and the existing environmental constraints present throughout Teterboro, it is anticipated that the Borough will not experience additional residential growth during this particular housing cycle.

SECTION II: FAIR SHARE OBLIGATION

Summary of Fair Share Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Two sets of numbers have been promulgated and widely discussed. These include numbers prepared by Econsult, and number prepared by David Kinsey on behalf of the Fair Share Housing Center. Although their statewide numbers vary dramatically, the numbers for Teterboro by the two consultants are remarkably similar.

The affordable housing obligation numbers generated by the two consultants for Teterboro are noted below:

| | <u>Econsult</u> | <u>Kinsey</u> |
|------------------------------------|-----------------|-----------------|
| Rehabilitation Obligation: | 0 | 0 |
| Unanswered Prior Round Obligation: | 0 (1987-2014) | -- |
| Prior Round Obligation: | 106 | 106 (1987-1999) |
| Prospective Need Obligation: | 6 (2014-2024) | 5 (1999-2025) |

A review of affordable housing activity in Teterboro reveals the Borough received a vacant land adjustment for the period 1987-1999. A vacant land adjustment is recognition that a municipality lacks the land resource to fully fulfill its affordable housing obligation. In the case of Teterboro, COAH's grant of substantive certification reduced its first round affordable housing obligation to zero (0) dwelling units. Teterboro received a COAH waiver from the requirements pertaining to and regulating the capture of affordable housing opportunities for affordable housing beyond the Boroughs' calculated realistic development potential of zero.

Construction of an 18-unit inclusionary development constructed on Vincent Place in 2006, generated 5 COAH credit-worthy affordable housing rental dwellings. Reported data indicates all five COAH units are restricted to low-income households. These five units are characterized as including one (1) 3-bedroom unit and four (4) 1-bedroom units. Teterboro will address this bedroom allocation in its affordable housing ordinance by requiring production of 2-bedroom units restricted to low-income households.

Five affordable housing units represents 20% of the Borough occupied housing stock. There is significance in having 20% of the Borough's housing stock affordable to low-and moderate-income households. Section 5:93-2.16 of COAH's Second Round rules state in part, "A cap of 20% of the estimated occupied housing stock cannot be exceeded by a municipality's need for new construction."

Teterboro is a community where 20% of the housing stock is comprised of COAH credit-worthy affordable housing units. Teterboro has, through operation of the 20% rule, generated the maximum percentage of affordable housing that can be required of a municipality.

COAH's grant of Second Round substantive certification included a vacant land adjustment. COAH established Teterboro's Realistic Development Potential ("RDP") at zero units. Furthermore, the unmet need was set at 2 units pursuant to the 20% rule. Since there has been no change in the status of vacant land in the community, the RDP remains zero. The number of dwellings in the Borough has increased with the Vincent Place construction, the unmet need is now capped at 5 units.

Teterboro has proposed and implemented an affordable housing plan wherein 20% of the housing stock is deed restricted to low-income households. This compliance does not rely on the affordable housing obligation assigned by an outside agency or consultant. Compliance is internal, achieved based on the number of affordable housing dwellings in Teterboro and the percentage of affordable housing units already constructed and occupied compared with the total number of housing units in the Borough.

Teterboro's expectation is that this Housing Element and Fair Share Plan will be reviewed and approved by a Superior Court Judge who will issue Teterboro a Judgement of Repose and a Judgement of Compliance providing the Borough with immunity from builder's remedy lawsuits for the remainder of this housing cycle.

No additional residential development is expected in the near future, there are no plans for additional affordable housing construction in the Third Round.

Vacant Land Adjustment

The Borough's affordable housing obligation is also informed but not directed by a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to the Second Round regulations. The vacant land analysis identified all vacant sites of minimally 0.83 acres in size, imposed wetland, steep slope and flood plain information pursuant to the applicable regulations, and calculated the remaining acreage that is to be utilized to determine the Borough's RDP. The analysis reveals there are 9.36 acres of vacant land in the community. A total of 7.11 acres are comprised of sites that are minimally 0.83 acres in size, all of which contain environmentally sensitive features.

Based on our review, there is no developable vacant land that qualifies as having a realistic development potential. This conclusion ratifies the determination COAH reached when reviewing

Teterboro's prior round housing plan. Teterboro offers this conclusion only for informational purposes as Teterboro's compliant Housing Element and Fair Share Plan is based on the 20% cap rule (N.J.A.C.5:93-2.16).



BURGIS
ASSOCIATES, INC.

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LL, ASLA

EXHIBIT B: TETERBORO VACANT LAND ASSESSMENT

| ID | Block | Lot | Location | Owner | Area (sq) | Comments | Developable Area (ac) | Qualifies? |
|----|-------|-----|-------------------|------------------------------|-----------|---|-----------------------|------------|
| 1 | 202 | 2 | MALCOLM AVE. | PROLOGIS | 7.11 | Does not qualify for RDP Analysis. Environmental Constraints: 100 Year Floodplain. Wetlands/Buffers. Entirety of site is constrained. | 0 | No |
| 2 | 308 | 14 | ROUTE 46 | TETERBORO ASSOC %A&E STORES | 1.59 | Does not qualify for RDP Analysis. Environmental Constraints: 100 Year Floodplain. Entirety of site is constrained. | 0 | No |
| 3 | 307 | 14 | NORTH ST. | ARTHUR J. HIGGINS JR. | 0.01 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |
| 4 | 308 | 3 | CENTRAL AVE. | TETERBORO ASSOC %A&E STORES | 0.13 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |
| 5 | 308 | 4 | 1000 HUYLER ST. | TETERBORO CENTRAL ASSOC. | 0.20 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |
| 6 | 308 | 11 | HUYLER STREET INT | TETERBORO ASSOC %A&E STORES | 0.24 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |
| 7 | 309 | 2 | Huyler Street | PHILDA CO., C/O M. FOLLENDER | 0.07 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |
| 8 | 309 | 1 | Huyler Street | HUYLER STRATEGIES, LLC | 0.02 | Does not qualify for RDP Analysis. Lot size is too small. | 0 | No |

| Land Categorization | Acreage |
|--|---------|
| Total Vacant Land | 9.36 |
| Total Vacant Land of Lots Minimally .83 Acres | 7.11 |
| Total Developable Area of Lots Minimally .83 Acres | 0 |

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Table 15: Vacant Land Assessment
Borough of Teterboro, New Jersey



SECTION III: FAIR SHARE PLAN

A. PLAN SUMMARY

The calculation of Teterboro's affordable housing obligation is detailed below.

1. Rehabilitation Share. The Borough has a rehabilitation share of zero (0) units. This aspect of the Borough affordable housing obligation is therefore satisfied.
2. Remaining Prior Round Obligation. As previously noted, Teterboro obtained first and second round certification from COAH, and the resolution granting substantive certification specified that the Borough "qualifies for an adjustment under the twenty percent cap rule...which reduces the Borough's calculated need to two units," and furthermore the resolution noted that the Borough "received a vacant land adjustment which reduced its first round obligation to zero and, as such, was assigned a Vacant Land status in COAH's 1987-1999 cumulative need allocations." The COAH resolution granting substantive certification also granted the Borough a waiver from the requirements...concerning the capture of opportunities for affordable housing beyond the Borough's calculated RDP (realistic development potential) of zero."
3. Third Round Obligation. An 18-unit development was constructed on Vincent Place in 2006 which included five affordable housing units. These five affordable housing units represent 19 percent of the community's total housing stock and 20% of the occupied housing stock as reflected in the 2010 Census. The construction of additional affordable housing will exceed the 20 percent cap on affordable housing as a percentage of a community's total housing stock.

Based on the community's current housing stock and the long established cap on affordable housing not exceeding 20% of the community's housing stock, Teterboro has satisfied its constitutional obligation to provide affordable housing opportunities.

To insure that Teterboro remains constitutional compliant, the Borough will adopt an ordinance pertaining to all newly constructed residential developments consisting of five dwelling units or more to require as an un-waivable condition of any site plan approval to reserve at least 20% of the dwellings for occupancy by low-income households. All affordable housing dwellings will be subject to all the provisions of N.J.A.C.5:80-26.1 as it may be amended and revised from time to time, including but not limited to affordability controls, occupancy standards, price restrictions, control periods, and all such affordable housing dwellings shall be affirmatively marketed throughout the housing region. Affordable housing units generated under this provision will consist of two-bedroom units.

The addition of the above provision to Teterboro's ordinance expressly does not rezone

any property in the Borough. Furthermore, the above language does not provide any developer or property owner the right to a rezoning, variance or other relief, or in any way establish any obligation on the part of the Borough of Teterboro or its reviewing agencies.

If a mixed-use or residential application requiring either use or density variance is filed with a reviewing board, the applicant's professionals will need to present the requisite proofs to the board including, and especially, the positive and negative criteria proofs as required for all non-inherently beneficial use applications. If after careful consideration by the board, an approval is granted, then the applicant, as a required and unwaivable condition attached to the approval, will create the appropriate percentage of affordable housing units. The provision concerning the delivery of affordable housing is not subject to waiver or variance provisions.

Adoption of the requirements referenced above will insure Teterboro's continued compliance with Third Round regulations.

This Housing Element and Fair Share Plan affirmatively addresses Teterboro's Third Round continuing affordable housing obligation since the Borough is taking action to insure the Borough will continue to be subject to the 20 percent affordable unit cap rule.

Spending Plan

Pursuant to N.J.A.C. 5:93-8, municipalities collecting development fees must prepare and approve a spending plan detailing how the collected fees are to be utilized for affordable housing purposes. Teterboro is projected to generate a total of approximately \$270,000 in its affordable housing trust fund, 30% of which must be spent on affordability assistance.

Teterboro will seek to use this money to purchase a dwelling and convert same into a group home. Teterboro will look to partner with a not-for-profit entity to work with the Borough in purchasing and converting the dwelling.

Creating a group home will help members of an at-risk population secure both affordable housing and assistance with day to day living activities in a structured residential setting.

Due to the unique land use patterns in Teterboro, spending this projected total within the four-year timeframe established by regulation might be challenging.

Additional details on how Teterboro will create affordable housing opportunities by use of the affordable housing trust fund are detailed in the 2017 Teterboro Spending Plan.

BOROUGH OF TETERBORO SPENDING PLAN

INTRODUCTION

The Borough of Teterboro, Bergen County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the Borough of Teterboro on December 8, 2009. The ordinance establishes the Borough of Teterboro affordable housing trust fund for which this spending plan is prepared.

1. REVENUES FOR CERTIFICATION PERIOD

As of December 31, 2015, the Borough of Teterboro had not collected nor expended any affordable housing trust fund money. However, by December 31, 2016 the Borough had collected \$263,038.50 in development fees and the affordable housing trust fund balance was \$263,441.65. As of May 9, 2017, the balance in Teterboro's affordable housing trust fund account was \$269,231.79. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in TD Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-5.1(c) through 5:93-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of Third Round substantive certification, Borough of Teterboro considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;

2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

The Borough of Teterboro has not collected any payments in lieu of construction, nor does the Borough expect to collect such payments during the remainder of the Third Round housing cycle.

(c) Other funding sources:

The Borough of Teterboro has not collected funds other than development fee funds, nor does the Borough expect to receive such funds during the remainder of the Third Round housing cycle.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

| SOURCE OF FUNDS | PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND 2017 THROUGH 2025 | | | | | | | | | |
|--------------------------------------|---|--------------|--------------|--------------|--------------|------------|------------|------------|------------|-----------------|
| | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | Total |
| (a) Development fees: | | | | | | | | | | |
| Approved Development | \$18,750 | | | | | | | | | \$ 18,750 |
| Development Pending Approval | | | | | | | | | | |
| Projected Development | | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- |
| (b) Payments in Lieu of Construction | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- |
| (c) Other Funds (Specify source(s)) | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- |
| (d) Interest | \$575 | \$600 | \$400 | \$325 | \$250 | -0- | -0- | -0- | -0- | \$2150 |
| Total | \$19,325 | \$600 | \$400 | \$325 | \$250 | -0- | -0- | -0- | -0- | \$20,900 |

The Borough of Teterboro projects a total of \$20,900 in revenue to be collected between January 1, 2017 and December 31, 2025. This projected amount, when added to Teterboro's trust fund balance as of December 31, 2016, results in an anticipated total revenue of \$284,341 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Teterboro:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Teterboro's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

Distribution of funds out of the affordable housing trust fund will only occur after authorization from the Mayor and Council. Each request for funds will need to identify the type of project, the cost of the proposed improvement and the property involved.

Requests for security assistance, rental assistance or converting low-income units to very low-income rental units will be available only to qualified, affordable households.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:93-8.16(a))**

Teterboro has a relatively young housing stock. Reflecting this reality, Teterboro's rehabilitation share has been established as zero (0) units for the Third Round. Recognizing this factor and the unique housing stock in Teterboro, the Borough does not anticipate spending money on the rehabilitation of existing housing units during the course of the Third Round.

Rehabilitation program: -\$0-.

New construction project(s): Due to the lack of available, approval, developable and suitable land in Teterboro, the Borough does not anticipate funding in part or whole new affordable housing. If new Third Round affordable housing is constructed in the Borough, such housing will be privately funded or funded through non-profit affordable housing developers or higher level governmental units.

(b) Affordability Assistance (N.J.A.C. 5:93-8.16(c))

AFFORDABILITY ASSISTANCE CALCULATION

| | | |
|---|---------|------------|
| Actual development fees through 12/31/2016 | | \$ 263,038 |
| Actual interest earned through 12/31/2016 | + | \$ 403 |
| Development fees projected 2017-2025 | + | \$ 18,750 |
| Interest projected 2017-2025 | + | \$ 2,150 |
| Less housing activity expenditures through 5/9/2017 | - | \$ 13,181 |
| Total | = | \$ 271,160 |
| Calculate 30 percent | x .30 = | \$ 81,348 |
| Less Affordability assistance expenditures through 12/31/2016 | - | \$ -0- |
| PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2012 through 12/31/2018 | = | \$ 81,348 |
| PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2012 through 12/31/2018 | ÷ 3 = | \$ 27,116 |

The Borough of Teterboro will dedicate \$81,348 from the affordable housing trust fund to render units more affordable, including \$27,116 to render units more affordable to households earning 30 percent or less of median income by region through a variety of approaches, including all of the following as may be appropriate given the unique nature of Teterboro's housing stock: converting low-income units to very low-income units, security deposit assistance and rental assistance.

(c) **Administrative Expenses (N.J.A.C. 5:93-8.16(e))**

ADMINISTRATIVE EXPENSE CALCULATION

| | | |
|---|---------|-------------------|
| Actual dev fees and interest thru 12/31/2016 | | \$ 263,441 |
| Projected dev fees and interest 2017thru 2025 | + | \$ 20,900 |
| Payments-in-lieu of construction and other deposits thru 7/17/2016 | + | \$ -0- |
| Less RCA expenditures thru 12/31/2018 | - | \$ -0- |
| Total | = | \$ 284,341 |
| Calculate 20 percent | x .20 = | \$ 56,868 |
| Less admin expenditures thru 5/9/2017 | - | \$ 13,181 |
| PROJECTED MAXIMUM available for administrative expenses 1/1/2016 thru 12/31/2025 | = | \$ 43,687 |

The Borough of Teterboro projects that \$43,687 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Teterboro anticipates withdrawals from the affordable housing trust fund will be used to cover the planning expenses of preparing a housing element and fair share plan, participating in the Declaratory Judgement process, legal fees associated with both activities, the cost of preparing ancillary planning documents associated with the Judgement of Compliance and Repose and the costs of services provided by the administrative agent retained by the Borough.

4. EXPENDITURE SCHEDULE

The Borough of Teterboro intends to use affordable housing trust fund revenues for the creation of a group home. This will be accomplished through partner with a not-for profit provider. It is anticipated than an existing dwelling will be purchased and converted for use as a group home. The second primary manner in which affordable housing trust funds will be spent is to make units more affordable for qualifying households.

| PROJECTS/PROGRAMS | Number of Units Projected | PROJECTED EXPENDITURE SCHEDULE 2017-2025 | | | | | | | | | |
|---------------------------------|------------------------------------|--|-----------|-----------|----------|------|------|------|------|------|-----------|
| | | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | Total |
| Rehabilitation | | | | | | | | | | | |
| New Construction | | | | | | | | | | | |
| 1. Supportive and Special Needs | | | | \$159,306 | | | | | | | \$159,306 |
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| Total | | | | | | | | | | | |
| | | | | | | | | | | | |
| Affordability Assistance | | \$15,000 | \$ 20,000 | \$23,174 | \$23,174 | -0- | -0- | -0- | -0- | -0- | \$81,348 |
| | | | | | | | | | | | |
| Administration | | \$22,000 | \$10,000 | \$7,500 | \$4,187 | -0- | -0- | -0- | -0- | -0- | \$43,687 |
| | | | | | | | | | | | |
| Total | | \$37,000 | \$30,000 | \$189,980 | \$27,361 | -0- | -0- | -0- | -0- | -0- | \$284,341 |

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, the Borough of Teterboro will issue bonds to make up for any shortfall. The Borough will carefully monitor the expenditures of funds and will seek to insure a balance between dollar flows into the affordable housing trust fund and expenditures out of the trust fund. However, it is important to realize that due to its unique land use patterns, the Borough is expecting almost no additional money in its affordable housing trust fund account. All future increases are expected to be interest payments. Even the interest payments end once the affordable housing trust fund money is dispersed within four years. The Borough fully reserves the right to amend this Spending Plan if necessary, to insure there is no financial obligation upon the Borough to issue bonds to fund affordable housing activities.

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or the Borough of Teterboro is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to subsidize security deposits of low-and moderate-income households and to make low-income units affordable to very low-income households.

Teterboro will seek to diligently spend its development fee trust fund within four years as anticipated. However, the Borough recognizes that it may need to seek a waiver from this requirement. The Borough reserves the right to seek such a waiver at the appropriate time.

6. BARRIER FREE ESCROW

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

SUMMARY

The Borough of Teterboro intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-5.1(c) through 5:93-8.9 and consistent with the housing programs outlined in the Teterboro Housing Plan Element revised through June 21, 2017. Teterboro recognizes that its housing stock is limited and there are few opportunities to create new affordable housing units in the Borough to its unique land use pattern. In response to these constraints, Teterboro will seek to partner with a not-for-profit service provided to purchase an existing dwelling and convert it to a group home.

Teterboro has a balance of \$263,441 as of December 31, 2016, and anticipates an additional \$20,900 in revenues through 2025 for a total of \$284,341. \$13,181 has been dispersed from this account. The municipality will dedicate \$189,980 towards supportive and special needs housing, \$81,348 to render units more affordable, and \$43,687 to administrative costs. Any shortfall of funds will be offset by municipal bonding, but only if necessary. The municipality will dedicate any excess funds or remaining balance toward making low income dwellings affordable to very low income households and additional affordability assistance through a rent security subsidy program.

| SPENDING PLAN SUMMARY | |
|---|--------------------|
| Balance as of December 31, 2016 | \$263,441 |
| PROJECTED REVENUE 2012-2018 | |
| Development fees | + \$18,750 |
| Payments in lieu of construction | + \$ |
| Other funds | + \$ |
| Interest | + \$2150 |
| TOTAL REVENUE | = \$284,341 |
| PROJECTED EXPENDITURES 2012-2018 | |
| Funds used for Rehabilitation | |
| Funds used for New Construction | |
| 1. Supportive and Special Needs | \$159,306 |
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|---|--------------------|
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| | |
| Affordability Assistance | - \$81,348 |
| Administration | - \$43,687 |
| Excess Funds or Remaining Balance Reserved for Additional Affordable Housing Activity | = \$0 |
| TOTAL PROJECTED EXPENDITURES | = \$284,341 |
| REMAINING BALANCE | = \$0.00 |