



Borough of Harrington Park
85 HARRIOT AVENUE
HARRINGTON PARK, NEW JERSEY 07640
201-768-1700 fax 201-768-3038
harringtonparknj.gov clerk@harringtonparknj.gov

RESOLUTION # 2025-52

**RESOLUTION OF THE BOROUGH OF HARRINGTON PARK,
COUNTY OF BERGEN, STATE OF NEW JERSEY COMMITTING
TO ROUND 4 PRESENT AND PROSPECTIVE NEED
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Borough of Harrington Park, County of Bergen, State of New Jersey, (hereinafter, "Harrington Park") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Harrington Park's Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 0 and a Prospective Need (New Construction) Obligation of 2025; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance

mechanisms adopted by the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including the Act, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, Harrington Park has accepted the Present Need (Rehabilitation) Obligation of 0 as reported by the DCA in its October 18, 2024 Report; and

WHEREAS, Harrington Park has exercised its right to demonstrate that the data, when correctly applied, supports a lower Round 4 Prospective Need obligation than that reported by the DCA on October 18, 2024; and

WHEREAS, more specifically, Harrington Park maintains that its Round 4 prospective need number is 131 units based upon its examination of the data used to calculate each of the three (3) allocation factors; and

WHEREAS, as to the **Equalized Nonresidential Allocation Factor**, Harrington Park has examined the data the DCA used to establish this factor and concluded that DCA has accurately calculated this Factor ; and

WHEREAS, as to the **Income Capacity Allocation Factor**, Harrington Park has examined the data the DCA used to establish this factor and concluded that the DCA has accurately calculated this Factor; and

WHEREAS, as to the **Land Capacity Allocation Factor**, Harrington Park notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

WHEREAS, Harrington Park further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language:

"The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**" (emphasis added); and

WHEREAS, Harrington Park maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, its Professional Planner has prepared a report, attached hereto as Exhibit A, showing the lands that Harrington Park

contends should be removed from the inventory of sites used to fashion the **Land Capacity Allocation Factor**; and

WHEREAS, it is therefore important that Harrington Park not commit to an incorrect obligation; and

WHEREAS, correcting the allocation factors results in Harrington Park's Round 4 Prospective Need Obligation being 131 units rather than the obligation established by DCA; and

WHEREAS, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

WHEREAS, Harrington Park's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS, Harrington Park is entitled to a vacant land adjustment in Round 4 that will be included in the HEFSP it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, Harrington Park finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

WHEREAS, in addition to the above, the Director issued Directive #14-24, dated December 13, 2024, and made the Directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking compliance certification with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, Harrington Park seeks a compliance certification with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 30th day of January, 2025 by the Governing Body of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. For the reasons set forth in this resolution and its attachments, Harrington Park commits to a Round 4 Present Need (Rehabilitation) Obligation of 0 and a Round 4 Prospective Need (New Construction) obligation of 131 units, as set forth in the Exhibit(s) to this Resolution, subject to all reservations of all rights, which specifically include, without limitation, the following:

a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;

b) The right to comply with the NJILGA Legislation if enacted, including the right to adjust its fair share obligations;

c) The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;

d) The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation; and

e) The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and Harrington Park's response thereto.

3. Harrington Park hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution attaching this resolution.

4. Harrington Park hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

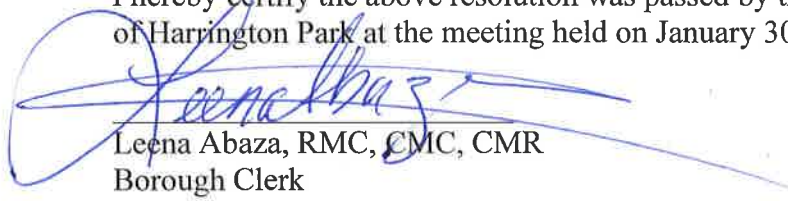
5. This resolution shall take effect immediately, according to law.

CERTIFICATION

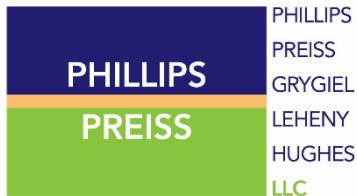
The undersigned, Municipal Clerk for the Borough of Harrington Park, County of Bergen, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of Harrington Park on January 30, 2025.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote						
NAPOLITANO (AN)						X
EVANELLA (GE)						X
BLACKINTON(WB)			X			
WALKER (DW)			X			
PEDERSEN (JP)	X		X			
LANDER (LL)		X	X			

I hereby certify the above resolution was passed by the Mayor & Council of the Borough of Harrington Park at the meeting held on January 30, 2025.



Leena Abaza, RMC, CMC, CMR
Borough Clerk



Planning & Real Estate Consultants

Memorandum

To: Borough of Harrington Park Mayor and Council

cc: John R. Dineen, Esq.; Attorney for Harrington Park Mayor and Council
Jennifer M. Knarich, Esq., Attorney for the Harrington Park Planning Board

From: Elizabeth Leheny, AICP, PP, Borough Planner

Date: January 27, 2025

**RE: Assessment and Recommendations for Borough of Harrington Park, NJ
Regarding Round 4 Present and Prospective Need
Affordable Housing Obligations**

INTRODUCTION

This memorandum provides an analysis and sets forth recommendations to the Mayor and Council of Harrington Park, NJ (the “Borough”) regarding the Borough’s Round 4 (2025-2035) Present and Prospective Need affordable housing obligations.

BACKGROUND

On March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (“FHA”) which required the New Jersey Department of Community Affairs (“DCA”) to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria outlined in the amended FHA.

DCA issued a report on October 18, 2024 (the “DCA Report”) wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act.

The DCA Report calculates Harrington Park’s Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 0 and a Prospective Need (New Construction) Obligation of 202.

The Amended FHA states that the DCA Report is non-binding and permits municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and provides municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA Report. The Amended FHA requires



municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations.

Prior to adopting the binding resolution setting forth the Borough's obligations, Harrington Park has exercised its right to analyze the data reported by DCA in the October 18, 2024 Report. Below is an analysis of the Present Need and Prospective Need obligations stated in the October 18, 2024 Report, as well as our recommendations to the governing body regarding the Borough of Harrington Park's Round 4 obligation.

PRESENT NEED

DCA's proposed non-binding Prospective Need obligation for Harrington Park is 0.

Recommendation: We recommend that Harrington Park accept the Present Need (Rehabilitation) Obligation of 0 as reported by the DCA in its October 18, 2024 Report.

PROSPECTIVE NEED

DCA's proposed non-binding Prospective Need obligation for Harrington Park is 202. As described in the "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" report, municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located. Region 1, in which Harrington Park is located, includes Bergen, Hudson, Passaic, and Sussex Counties.

As established in the Amended FHA, the regional Prospective Need is calculated by establishing the increase in households in the region between the 2020 and 2010 Federal Decennial Census and dividing the household change increase by 2.5 to estimate the number of low- and moderate-income households (and the number of homes needed to address same).

The Prospective Need for Region 1 is 27,743 units, with this need allocated to municipalities throughout the region, except for designated Qualified Urban Aid Municipalities, which are exempt from addressing Prospective Need. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors detailed below.

Equalized Nonresidential Valuation Factor

The Equalized Nonresidential Valuation Factor measures the change in nonresidential property valuations in the municipality from 1999 to 2023 divided by the regional total change in nonresidential valuations, with the intent to shift housing to municipalities experiencing employment growth.



Under the DCA calculation, the Borough of Harrington Park experienced an equalized nonresidential valuation growth of \$70,185,034 between 1999 and 2023. This represents 0.2 percent of all growth experienced during this period across Region 1, in other words, **the Equalized Nonresidential Valuation Factor for Harrington Park is 0.22 percent.**

We have reviewed the calculations that resulted in this number, i.e., the 1999 and 2023 Tax Assessment data for the Borough of Harrington Park, and do not believe there are any errors that warrant a challenge by the Borough.

Income Capacity Factor

The Income Capacity Factor measures the extent to which a municipality's income level differs from that of the lowest-income municipality in the Housing Region. The factor is calculated by averaging two measures. The first is calculating the municipal share of the regional sum of differences between median household income and an income floor of \$100 below the lowest median household income in the region. The second is the same calculation weighted by number of households within the municipality. The intent is to shift portions of the obligation to municipalities with higher household incomes. This **Income Capacity Factor for Harrington Park is 1.13 percent.** We have reviewed the calculations that resulted in this number and do not believe there are any errors that warrant a challenge by the Borough.

Land Capacity Factor

The Land Capacity Factor purports to determine the total acreage that is developable in a municipality as a proportion of developable acreage in the Region. This is determined by utilizing the most recent land use / land cover data from the New Jersey Department of Environmental Protection (DEP), in combination with the most recently available MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from DCA. The calculation of developable land is intended to exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.

DCA estimated that Harrington Park had 16.64 acres of developable land. The DCA calculated that Region 1 (Bergen, Hudson, Sussex, and Passaic counties) contains a total of 1,980 acres of developable land. As such, DCA calculated that the Borough of Harrington Park had 0.84 percent of developable land across Region 1.



DCA issued the data that was the basis for the land allocation factor on November 27, 2024. While this data was intended to heed the methodology set forth in the Amended FHA, the land area contained in the dataset was described as an “estimate of the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.”

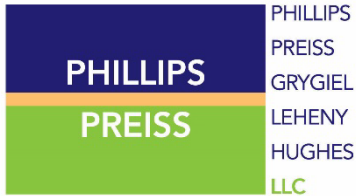
The areas identified as developable in the DCA’s calculation of the Land Capacity Factor are overinclusive per our analysis. A parcel-by-parcel analysis is provided in **Attachment A**. In short, our analysis set forth this basis for removing land treated as developable in the DCA’s calculation:

- Areas or portions of areas <25’ wide (i.e., DCA’s methodology report states that a 25’ by 100’ area was their minimum threshold for developability).
- Areas within the regulatory floodway.
- Open space/parkland properties with deed restrictions and/or on ROSI.
- Properties under construction or recently developed.
- Sites with site plan approvals for development and/or permits issued for development.
- Public utility parcels, NJDOT/NJ Turnpike Authority parcels, DRPA parcels, railroad properties, rights-of-way, stormwater management, etc.
- Properties with easements restricting development within developable area.

Accordingly, it is our opinion that the amount of developable land used to calculate the Land Capacity Factor should be adjusted from ±16.64 acres to ±1.55 acres. This would also reduce the total developable land within Region 1 from 1,980 acres to 1,965 acres. **The Land Capacity Factor for the Borough would also be reduced from 0.84 percent to 0.08 percent.**

Prospective Need Obligation

Pursuant to the Amended FHA, DCA averaged the Equalized Nonresidential Valuation Factor, Land Capacity Factor and Income Capacity Factor for each municipality were averaged to determine an Average Allocation Factor, which is the basis for the municipal Prospective Need.



Planning & Real Estate Consultants

DCA calculated that Harrington Park’s Average Allocation Factor was 0.73 percent. This translates to Harrington Park having an affordable housing obligation to provide 0.73 percent of Region 1’s Prospective Need of 27,743 units or 202 units. However, based on our analysis, the Land Capacity Factor of 0.08 percent results in an Average Allocation Factor of 0.47 percent which translates to a **Prospective Need of 131 units** not the 202 units calculated by DCA. Please see table below.

	DCA CALCULATION	PROPOSED REVISION
EQUALIZED NONRESIDENTIAL VALUATION FACTOR	0.22 Percent	0.22 Percent
INCOME CAPACITY FACTOR	1.13 Percent	1.13 Percent
LAND CAPACITY FACTOR	0.84 Percent (16.64 acres)	0.08 Percent (1.55 acres)
AVERAGE ALLOCATION FACTOR	0.73 Percent	0.47 percent
PROSPECTIVE NEED	202 units (0.73 percent of Region 1 total Prospective Need of 27,743 units)	131 units (0.47 percent of Region 1 total Prospective Need of 27,743 units)

Recommendation: We recommend that Harrington Park adopt a binding resolution determining a reduced municipal Prospective Need obligation of 131 units based on a recalculation of the Land Capacity Factor to account for methodological errors as supported by the detailed analysis in Attachment A.

**Analysis of DCA Land Features
Borough of Harrington Park, NJ, Bergen County**

ID Numbers and Developable Acreage of Each DCA Feature		Block	Lot	Property Location	Owner	Total Acreage of DCA Features Identified on Block/Lot	Total DCA Developable Acreage Per Borough	Notes					
ID#	Feature Acreage												
27569	0.148	107	2	64-92 LOHS PL	BOROUGH OF HARRINGTON PARK	0.148	0.148						
27568	0.517	301	2	LYNN-PINE PL	SUEZ UNITED WATER C/O ALTUS GROUP	0.517	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27567	0.089	501	6	537-621 LAFAYETTE RD	SUEZ UNITED WATER C/O ALTUS GROUP	0.089	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27566	0.948	702	2.02	KLINE ST	BOROUGH OF HARRINGTON PARK	0.780	0.000	Not developable. Subject to conservation easement for water detention dated May 30, 1997 as part of grant of lot to Borough from United Water.					
27566	0.948	702	2.04	BROOK ST	SUEZ UNITED WATER C/O ALTUS GROUP	0.168	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27561	0.250	912	1	HARRIOT AVENUE	SUEZ UNITED WATER C/O ALTUS GROUP	0.250	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27564	2.894					2.362	0.000						
27564	2.894	912	19	ECKERSON RD REAR	BOROUGH OF HARRINGTON PARK	0.532	0.532						
27563	0.620	1001	14	102 SOMERSET RD, NOR	QUICKEN LOANS INC	0.093	0.000	Not developable. Rear yard of property developed with single family home in Norwood.					
27563	0.620	1001	15	11 EDGEWOOD RD	ROCKLAND ELEC.CO.,PROP.TAX ADMIN.	0.019	0.000	Not developable. Utility. Rockland Electric Company utility right-of-way					
27565	0.064					0.064	0.000						
27563	0.620	1018	1	1-61 NORMANDY AVE	SUEZ UNITED WATER C/O ALTUS GROUP	0.507	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27560	0.244	1020	2	HIGHLAND AVE	SUEZ UNITED WATER C/O ALTUS GROUP	0.244	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27559	2.727	1021	23	12 HIGHLAND AVE	SUEZ UNITED WATER C/O ALTUS GROUP	2.727	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27558	0.061	1202	1	49 LAROCHE AVE	BOROUGH OF HARRINGTON PARK	0.061	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27556	1.823	1209	1	1-131 SCHRAALENBURG	SUEZ UNITED WATER C/O ALTUS GROUP	1.823	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27551	0.172	1320	17	65-91 SOUTH AVE	SUEZ UNITED WATER C/O ALTUS GROUP	0.172	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27553	0.264	1405	4	12 SOUTH AVE	12 SOUTH SYCAMORE LLC	0.264	0.264						
27546	0.554	1406	1	276-334 PARKSIDE RD	SUEZ UNITED WATER C/O ALTUS GROUP	0.554	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
27547	0.139					0.139	0.000						
27548	0.481					0.481	0.000						
27549	0.137					0.137	0.000						
27550	0.104					0.104	0.000						
27552	0.844					0.844	0.000						
27554	0.662					0.023	0.000						
27557	2.143					2.143	0.000						
27562	0.603					1501	1		500-540 HARRIOT AVE	COUNTY OF BERGEN	0.603	0.603	County Golf Course. Valley Brook Golf Course.
27555	0.154					1502	1.01		20 PASCACK AVE	CHIELLINI, DANIEL THOMAS & CHELSEA	0.154	0.000	Was part of a 2023 subdivision of Block 1502 Lots 1 & 2 into new Lots 1.02 and 1.03. A new home was constructed and the property is no longer vacant.
27554	0.662	1503	1	47-57 BOGERTS MILL RD	SUEZ UNITED WATER C/O ALTUS GROUP	0.639	0.000	Not developable. Part of Conservation Easement between United Water and NJDEP dated March 26, 2009					
						TOTAL DCA ACREAGE	TOTAL DEVELOPABLE ACREAGE PER BOROUGH						
						16.64	1.55						
						ACRES	ACRES						

APPENDIX A

