

**South Orange Village
Essex County
Housing Element and Fair Share Plan
Round Four (2025-2035)**

Prepared For:



South Orange Village
76 South Orange Avenue
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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Table of Contents

I.	Introduction.....	4
A.	History of New Jersey Affordable Housing Policy.....	5
B.	Housing Element and Fair Share Plan Requirements	9
II.	Housing Element: Municipal Summary	11
A.	Housing Conditions.....	11
	Table 1: Year Structure Built	12
	Table 2: Housing Condition	12
	Table 3: Value of Owner-Occupied Housing Units.....	13
	Table 4: Housing Cost Burden, 2023	14
	(Monthly Costs as Percentage of Household Income).....	14
	Table 5: Housing Tenure and Occupancy	14
	Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units	14
	Table 7: Housing Type and Size	15
	Table 8: Number of Bedrooms Per Unit.....	15
B.	Housing Projections.....	16
	Table 9: Housing Unit Projection	16
	Figure 1: Existing Land Use Map	17
	Figure 2: Existing Zoning Map.....	18
C.	Demographic Characteristics.....	19
	Table 10: Historic Population Growth.....	19
	Table 11: Population by Age.....	20
	Table 12: Population by Housing Type	21
	Table 13: Residents’ Place of Birth	21
	Table 14: Residents’ Race.....	22
	Table 15: Household Median Income.....	23
	Table 16: Poverty Status	23
D.	Multigenerational Housing Continuity	23
E.	Employment Data	24

Table 17: Employment Projection 24

III. Fair Share Plan: Obligations and Compliance Plan 25

 A. Introduction and Fourth Round Changes 25

 B. Prior Round Need Compliance “Look Back” (2015-2025) 26

Table 18: Projects cited to satisfy Third Round Realistic Development Potential: 27

 C. Present and Prospective Need Obligation (2025-2035) 29

Figure 3: Prospective Need Projects Maps 31

Table 18: Projects Description and Suitability Analysis 33

Table 19: Fourth Round Prospective Obligation Compliance Summary 36

Table 20: Mandatory Obligation Subsets..... 37

IV. Appendices..... 38

 Appendix A – Spending Plan..... 39

 Appendix B – Affirmative Marketing Plan 46

 Appendix C – Regulatory Resolutions (Adopting Obligation Number) 48

 Appendix D – Affordable Housing and Development Fee Ordinance..... 49

 Appendix E – Prospective Obligation Plans..... 50

 Appendix F – Resolution of intent to fund cost of municipality’s municipally sponsored affordable housing development as well as its rehabilitation program..... 51

 Appendix G – Copies of resolutions appointing Administrative Agent(s) and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison 52

 Appendix H – Village Home Improvement Program – Policies and Procedures Manual 53

 Appendix I: Vacant Land Adjustment..... 54

I. 2026 Amendment

Content replaced by revisions or that is otherwise no longer applicable is in ~~strikethrough~~, while new / revised content is in *green italics*.

This Housing Element and Fair Share Plan (“HEFSP”) was adopted by the Planning Board on May 5, 2025, and subsequently submitted to the Affordable Housing Dispute Resolution Program (the “Program”) on May 6, 2025. No challenges were submitted by the August 31, 2025 deadline alleging that the Village’s HEFSP was not in compliance with the Fair Housing Act. Nonetheless, amendment to the Village’s HEFSP is required to maintain an up-to-date and compliant implementation program ahead of the March 15, 2026 to adopt all implementing resolutions and ordinances (see NJSA 52:27D-304.1 and NJSA 52:27D-310.

Accordingly, changes to the originally adopt HEFSP as amended herein include:

- 1. Update to the Village’s crediting regime in response to new projects and new information.*
- 2. Updates to appendices to reflect:*
 - 1. Amendments to / replacement of ordinances, resolutions, and other documentation required for inclusion in the HEFSP by N.J.S.A. 52:27D-310 and Administrative Directive #14-24, particularly pertaining to conformance with amendments adopted on December 15, 2025 to the New Jersey Administrative Code regarding the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26), Spending Plans (N.J.A.C. 5:99-2), Development Fees (N.J.A.C 5:99-3).*
 - 2. Otherwise bring documentation up-to-date with the latest information and update for consistency.*

II. Introduction

This Housing Element and Fair Share Plan will exhibit the Village of South Orange’s (herein the “Village” or “South Orange”) commitment to providing affordable housing within the municipality. This document seeks to frame South Orange’s efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2¹ (the “Law” or “Amended Law”) which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section (“Introduction”) includes a brief history of New Jersey Housing Policy. The second section (“Housing Element”) includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Village’s affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

¹ <https://pub.njleg.state.nj.us/Bills/2024/PL24/2 .PDF>

A. History of New Jersey Affordable Housing Policy

1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as “Mount Laurel I,” wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a “realistic opportunity for the construction of low- and moderate-income housing in their communities.” In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as “Mount Laurel II”. In addition, the Supreme Court required the establishment of each municipality’s fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the “builder’s remedy” as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality’s zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder’s remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act (“FHA”) to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation and judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA’s legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH’s regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80

percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round “Growth Share” methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

2010 – 2023 | COAH’s Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH’s regulatory structure. Ultimately, the task force recommended a model which included adjusted definitions of present and prospective need, a benchmark of 10 percent growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH’s rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State’s affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie’s Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1* (2015), more commonly referred to as "Mount Laurel IV," the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

2024 – Present | Adoption of P.L. 2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-

appointed Special Adjudicators (formerly known as Special Court Masters) to deploy accepted methodologies to determine each municipality's affordable housing obligation.

6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

B. Housing Element and Fair Share Plan Requirements

Municipal Land Use Law (“MLUL”) + Fair Housing Act (“FHA”)

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per P.L.2024, c.2,² as amended, the required contents of the housing element shall contain at least:

- a. *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, 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;*
- b. *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;*
- c. *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;*
- d. *An analysis of the existing and probable future employment characteristics of the municipality;*
- e. *A determination of the municipality's present and prospective fair share 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, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);*
- f. *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; and*
- g. *An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).*

² <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310/> and <https://pub.njleg.state.nj.us/Bills/2024/PL24/2 .PDF>

- h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*
- i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#),³ which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality.
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

³ https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf

III. Housing Element: Municipal Summary

South Orange Village is roughly 2.85 square miles in area and is located in Essex County. For regional and planning purposes, South Orange is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey (“ACS”): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. ⁴
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. ⁵
3. North Jersey Transportation Planning Authority (“NJTPA”): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region’s blueprint for transportation investment. ⁶
4. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *“Inventory of 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”*

⁴ <https://data.census.gov/table>

⁵ <https://data.census.gov/table?d=DEC%20Demographic%20Profile>

⁶ <https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 6,110 housing units in South Orange Village which represented no increase since 2020.

67.2% of South Orange Village's housing structures were built prior to 1960, suggesting that more than 2 out of 3 units are older than 65 years.

Table 1: Year Structure Built

	UNITS	PERCENT
Total housing units	6,110	-
Built 2020 or later	0	0.0
Built 2010 to 2019	476	7.8
Built 2000 to 2009	309	5.1
Built 1990 to 1999	170	2.8
Built 1980 to 1989	404	6.6
Built 1970 to 1979	197	3.2
Built 1960 to 1969	450	7.4
Built 1950 to 1959	740	12.1
Built 1940 to 1949	507	8.3
Built 1939 or earlier	2,857	46.8

Source: 5-Year American Community Survey, 2023, DP04

The table below details the condition of housing within South Orange Village based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Village. According to the current ACS estimate, 84 housing units in South Orange Village lacked either heating fuel, plumbing or kitchen facilities, which is greater than 2018.

Table 2: Housing Condition

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Occupied housing units lacking certain facilities	84	1.4	67	1.3	0.1
Lacking heating fuel	0	0.0	57	1.1	-1.1
Lacking complete plumbing facilities	36	0.6	0	0.0	0.6
Lacking complete kitchen facilities	48	0.8	10	0.2	0.6

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Housing Values and Costs

Since 2018, home values in the Village have increased by \$231,100 (40.05%). This change is accompanied by an increase in homes worth more than \$1,000,000 and a decrease in homes worth between \$300,000 and \$499,999.

Table 3: Value of Owner-Occupied Housing Units

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total Owner-occupied units	3,903	100	3,555	100	-
Less than \$50,000	14	0.4	37	1.0	-0.6
\$50,000 to \$99,999	8	0.2	16	0.5	-0.3
\$100,000 to \$149,999	20	0.5	20	0.6	-0.1
\$150,000 to \$199,999	42	1.1	17	0.5	0.6
\$200,000 to \$299,999	88	2.3	217	6.1	-3.8
\$300,000 to \$499,999	487	12.5	1,129	31.8	-19.3
\$500,000 to \$999,999	2,226	57.0	1,939	54.5	2.5
\$1,000,000 or more	1,018	26.1	180	5.1	21
Median (dollars)	\$808,100	(X)	\$577,000	(X)	40.05

Source: 5-Year American Community Survey, 2018 & 2023, DP04

The table below shows the housing expenditures for those who own and rent in South Orange. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes. Interestingly, the below data presents an “inverted bell,” where most homeowners and renters have low housing costs (below 20%) or are cost burdened. Regardless of mortgage status, homeowner cost burdened rates are nearly identical (34.1% with mortgage, 34.3% without mortgage), while a majority (51%) of renters are cost burdened.

Table 4: Housing Cost Burden, 2023
(Monthly Costs as Percentage of Household Income)

RANGES	OWNER				RENTER	
	W/ MORTGAGE		W/O MORTGAGE		TOTAL	PERCENT
	TOTAL	PERCENT	TOTAL	PERCENT		
Less than 20%	570	19.4	533	55	561	29.6
20.0-24.9%	286	9.7	64	6.6	219	11.6
25.0-29.9%	161	5.5	39	4.0	150	7.9
30.0-34.9%	431	14.7	77	8.0	221	11.7
35.0% or more	570	19.4	255	26.3	744	39.3
Not Computed	0	0	0	0	134	7.1

Source: 5-Year American Community Survey, 2023, DP04

Occupancy Characteristics and Type of Housing

As of 2023, the Village is predominately comprised of owner-occupied households, which comprise 65.8% of the Village's households. A total of 34.2% of households are renters, and 2.9% of the Village's housing units are vacant. Since 2018, the Village has seen a shift away from owner-occupied households, coming from a 3.4% increase in renters and an 5.2% decrease in the Village's vacancy rate.

Table 5: Housing Tenure and Occupancy

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	6,110	100	5,593	100	-
Owner Occupied	3,903	65.8	3,555	69.2	-3.4
Renter Occupied	2,029	34.2	1,584	30.8	3.4
Vacant Units	178	2.9	454	8.1	-5.2

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Village have remained constant since 2018.

Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units

OCCUPANTS PER ROOM	2023	PERCENT	2018	PERCENT
Total	5,932	100	5,139	100
1.00 or less	5,860	98.8	5,072	98.7
1.01 to 1.50	15	0.3	28	0.5
1.51 or more	57	1.0	39	0.8

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the share of Village’s housing stock has increased from 5,593 units to 6,110 units, representing a 9.2% increase in the housing stock over just 5 years. This increase is driven by growth in 1-unit attached units and apartment buildings with at least 10 units, while other housing types saw modest decreases in unit counts.

Table 7: Housing Type and Size

HOUSING UNITS	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total housing units	6,110	100	5,593	100	-
1-unit, detached	3,471	56.8	3,504	62.6	-5.8
1-unit, attached	336	5.5	119	2.1	3.4
2 units	285	4.7	355	6.3	-1.6
3 or 4 units	112	1.8	116	2.1	-0.3
5 to 9 units	58	0.9	86	1.5	-0.6
10 to 19 units	399	6.5	373	6.7	-0.2
20 or more units	1,434	23.5	1,040	18.6	4.9
Mobile home	15	0.2	0	0.0	0.2
Boat, RV, van, etc.	0	0.0	0	0.0	0

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the bedroom typology of Village has decreased in “family” sized 3+ bedroom type from 66.8% to 62.2% in 2023, despite a modest increase in 5+ bedroom units. This trend contrasts with growth in efficiency, 1-, and 2-bedroom units.

Table 8: Number of Bedrooms Per Unit

ROOMS	2023 TOTAL	PERCENT	2018 TOTAL	PERCENT	PERCENT CHANGE
Total	6,110		5,593		
No Bedroom	387	6.3	200	3.6	2.7
1 Bedroom	940	15.4	742	13.3	2.1
2 Bedrooms	987	16.2	913	16.3	-0.1
3 Bedrooms	1,210	19.8	1,248	22.3	-2.5
4 Bedrooms	1,433	23.5	1,375	24.6	-1.1
5 or more Bedrooms	1,153	18.9	1,115	19.9	-1

Source: American Community Survey [2023](#) and [2018](#)

Existing Low- and Moderate-Income Housing Units

Based on review of available records, there are 231 LMI units approved and/or constructed in the Village. The Village is following the applicable requirements regarding unit monitoring and reporting.

B. Housing Projections

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- B) *“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.”*

Projection of Housing Stock

Below is a general prediction by NJTPA of South Orange Village’s household population growth to 6,739 households in 2050. This 19.3% increase in households would require available units to accommodate and may be a predictive indicator of new projected housing stock.

Table 9: Housing Unit Projection

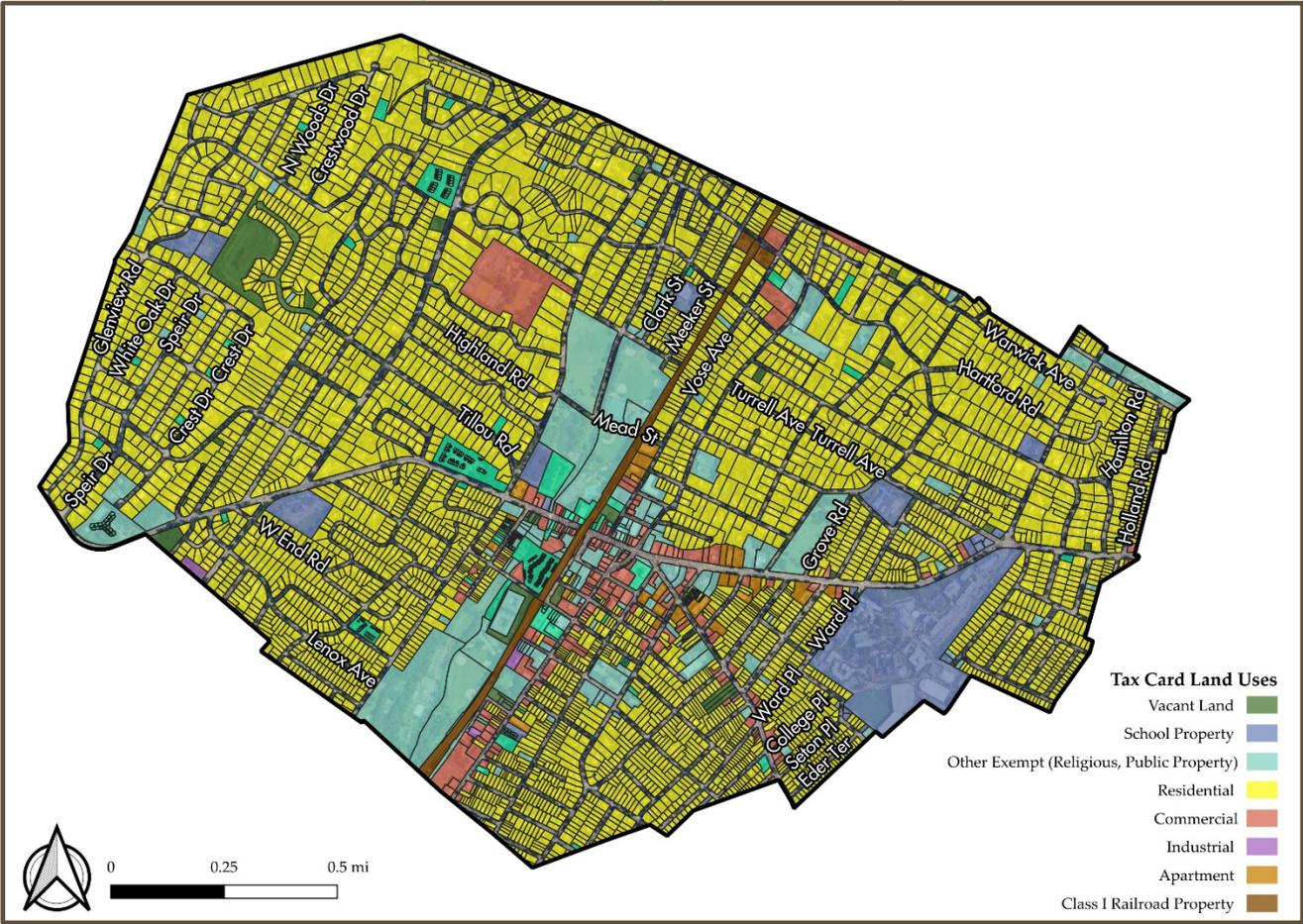
YEAR	POPULATION	ANNUALIZED % CHANGE
2015	5,647	-
2050 (Predicted)	6,739	0.5%

Source: [NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

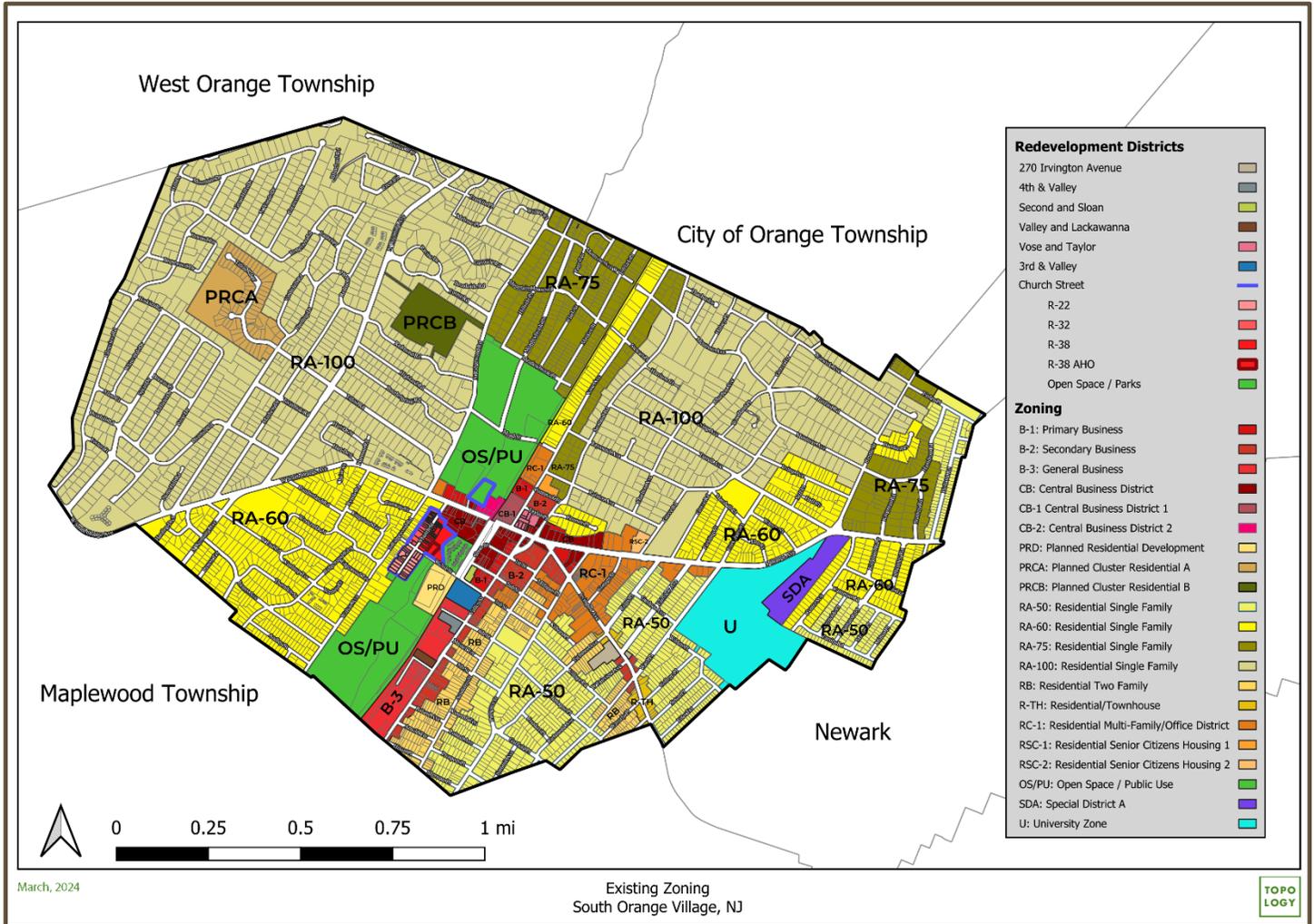
South Orange expects new developments to bear the cost that such development puts upon the existing infrastructure. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New developments that contribute revenue to the Village through annual service charges or ad valorem taxes should not be a burden on the Village’s infrastructure.

Figure 1: Existing Land Use Map



South Orange Village Land Use Map

Figure 2: Existing Zoning Map



South Orange Village Zoning Map

C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) "An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age."

Population, General

The population estimate for South Orange in 2023 was 18,208, which represents a decrease of 276 from the 2020 Census (-1.5%). Despite this trend, the NJTPA predicts South Orange's population to grow to 18,843 people in 2050.

Table 10: Historic Population Growth

YEAR	POPULATION	CHANGE	% CHANGE
1940	13,742	N/A	0.8%
1950	15,230	1,488	10.8%
1960	16,175	945	6.2%
1970	16,971	796	4.9%
1980	15,864	-1,107	-6.5%
1990	16,390	526	3.3%
2000	16,964	574	3.5%
2010	16,198	-766	-4.5%
2020	18,484	2,286	14.1%
2023	18,208	-276	-1.5%
2050 (Predicted)	18,843	635	3.5%

Source: [NJ State Data Center, New Jersey Population Trends 1790 to 2000](#), [US Census Bureau; NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

Population Composition by Age

The estimated current median age in South Orange Village is 36.8, compared to 37.7 for Essex County and 40.1 for New Jersey.

Table 11: Population by Age

AGE RANGE	SOUTH ORANGE VILLAGE	PERCENT	ESSEX COUNTY	PERCENT
Under 5 years	1,049	5.7	53,778	6.3
5 to 9 years	1,104	6.0	54,763	6.4
10 to 14 years	1,121	6.1	59,811	7.0
15 to 19 years	2,469	13.5	55,697	6.5
20 to 24 years	1,569	8.6	54,093	6.3
25 to 34 years	1,490	8.1	115,572	13.5
35 to 44 years	2,637	14.4	120,576	14.1
45 to 54 years	2,573	14.1	115,952	13.6
55 to 59 years	1,002	5.5	54,486	6.4
60 to 64 years	920	5.0	50,019	5.9
65 to 74 years	1,349	7.4	70,370	8.2
75 to 84 years	666	3.6	33,959	4.0
85 years and over	350	1.9	15,054	1.8
Median Age	36.8	(X)	37.7	(X)

Source: 5-Year American Community Survey, 2023, DP05

Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit. For the purposes of this analysis, household data is used.

South Orange saw housing unit / household growth greater than County trends, while the Village deviated from the County on average household size, seeing a modest increase in owner-occupied household size and a 22% decrease in renter household size. Consistent with County trends, the number of single-member households decreased by over one-third.

Table 12: Population by Housing Type

	SOUTH ORANGE VILLAGE			ESSEX COUNTY		
	2018	2023	% CHANGE	2018	2023	% CHANGE
Total Housing Units	5,593	6,110	9.2	316,136	335,500	6.13
Total Households	5,139	5,932	15.4	282,502	317,473	12.38
Average Household Size (Owner)	3.08	3.18	3.24	3.06	2.94	-3.92
Average Household Size (Renter)	2.21	1.72	-22.17	2.47	2.37	-4.05
Householders living alone	1,274	840	-34.07	86,895	55,984	-35.57
<i>Source: 5-Year American Community Survey, 2018 & 2023, DP02, DP04</i>						

Race & Nationality

South Orange has evolved into a diverse, inclusive, and welcoming community for households from a variety of backgrounds.

Foreign born residents make up 14.5% percent of South Orange Village's population, which is lower than County (29.3%) and State (23.5%) levels. Conversely, significantly more of South Orange's foreign-born residents have become naturalized citizens (70.4%) compared to a smaller share across Essex County (51.1%) and the State (56.9%).

Table 13: Residents' Place of Birth

	SOUTH ORANGE VILLAGE		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	18,299	100	854,130	100	9,267,014	100
Born in United States	15,208	83.1	575,941	67.4	6,849,548	73.9
Foreign Born	2,659	14.5	250,406	29.3	2,181,755	23.5
Foreign Born	2,659	100	250,406	100	2,181,755	100
Naturalized Citizen	1,871	70.4	127,877	51.1	1,241,100	56.9
Not a Citizen	788	29.6	122,529	48.9	940,655	43.1
<i>Source: 5-Year American Community Survey, 2023, DP02</i>						

South Orange is located at a crossroads in Essex County between the State's main urban center around Newark and its further-flung suburbs. In this position, South Orange represents a diverse, suburban community of the highest quality. Notably, South Orange's racial demographics closely mirror that of New Jersey at large, with the exception of a significantly greater share of African American residents.

Table 14: Residents' Race

	SOUTH ORANGE VILLAGE		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	18,299	100	854,130	100	9,267,014	100
Two or More Races	1,860	10.2	97,291	11.4	978,591	10.6
One race	16,439	89.8	756,839	88.6	8,288,423	89.4
- White	11,032	60.3	283,278	33.2	5,276,142	56.9
- Black or African American	3,933	21.5	315,154	36.9	1,201,053	13
- American Indian and Alaska Native	6	0.0	3,926	0.5	41,900	0.5
- Asian	1,094	6.0	49,935	5.8	918,644	9.9
- Native Hawaiian and Other Pacific Islander	0	0.0	318	0.0	2,658	0.0

Source: 5-Year American Community Survey, 2023, DP05

Income and Poverty Status

The median household income for South Orange Village grew dramatically from 2018 to 2023, growing 40.5% and far outpacing the County (27%) and the State (22.1%).

Table 15: Household Median Income

	2023	2018	INCREASE	% INCREASE
South Orange Village	187,583	133,555	54,028	40.5
Essex County	80,463	63,368	17,095	27.0
New Jersey	99,781	81,740	18,041	22.1

Source: 5-Year American Community Survey, 2018 & 2023, S2503

In South Orange Village, 1,020 residents (6.4%) live below the poverty line, a decrease from 10% in 2018. In this regard, the Village had a similar trajectory to Essex County, which experienced a more modest decrease from 15.2% to 14.2% over the same period.

Table 16: Poverty Status

SOUTH ORANGE VILLAGE	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	15,978*		14,520		1,458
Total Below Poverty	1,020	6.4	1,450	10.0	-3.6%
ESSEX COUNTY	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	833,508		779,167		54,341
Total Below Poverty	118,250	14.2	118,156	15.2	-1%

Source: 5-Year American Community Survey, 2018 & 2023, S1701

D. Multigenerational Housing Continuity

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- G) *“An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).”*

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20,⁷ which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting

⁷ <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity, as expressed in the recommendations of the commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in the above demographic and housing analysis, South Orange is diversifying its housing stock as the size of owner-occupied households increases and single-member households significantly decrease. The municipality is employing a variety of approaches to accomplish this task, such as the Village's Accessory Dwelling Unit Ordinance (#2022-34), adopted on February 1, 2023. Strategies proposed or already implemented include the creation of family housing. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *"An analysis of the existing and probable future employment characteristics of the municipality."*

Below is a general prediction by NJTPA of South Orange Village's employment forecast, which is a growth to 8,793 in 2050.

Table 17: Employment Projection

YEAR	LABOR FORCE	CHANGE	ANNUALIZED % CHANGE
2015	7,593	-	-
2050 (Predicted)	8,793	1,200	0.4

Source: [NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

IV. Fair Share Plan: Obligations and Compliance Plan

A. Introduction and Fourth Round Changes

As stated in the History of New Jersey Affordable Housing section of this Plan, New Jersey's Fourth Round methodology of calculating and fulfilling municipal obligations is set forth in the Law under a new system. The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or "Rehabilitation Obligation;" and the "Prospective Need" Collectively, the Present ("Gap") Need and the Prospective Need are referred to as the Round 4 obligation.

The figures that are presented in the fair share obligations below have been derived from were adopted by the Village via Resolution 2025-017 on January 27, 2025 (See Appendix A). Under the Resolution, the Village Present Need or "Rehabilitation Obligation" is 20 credits, and the "Prospective Need" is 163 credits.

The purpose of this section of the Plan is to set forth the Village's proposed approach to satisfying its Round 4 obligation.

Importantly, the Law sets forth opportunities for bonus credits. These credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

B. Prior Round Need Compliance “Look Back” (2015-2025)

Through its proactive planning practices, the Village is proud to have achieved a longstanding history of fulfilling its affordable housing obligations, beginning with the Village’s Substantive Certification for its prior round of affordable housing compliance. Most recently, in 2020, the Village received a Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation. The JCR was issued after a period of negotiation and settlement, primarily between the Village and Fair Share Housing Center (“FSHC”). During this period of negotiation, the Village adopted an HEFSP in January 2020 (amended through November 2022). Correspondingly, the Village and FSHC entered into a settlement agreement in May 2019. The HEFSP and settlement agreements set forth the Village’s Third Round obligation and identified the actions required by the Village to fulfill these obligations. The Village’s commitments, and the corresponding status of these commitments, is reflected in the table below, which demonstrates the Village’s ability to provide a variety of affordable housing typologies in projects big and small throughout South Orange:

Table 18: Projects cited to satisfy Third Round Realistic Development Potential:

PROJECT	CREDIT TYPE	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
IDENTIFIED IN THIRD ROUND HEFSP			
B'nai B'rith	Rental, Senior	48 (capped)	Completed
Third + Valley	Rental, Family	21	Completed
320 Valley Street	Rental, Family	2	Completed
Fourth + Valley	Rental, Family	10	Completed
14 Second Street	Rental, Family	1	Completed
41-45 Third Street	Rental, Family	10	Under Construction 16 Supportive Credits Only (plus 10 rental family)
	Rental, Non-Family (Supportive)	19	
Vose + Taylor	Rental, Family	11	Completed
270 Irvington Avenue	Rental, Family	12	Application Approved
Second + Sloan	Rental, Family	8	Under Construction Deed Restrictions Recorded
6-8 S. Orange Avenue	Rental, Family	1	Application Approved
JESPY Unit	Rental, Non-Family (Supportive)	1	Not Executed – 0 Credits
Rental Bonus, All	Rental	48 (capped)	Court-approved
ADDITIONAL IDENTIFIED CREDITS			
Madeline / 232 Waverly	Rental, Non-Family (Supportive)	4	Under Construction
179 Irvington Avenue	Rental, Family	3	Under Construction
202 South Orange Avenue	Rental, Family	2	Under Construction
Total Credits Planned			192
TOTAL Credits Achieved			197 200
Prospective Obligation			192
Surplus			5 8

Zoning actions to capture additional affordable housing opportunities:

As demonstrated in the table above and supported by the issuance of the July 2019 JCR, the Village fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no “unmet need” obligation remained to be addressed. Nonetheless, the Village was thorough in its planning and identified a variety of mechanisms through which to provide additional credit opportunities should realistic development potential credits be unfulfilled. Such mechanisms include:

- Development Fee Ordinance (Adopted via Ordinance #10-2 on February 24, 2010 and replaced by Ordinance #2019-28 on January 27, 2020).
- Inclusionary Zoning Ordinance (Adopted via Ordinance #10-1 on February 24, 2010 and replaced by Ordinance #2019-28 on January 27, 2020), providing a 20% affordable housing set-aside requirement in the Village’s RC-1, B-1, B-2, B-3, CS R-22, CS R-32, and CS R-38 Zoning Districts.
- Identification of seven adopted and planned redevelopment areas that will provide further inclusionary housing.

Given the above analysis, no obligation is carried forward to the Fourth Round.

C. Present and Prospective Need Obligation (2025-2035)

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- E) *“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, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1)”*

Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In South Orange, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be 20. The Village plans to address this obligation through the continuation of its municipal Rehabilitation Program, currently being administered by the Village’s Administrative Agent. Attached to the Element as Appendix H is a copy of the Village’s current Rehabilitation Program Manual, which will be updated by the Administrative Agent once new UHAC Regulations are proposed and adopted.

In response to increasing construction costs and inflation, the Village will increase the funding limit of its Home Improvement Program to \$20,000 basic limit for an owner-occupied, single-family unit; an additional \$5,000 may be allocated via a special waiver on a case-by-case basis. For the Village’s Present Need Obligation of 20, this will require a total contribution of approximately \$400,000. Pursuant to COAH’s rules that allow municipalities to utilize money collected from development fees for this purpose, the Town shall set aside the required \$400,000 from its affordable housing trust fund account to be made available to income-qualified households to participate in the program. As of March 31, 2025, that account contains \$1,302,108.31. As detailed in the Village’s Spending Plan (see Appendix “A”), the Village will proactively seek solutions through its Affordable Housing Trust Fund to support the provision of affordable housing in South Orange, such as but not limited to the financing of market-to-affordable conversions of existing housing and supporting the development of workforce housing to serve the South Orange community serving populations at 60% and 80% of AMI. Because the Village has been a vanguard in providing affordable housing in its region, the Village seeks to focus its attention on the “missing middle” by utilizing Redevelopment to create affordable and “workforce” housing with a preference for qualified households who live and/or work in South Orange or in its consolidated fire department and school district, both shared with the Village’s sister community of Maplewood. Affordable units created from this endeavor and marketed with this preference will be credited toward the Village’s rehabilitation obligation.

Additionally, the Village proposes to participate in Essex County’s rehabilitation program. Essex County provides deferred payment loans to low- and moderate- income homeowners occupying a one- to three-family home in the Essex County Consortium, which includes South

Orange. A 10-year zero interest loan in the amount of assistance required for the rehabilitation work will be made to the homeowner by the County Division of Housing and Community Development. The Home Improvement Program will market the available funds to qualified residents and vet residents to ensure they qualify and manage the repairs. The program will primarily serve owner-occupied units and address homes with lack of heat, lack of hot water, roof leaks, dangerous electrical problems, broken pipes, problems with sanitary facilities, and other housing conditions that threaten the health, safety, or well-being of the household members per COAH rules (N.J.A.C. 5:93). All rehabilitated units shall remain affordable to low- and moderate-income households for a period of at least 10 years (the control period). For owner-occupied units, the control period is enforced with a recorded lien; and for renter occupied units, the control period is enforced with a recorded deed restriction.

Prospective Need Obligation

The Village has a Fourth Round prospective need of 163 credits. The Village has prepared a Vacant Land Adjustment (attached hereto as Appendix "I"), which concludes that the Village has a Realistic Development Potential of 0. However, in following the Village's strong tradition of constructing affordable housing, the Village has already provided the realistic zoning needed to create ~~118.5~~ 67.5 credits plus 8 surplus Third Round credits, well beyond the statute's requirement that a municipality seeking a vacant land adjustment must create realistic zoning for 25% of the "adjusted" Prospective Need Obligation. While there is some question as to what the 25% language in the statute entails, the Village has proudly met and exceeded whatever the final determination of this language by the Program and/or Appellate Court will be. For example, if the Village's adjusted prospective need is 0, ~~118.5~~ 75.5 credits is significantly more. If it's interpreted as 25% of 163 credits, the total would be 40.75 and South Orange would still be producing ~~an excess of 300%~~ *nearly 200% of its obligation.*

The Village will satisfy this obligation through the following projects:

Figure 3: Prospective Need Projects Maps





Prospective Need Projects Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.

4. “Approvable site” – 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. A site may be approvable although not currently zoned for low- and moderate-income housing.

Table 18: Projects Description and Suitability Analysis

PROJECT	DESCRIPTION
185-189 Church Street	Total Units: 23 Units Round Four LMI Units: 4 Units
<i>Description of Availability</i>	Site is Owned by Applicant and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site is within Church Street Redevelopment Area and accordingly zoned alongside adjacent properties for residential uses, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Church Street.
<i>Description of Approvable</i>	Redevelopment zoning permits the proposed project, with an associated Planning Board Application #306 filed for development approval with variances limited to bulk setback variances, which are under the Planning Board’s jurisdiction to approve under the Redevelopment Plan.
102-110 Prospect Street	Total Units: 46 Bedrooms (Supportive) Round Four LMI Units: 46 10 Bedrooms
<i>Description of Availability</i>	Site is Owned by Applicant and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site has existing street access on Prospect Street in proximity to other residential and multifamily uses, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Prospect Street.
<i>Description of Approvable</i>	Application #300 was approved by the Planning Board on January 6, 2025.
164-168 Valley Street	Total Units: 50 Units Round Four LMI Units: 10 Units
<i>Description of Availability</i>	Site is Owned by Prospective Redeveloper and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site has existing street access on Valley Street along a mixed-use corridor, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Valley Street.

PROJECT	DESCRIPTION
<i>Description of Approvable</i>	The Site is planned for inclusion in the Valley Street Redevelopment Plan, which will expressly accommodate this development through review and incorporation of a concept plan and associated bulk conditions provided by the Prospective Redeveloper to the Village. <i>New zoning standards to provide for the development program were introduced by the Village Council on February 23, 2026 and will be adopted on March 9, 2026. See Appendix F for the ordinance.</i>
<i>111 Milligan Place</i>	<i>Total Units: 20 Bedrooms (Supportive) Round Four LMI Units: 4 Bedrooms</i>
<i>Description of Availability</i>	<i>Site is Owned by Applicant and free of encumbrances that would preclude affordable unit development.</i>
<i>Description of Suitable</i>	<i>Site has existing street access on Milligan Place in proximity to other residential and multifamily uses, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.</i>
<i>Description of Developable</i>	<i>Site is serviced by municipal water, sewer, and electric service via Prospect Street.</i>
<i>Description of Approvable</i>	<i>Application #301 was approved by the Planning Board on January 5, 2026. Memorialization of the Resolution of Approval is anticipated for March 4, 2026.</i>

Land Most Appropriate for Affordable Housing

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- *F) “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”*

As part of this Fair Share Plan, the Village has considered land that is appropriate for the construction of low- and moderate-income housing. As noted above, the Village has identified projects to fulfill three times the most generous interpretation of the “likely to redevelop” obligation of 41 credits through ongoing projects, actively proceeding concept plans, and proactive Village planning. The Village believes that the approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law. Having exceeded the requirements of the Amended Law, the Village is excited to identify and implement innovative solutions to provide affordable housing in South Orange, working collaboratively with developers who share the Village’s commitment to growing its affordable housing base.

As a Transit Village, South Orange recognizes the importance of transit access for the community’s vitality, providing access to jobs, services, recreation, and other amenities locally

and across the region. This mobility also makes South Orange livable for residents in all life stages and can make housing more affordable by reducing transportation costs. In this context, NJ Transit remains an important partner for the Village to continue implementing wholistic planning and redevelopment, particularly in and around the downtown.

More broadly, the Village has embraced and continues to pursue “missing middle” solutions to provide affordable housing solutions. This includes small-lot infill redevelopment, diversification of for-sale housing products beyond single-family homes – such as townhomes and family-oriented apartments – and providing affordability solutions for the Village’s workforce that may otherwise be overlooked or underserved within the Village’s compliance program for its Fourth Round obligation, especially for households at 60% and 80% AMI.

In addition to the above, the Village has already proactively implemented a range of zoning mechanisms to facilitate the development of affordable housing. As aforementioned, various zoning districts permit multifamily housing, including the RC-1, B-1, B-2, B-3, CS R-22, CS R-32, and CS R-38 Zoning Districts at densities between 22 and 43 units per acre. In addition, the Village permits multifamily housing in redevelopment areas where parcels remain that have not been redeveloped, including the Central Business District Redevelopment Area and Church Street Redevelopment Area. In conjunction with the Town’s mandatory set-aside ordinance, these zoning mechanisms create the opportunity for new housing opportunities, both affordable and market-rate, beyond what is cited in this HEFSP as being relevant to South Orange’s prospective need. This action, while grounded in recommendations and vision set forth by the municipality’s master plan, is also consistent with the findings set forth in the Law, namely that: “comprehensive planning in alignment with smart growth principles, and the State Development and Redevelopment Plan” is critical to meeting the housing needs of the State.

Finally, the Village will focus on very-low, low-, and moderate-income seniors who wish to age in place within South Orange by pursuing a market-to-affordable program to deed restrict existing senior units within the Village for a period of at least forty (40) years in exchange for a subsidy to the property owner. The Village’s Administrative Agent will provide a manual for the program and fill the newly-deed-restricted units utilizing the required affirmative marketing.

Table 19: Fourth Round Prospective Obligation Compliance Summary

PROJECT	ACRES	DENSITY	OWNER-SHIP	UNITS	AH UNITS	AH TYPE	BONUS CREDITS	BONUS TYPE
Projects to Address Adjusted Prospective Need Obligation								
185-189 Church Street	0.863	26.66	Sale	23	4	Family	2.0	TOD
102-110 Prospect	0.872	N/A	Rental	46 Bedrooms	46 10 Bedrooms	Permanent Supportive Housing	46.0 10.0	Permanent Supportive Housing
164-168 Valley Street	0.903	55	Rental	50	10	Family	5.0	TOD
<i>Subtotal: 24 R4 Units + 17 R4 Bonus Credits + 8 R3 Surplus Credits = 49 Credits</i>				119	24	N/A	17	N/A
Additional Projects								
<i>111 Milligan Place</i>	<i>0.281</i>	<i>N/A</i>	<i>Rental</i>	<i>20 Bedrooms</i>	<i>4 Bedrooms</i>	<i>Permanent Supportive Housing</i>	<i>4.0</i>	<i>Permanent Supportive Housing</i>
Age-Restricted Market-to-Affordable Conversion Program	N/A	N/A	Rental	18	18	Age-Restricted	18 0.5 <i>(Capped)</i>	Market-to-Affordable
<i>Grand Total: 118.5 R4 Credits + 5 R3 Surplus = 123.5 Credits</i>				137 157	78 46	N/A	40.5 21.5 <i>(capped)</i>	N/A
<i>Grand Total: 46 R4 Units + 21.5 R4 Bonus Credits + 8 Surplus R3 Credits = 75.5 Credits</i>								
TOD = Transit-Oriented Development								

Below is a table reviewing additional obligation requirement thresholds.

Table 20: Mandatory Obligation Subsets

MANDATORY OBLIGATIONS	CITATION	# REQUIRED OF ACTUAL UNITS*	PROPOSED
Very Low-Income Units (13% Minimum) <i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i>	52:27D-329.1	17 4	17 4
Family VLI Units (50% Minimum of VLI Units)	52:27D-329.1	9 2	9 2
Low-Income Units (50% Minimum) <i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>	52:27D-329.1	62 12	62 12
Family Units (50% Minimum)	52:27D-311.1	62 12	178 14
Rental Units (25% Minimum)	52:27D-311.1	31 6	201 43
Family Rental Units (50% Minimum of Rental Units)	52:27D-311.k.5	101 3	155 10
Age-restricted units (30% Maximum)	52:27D-302.q	37 7	0 18 Additional
Transitional Housing (10% Maximum of Total Credits)	52:27D-311.e	16 7.5	0
Age-Restricted Housing Bonus Credit (10% Maximum of Age-Restricted Units)	52:27D-311.k.4	1.5 0.5	0.5 0-Used (Capped)
<p><i>*Obligations are assessed against the actual 24 units created to address the Villages adjusted prospective need obligation unless otherwise noted.</i></p> <p><i>Except where otherwise noted, actual units do not count bonus credits. In other words, actual units are the Prospective Need Credits of 163 minus bonus credits of 40.5 = 123.5 units.</i></p> <p><i>Note: Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.</i></p> <p><i>Note: Proposed values in italics VLI, Family VLI, and LI Units are targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p>			

V. Appendices

- A. Spending Plan
- B. Affirmative Marketing Plan
- C. Regulatory Resolutions (Adopting Obligation Number)
- D. Affordable Housing Ordinance and Development Fee Ordinance
- E. Prospective Obligation Plans
- F. Resolution of intent to fund cost of municipality's municipally sponsored affordable housing development as well as its rehabilitation program
- G. Copies of resolutions appointing Administrative Agent(s) and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison
- H. Village Home Improvement Program – Policies and Procedures Manual
- I. Vacant Land Adjustment

Appendix A – Spending Plan

NOTE: South Orange Village shall update its Spending Plan if and as needed at such a time when final UHAC amendments are promulgated.

Introduction

Pursuant to N.J.A.C. 5:99, a Spending Plan means “a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.”

All residential and non-residential development fees, payment in lieu of constructing affordable units, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs are deposited into this interest-bearing Affordable Housing Trust Fund (AHTF). These funds shall be spent in accordance with N.J.A.C. 5:99 or applicable regulations.

A development fee ordinance creating a dedicated revenue source for - and moderate-income housing was adopted by the municipality in 2010 and replaced in 2019 establishing South Orange’s AHTF. As such, South Orange has prepared this Spending Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of Proposed New Rules: N.J.A.C. 5:99.

Authorization of Affordable Housing Trust Fund

A municipality shall not spend, or commit to spend, any affordable housing trust funds, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the approval of the expenditure as part of its compliance certification or by the Division pursuant to N.J.S.A. 52:27D-329.2.a(4). A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.

Account Requirements and Use of Funds (5:99-2.2 to 2.8)

Account Requirements

(a) All affordable housing trust funds shall be deposited in a separate, interest-bearing account. In establishing the account, the municipality shall provide written authorization, in the form of a three-party escrow agreement between the municipality, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited.

(b) With the approval of the Department's Division of Local Government Services, the municipality may invest its affordable housing trust fund in the State of New Jersey cash management fund, provided that the amount of money in the cash management fund that comprises the funds and income attributable to such funds shall at all times be identifiable.

(c) All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.

(d) A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program or a court of competent jurisdiction has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.1.

(e) Any municipality with an affordable housing trust fund account shall be subject to N.J.A.C. 5:99-4.

(f) Municipal affordable housing trust funds shall not be expended:

1. To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
2. On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;
3. On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or
4. On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

(g) In addition to the restrictions at (f) above, no more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4.

(h) A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5.

(i) Compliant municipalities, Qualified Urban Aid Municipalities, or municipalities that have previously collected such funds while under the protection of presumptive validity of their affordable housing plan or immunity from exclusionary zoning litigation and in accordance with an approved spending plan are authorized to commit or expend affordable housing trust funds in accordance with this chapter, UHAC, and the Act.

(j) A non-compliant Qualified Urban Aid Municipality meeting the criteria set forth in paragraph (1) of subsection c. of section 7 at P.L. 2024, c. 2, which has been authorized to collect residential development fees pursuant to N.J.A.C. 5:99-3.5(b), may not spend, or commit to spend, any affordable housing development fees, without first obtaining the Division's approval of the expenditure by submitting a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round. The Division shall review the spending plan for consistency with N.J.A.C. 5:99-2 and shall notify the municipality upon the approval of the spending plan.

Use of Funds for Housing Activity

(a) A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or as approved by the Division as an emergent opportunity to create affordable housing. Such activities include, but are not limited to:

1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund and subject to the provisions thereof;
2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
5. RCAs, approved prior to July 17, 2008;
6. Acquisition and/or improvement of land to be used for affordable housing;
7. Accessory dwelling units;
8. The extension of expiring controls;
9. The construction of group homes and supportive and special needs housing;
10. Maintenance and repair of affordable housing units;

11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
15. Any other activity approved by the Division.

Use of Funds for Administrative Expenses

- (a) No more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, shall be expended on administration.
- (b) Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.
- (c) Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.
- (d) The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

Use of Funds for Affordability Assistance

- (a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in the municipality's fair share plan.
 1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

(b) A municipality may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, or any program or activity for which the municipality expends development fee proceeds.

Barrier-Free Escrow

An affordable housing trust fund may include fees collected to adapt affordable unit entrances to be accessible in accordance with the Act and the Barrier Free Subcode, N.J.A.C. 5:23-7. The municipality shall set forth the mechanism by which it will collect and distribute funds intended to convert adaptable entrances in compliance with the technical design standards of the Barrier Free Subcode at N.J.A.C. 5:23-7. Funds collected for this purpose shall at all times be identifiable from other funds. A municipality that collects, or anticipates collecting, funds to adapt affordable unit entrances shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.

Payments in Lieu of Constructing Affordable Units On-Site

(a) Payments in lieu of constructing affordable units shall not be imposed on any non-residential development.

(b) A municipality that chooses to collect or anticipates collecting payments in lieu of constructing affordable units shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.2 and include a plan for the use of the funds in its spending plan.

(c) Payment-in-lieu fees shall be deposited into the municipality's affordable housing trust fund, but shall be accounted for separately from any other fees collected by a municipality. Whenever a payment-in-lieu fee is assessed by a municipality pursuant to this section, a development fee authorized pursuant to N.J.S.A. 52:27D-329.2 shall not be charged in connection with the same development.

Other Funds

(a) An affordable housing trust fund may also contain recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected by the municipality in connection with its affordable housing programs. A municipality that collects, or anticipates collecting, such fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.

(b) An affordable housing trust fund shall also contain any excess RCA funds, where the RCA has been completed in accordance with the RCA project plan.

(c) A municipality that is not a compliant municipality may not retain excess RCA funds and shall transfer any such funds to the New Jersey Affordable Housing Trust fund established pursuant to N.J.S.A. 52:27D-320.

South Orange Spending Plan

Revenues + Expenditures for Certification Period

South Orange has considered the following AHTF revenue sources between the period of 2025-2035:

- Development fees: South Orange analyzed six years (2019 through 2024) of residential and nonresidential development fees deposited into the AHTF and averaged these annual incomes to determine the expected annual fee. Through this analysis of qualifying projects, we determined an annual average revenue fee of \$363,815 to determine potential developer fees for the years of 2025 to 2035.

No deposits were entered into the AHTF in 2019, which is an outlier among the subsequent years. Therefore, 2019 was not considered as part of the annual average revenue calculations.

2020	\$53,905.80
2021	\$515,903.00
2022	\$835,120.00
2023	\$390,783.00
2024	\$23,364.28
Average	\$363,815

- Payment in lieu of constructing affordable units is ~~anticipated~~ *planned* for 1 unit, with a fee of \$100,000. *The Village anticipates additional opportunities to receive payments in lieu of constructing affordable units may materialize from future redevelopment projects. The use of such potential excess funds are detailed in the following section.*
- Barrier-free escrow funds are not anticipated.
- Funds from other sources such as the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, or proceeds from the sale of affordable units are not anticipated.

Based on existing funds and anticipated revenue as described above, the municipality estimates the AHTF's funds to amount to a revenue of \$5,057,908.11.

As such, South Orange intends to use affordable housing trust fund revenues in accordance with 5:99-2.2 to 2.8, as detailed in the table on the following page.

Excess or Shortfall of Funds

The governing body reserves the right to revise projections and anticipated funding commitments based upon actual revenues to the Affordable Housing Trust Fund and any revisions to the Housing Element and Fair Share Plan.

In the event that a shortfall of anticipated revenues occurs, the municipality will revise its Spending Plan accordingly.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used toward *affordability assistance or construction of new* low- and

moderate-income housing in accordance with 5:99-2.2 to 2.8. *As the Village has satisfied its adjusted prospective need obligation, the Village will proactively seek solutions through its Affordable Housing Trust Fund to support the provision of affordable housing in South Orange, such as but not limited to the financing of market-to-affordable conversions of existing housing and supporting new construction of workforce housing to serve the South Orange community serving populations at 60% and 80% of AMI, with a preference for qualified households who live and/or work in South Orange or in its consolidated fire department and school district, both shared with the Village's sister community of Maplewood. Affordable units created from this endeavor and marketed with this preference will be credited toward the Village's rehabilitation obligation, and the Spending Plan will be revised accordingly.*

Revenues		
Current cash on hand as of March 31, 2025		\$1,302,108.31
Projected developer fee revenue (Average annual developer fees x 10 years)	+	\$3,638,150.00
Projected payment in lieu of constructing affordable units	+	\$100,000.00
Projected barrier-free escrow funds	+	\$0
Projected recapture funds, sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, or any other funds collected by the municipality in connection with its affordable housing programs	+	\$0
Projected Interest (Average annual interest of \$1,764.98 x 10 years)	+	\$17,649.80
Projected Revenues	=	\$5,057,908.11
Expenditures		
Rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households	-	(\$400,000)
Total Administration (Max 20%)	-	(\$1,011,581.62)
Age-Restricted Market-to-Affordable Conversion "Buy-Down" @ \$75,000 / Unit	-	(\$1,350,000.00)
Affordability Assistance OR new construction of affordable housing units and related development costs	-	(\$2,296,326.49)
Total Projected Expenditures	=	\$5,057,908.11
Remaining Balance	=	\$0

Projected Expenditure Schedule

Upon approval by the Program, the Village acknowledges that the expenditures of funds contemplated herein shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period provided therein, whereby funds shall be committed for expenditure within four years from the date of collection, commencing once the Village receives a final judgment of compliance and repose in accordance with the provisions of *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (*aff'd* 442 N.J. Super. 563).

Years	Rehabilitation	Administration	Age-Restricted Conversion	Affordability Assistance / New Construction	Total
2026	\$40,000	\$101,159	\$135,000	\$229,633	\$505,792
2027	\$40,000	\$101,159	\$135,000	\$229,633	\$505,792
2028	\$40,000	\$101,158	\$135,000	\$229,633	\$505,791
2029	\$40,000	\$101,158	\$135,000	\$229,633	\$505,791
2030	\$40,000	\$101,158	\$135,000	\$229,633	\$505,791
2031	\$40,000	\$101,158	\$135,000	\$229,633	\$505,791
2032	\$40,000	\$101,158	\$135,000	\$229,632	\$505,790
2033	\$40,000	\$101,158	\$135,000	\$229,632	\$505,790
2034	\$40,000	\$101,158	\$135,000	\$229,632	\$505,790
2035	\$40,000	\$101,158	\$135,000	\$229,632	\$505,790
Total	\$400,000	\$1,011,582	\$1,350,000	\$2,296,326	\$5,057,908

Appendix B – Affirmative Marketing Plan

~~NOTE: The current South Orange Village Affirmative Marketing Plan is inconsistent with current UHAC regulations but was approved for the Third Round. The Affirmative Marketing Plan will be updated when the final UHAC amendments have been adopted.~~

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in South Orange, NJ

REGION 2

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number CGP&H 1249 South River Road, Suite 301 Cranbury, NJ 08512 609-664-2769		1b. Development or Program Name, Address [TBD] SOUTH ORANGE, NJ	
1c. Number of Affordable Units: [TBD] Number of Rental Units: [TBD] Number of For-Sale Units: [TBD]	1d. Price or Rental Range From: [TBD] To: [TBD]	1e. State and Federal Funding Sources (if any) [TBD]	
1f. <input type="checkbox"/> Age Restricted [TBD] <input type="checkbox"/> Non-Age Restricted [TBD]	1g. Approximate Starting Dates Advertising: [TBD] Occupancy: [TBD]		
1h. County Essex, Morris, Union, Warren		1i. Census Tract(s): [TBD]	
1j. Managing/Sales Agent's Name, Address, Phone Number [TBD]			
1k. Application Fees (if any): [TBD]			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

<p>2. Describe the random selection process that will be used once applications are received.</p> <p>Initial Randomization: Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:</p> <ul style="list-style-type: none"> • After advertising is implemented, applications are accepted for 60 days. • At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit). • An applicant pool is created by listing applicants in the order selected. • The order in which applications are reviewed is subject to regional preference for COAH Region 2 in accordance with the Village's Affordable Housing Ordinance (AHO) and a preference for very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement of existing restricted units, as well as any other applicable preferences set forth in the AHO. • Applications are reviewed for income-eligibility. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information. • Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as the need for an accessible unit). • If there are sufficient names remaining in the pool to fulfill re-rental needs anticipated over the next two years, the applicant pool shall be closed; however, if insufficient applicants remain on the list to cover the subsequent two years, the list may be kept open. • When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of initial applicants.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic) Black (non-Hispanic) Hispanic
 American Indian or Alaskan Native Asian or Pacific Islander Other group:

- 3b. **HOUSING RESOURCE CENTER** (njhrc.gov) A free, online listing of affordable housing **X**
 Affordable Homes New Jersey (affordablehomesnewjersey.com) Affordable housing search website **X**
 NJ 2-1-1 (nj211.org) New Jersey's comprehensive information and referral organization **X**
 South Orange Village website (southorange.org) **X**

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 2			
Daily Newspaper			
<input checked="" type="checkbox"/>	Initial occupancy and as needed	Star-Ledger	Statewide
<input type="checkbox"/>		New York Times	Statewide
TARGETS PARTIAL HOUSING REGION 2			
Daily Newspaper			
<input type="checkbox"/>		Daily Record	Morris
<input type="checkbox"/>		Express Times	Warren
Weekly Newspaper			
<input type="checkbox"/>		Belleville Post	Essex
<input type="checkbox"/>		Belleville Times	Essex
<input type="checkbox"/>		Bloomfield Life	Essex
<input type="checkbox"/>		East Orange Record	Essex
<input type="checkbox"/>		Glen Ridge Paper	Essex
<input type="checkbox"/>		Glen Ridge Voice	Essex
<input type="checkbox"/>		Independent Press	Essex
<input type="checkbox"/>		Irvington Herald	Essex
<input type="checkbox"/>		Item of Millburn and Short Hills	Essex
<input type="checkbox"/>		Montclair Times	Essex
<input checked="" type="checkbox"/>	Initial occupancy and as needed	News-Record	Essex
<input type="checkbox"/>		Nutley Journal	Essex

<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input type="checkbox"/>		Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input type="checkbox"/>		Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris
<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union

<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union
<input type="checkbox"/>		Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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TARGETS ENTIRE HOUSING REGION 2

<input type="checkbox"/>		2 WCBS-TV CBS Broadcasting Inc.	
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	
<input type="checkbox"/>		41 WXTV WXTQ License Partnership, G.P. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV WRNN License Company, LLC	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York LLC	Spanish

TARGETS PARTIAL HOUSING REGION 2

X	Initial occupancy and as needed	Verizon Fios 24	Essex County
X	Initial occupancy and as needed	Comcast 36	Essex County
<input type="checkbox"/>		42 WKOB-LP Nave Communications, LLC	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union
<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPB-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 WBE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	Warren

<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 2			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris
<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	

<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	

TARGETS PARTIAL HOUSING REGION 2

AM

<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
<input type="checkbox"/>		WCHR 1040	Warren

<input type="checkbox"/>		WEEX 1230	Warren
<input type="checkbox"/>		WNNJ 1360	Warren
<input type="checkbox"/>		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren
<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese American
TARGETS PARTIAL HOUSING REGION 2			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab American
<input type="checkbox"/>	Brazilian Voice, The	Newark	Brazilian American
<input type="checkbox"/>	Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>	Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>	El Especialito	Union City	Spanish-Language
<input type="checkbox"/>	La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Green Brook, Linden, Lyndhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>	Ukranian Weekly	New Jersey	Ukranian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Essex County		
X	Quarterly	Newark Liberty International Airport Newark Airport, Newark, NJ
X	Quarterly	Verizon Communications 540 Broad St Newark, NJ 07102
X	Quarterly	Prudential Financial, Inc. 751 Broad St Newark, NJ 07102
X	Quarterly	Continental Airlines 1 Newark Airport, Newark, NJ
X	Quarterly	University of Medicine/Dentistry Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
X	Quarterly	Public Service Enterprise Group 80 Park Plz Newark, NJ 07102

X	Quarterly	Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
X	Quarterly	Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
X	Quarterly	Newark Liberty International Airport	Newark Airport, Newark, NJ
X	Quarterly	Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
Morris County			
X	Quarterly	Atlantic Health System- Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
X	Quarterly	AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
X	Quarterly	US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
X	Quarterly	Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
X	Quarterly	Pfizer	Morris Plains/Parsippany
X	Quarterly	Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
X	Quarterly	Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
X	Quarterly	Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
X	Quarterly	Honeywell	101 Columbia Rd Morristown, NJ 07960
X	Quarterly	Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
X	Quarterly	St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ 07054
Union County			
X	Quarterly	A&M Industrial Supply Co	1414 Campbell St Rahway
X	Quarterly	A.J. Seabra Inc.	574 Ferry St Newark
X	Quarterly	Bristol-myers Products Research & Dev	1350 Liberty Ave Hillside
X	Quarterly	Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
X	Quarterly	Comcast Network	800 Rahway Ave Union, NJ
X	Quarterly	HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
X	Quarterly	IBM Corporation	27 Commerce Drive Cranford, NJ
X	Quarterly	Howard Press	450 West First Ave Roselle, NJ
X	Quarterly	Lucent Technologies	600 Mountain Ave Murray Hill, NJ
X	Quarterly	Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
X	Quarterly	Rahway Hospital	865 Stone Street Rahway, NJ

X	Quarterly	Rotuba Extruders, Inc	1401 Park Ave South Linden
X	Quarterly	Union County College	1033 Springfield Ave Cranford, NJ
Warren County			
X	Quarterly	Masterfoods USA	800 High Street Hackettstown, NJ
X	Quarterly	Warren Hospital	185 Roseberry St Phillipsburg, NJ
X	Quarterly	Roche Vitamins	206 Roche Drive Belvidere, NJ
X	Quarterly	Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
X	Quarterly	Pechiney	191 Route 31 North Washington, NJ
X	Quarterly	Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
X	Quarterly	Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	Various	At the beginning of affirmative marketing period and as needed
New Jersey State Conference of the NAACP	Statewide	African American	
Latino Action Network	Statewide	Latino/Hispanic	
Supportive Housing Association	Statewide	People with disabilities	
Oranges and Maplewood NAACP	Portion of Region 2	African American	
Newark NAACP	Portion of Region 2	African American	
Elizabeth NAACP	Portion of Region 2	African American	
Morris County NAACP	Portion of Region 2	African American	
Greater Union County Board of Realtors	Portion of Region 2	Various	Quarterly
North Central Board of Realtors (Essex and Morris County Offices)	Portion of Region 2	Various	
Warren County Board of Realtors	Portion of Region 2	Various	
Welfare / Social Service Board	Each Region 2 County	Various	
Office on Aging or Division of Senior Services	Each Region 2 County	Various	
Housing Authority	Each Region 2 County	Various	
Community Action Agencies	Each Region 2 County	Various	
Community Development Departments	Each Region 2 County	Various	

IV. APPLICATIONS*

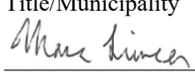
* As applications are online, *flyers* directing individuals to applications will be available at locations below

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
X	Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981
X	Warren County North East Branch Library	40 US Highway 46, Hackettstown, NJ 07840
X	Warren County Library Headquarters	199 Hardwick Street, Belvidere, NJ 07823
X	Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
X	Union County/Administration Building	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
South Orange Village, 76 South Orange Ave, South Orange, NJ 07079, contact person as determined		
South Orange Village website (southorange.org), contact person as determined		
South Orange Public Library, 65 Scotland Rd, South Orange, NJ 07079, contact person as determined		
4c. Sales/Rental Office for units (if applicable) [TBD]		

V. ADDITIONAL PROJECT INFORMATION

[TBD]

VI. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality’s substantive certification/Final Judgement of Compliance and Repose.	
Marc Lincer, AICP, PP, CAPM	
_____ Name (Type or Print) Planner III, Topology NJ, LLC – Village Consulting Planner	
_____ Title/Municipality	
	February 18, 2026
_____ Signature	_____ Date

Appendix C – Regulatory Resolutions (Adopting Obligation Number)

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



RESOLUTION #2025-017

January 27, 2025

RESOLUTION OF THE VILLAGE COUNCIL OF SOUTH ORANGE VILLAGE COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the South Orange Village (hereinafter the "Village" or "South Orange") has a demonstrated history of voluntary compliance as evidenced by its Prior Round Substantive Certification granted by the Council on Affordable Housing ("COAH") and its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on June 12, 2015, the South Orange Village filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and



WHEREAS, the DCA Report calculates the Village's Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 20 and a Prospective Need (New Construction) Obligation of 163; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA's calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA's estimate of the Village's Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

WHEREAS, Section 3 of 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 Amended FHA; and

WHEREAS, the Village's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Village specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a Structural Conditions Survey or similar exterior survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

WHEREAS, in addition to the foregoing, the Village specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed



into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Village reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Village's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Acting Administrative Director of the Administrative Office of the Courts issued Directive # 14-24 (hereinafter "AOC Directive") on December 19, 2024; and

WHEREAS, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Village reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Village seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

WHEREAS, in light of the above, the Mayor and Village Council finds that it is in the best interest of the Village to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

NOW, THEREFORE, BE IT RESOLVED on this ____ day of January of 2025, by the Village Council of South Orange Village, Essex County, State of New Jersey, as follows:



1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Village Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 163 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

a) The right to adjust the Village's fair share obligations based on a Structural Conditions Survey or similar exterior survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and

c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Village's fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the AOC Directive # 14-24 issued on December 19, 2024, the Village hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Village's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

4. This Resolution shall take effect immediately, according to law.

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg		X	X			
Haskins			X			
Hartshorn Hilton	X		X			
Jones			X			
Lewis Chang			X			



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Village Council at their regular meeting held on Monday, January 27, 2025.

A handwritten signature in blue ink, appearing to read "Ojetti E. Davis", is written over a horizontal line.

Ojetti E. Davis
Village Clerk

Appendix D – Affordable Housing and Development Fee Ordinance

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



ORDINANCE #2026-XX

Introduction: February 23, 2026

Adoption: March 9, 2026

AN ORDINANCE OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING AND RESTATING VILLAGE CODE CHAPTER 185, PART 15 - AFFORDABLE HOUSING IN ITS ENTIRETY TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE VILLAGE'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, South Orange Village (the "Village") is obligated to provide a realistic opportunity for the creation of housing affordable to very-low-, low-, and moderate-income households pursuant to the New Jersey Fair Housing Act and applicable constitutional requirements; and

WHEREAS, on March 20, 2024, the Fair Housing Act was amended by P.L.2024, c.2, including changes establishing updated Fourth Round compliance procedures and related State monitoring responsibilities; and

WHEREAS, the New Jersey Department of Community Affairs ("DCA") administers requirements applicable to municipal affordable housing compliance, including the reporting and monitoring framework reflected in N.J.A.C. 5:99 and related State guidance; and

WHEREAS, the Village has established an Affordable Housing Trust Fund and desires to amend and restate its development fee ordinance to conform to P.L.2024, c.2, N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act; and

WHEREAS, the Village's Planning Board adopted the Village's Fourth Round Housing Element and Fair Share Plan ("HEFSP") as part of the Village's Master Plan, identifying the strategies, mechanisms, and implementation measures by which the Village will address its Fourth Round affordable housing obligations; and

WHEREAS, the Village Council has endorsed the HEFSP as the policy basis for the Village's affordable housing implementation program, including the adoption and maintenance of implementing ordinances and procedures consistent with State law and applicable approvals; and

WHEREAS, the Village desires to amend and restate its affordable housing Code provisions to implement the HEFSP and to ensure that standards for affordability controls,



administration, monitoring, and enforcement are consistent with current State law and regulations and promote the long-term creation and preservation of affordability; and

WHEREAS, the Village Council finds that adoption of this Ordinance will ensure development fees are collected, maintained, monitored, reported, and expended solely for eligible affordable housing purposes in accordance with a Court-approved Spending Plan and applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of South Orange Village in the County of Essex and the State of New Jersey as follows:

SECTION 1.

Village Code Chapter 185, Land Development, Part 15, Affordable Housing is hereby deleted in its entirety.

SECTION 2.

Village Code Chapter 185, Land Development, Part 15, Affordable Housing, is hereby amended and restated in its entirety as follows:

Part 15 Affordable Housing

Article XXXVI: General Program Purposes, Applicability And Definitions

Article XXXVII: Affordable Housing Unit Controls and Requirements

Article XXXVIII: Administration And Enforcement

Article XXXIX: Development Fees

Article XXXVI: General Program Purposes, Applicability And Definitions

185-222 Introduction & Applicability

185-223 Definitions

185-222 Introduction & Applicability

- A. This section of the Code sets forth regulations regarding the very-low-, low- and moderate-income housing units in South Orange Village consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
- B. This Ordinance is intended to ensure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and



that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.

- C. The South Orange Village Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
 - 1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
 - 2. This Ordinance shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
 - 3. Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the municipality's most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.
 - 4. To the extent this Ordinance does not expressly address a matter relating to the administration, affordability controls, affirmative marketing, income eligibility, pricing/rent setting, sales and rental procedures, or enforcement of affordable units, and except where inconsistent with applicable law, the Municipality's court-approved compliance mechanism, or the recorded affordability controls applicable to a specific development (including LIHTC regulatory agreements), the provisions of UHAC, as amended and supplemented, shall govern and are hereby incorporated by reference.



- F. Interpretation: The provisions of the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the municipality's Fourth Round HEFSP, as set forth in Subsection E.1 above shall supersede and take precedence over the provisions of this Chapter.
- G. Reservation of Rights: South Orange Village reserves the right at any time to add to, remove from, or modify any provision of this Chapter provided that such addition, removal or modification is not inconsistent with the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; or the municipality's Fourth Round HEFSP, as set forth in Subsection E.1 above.

185-223 Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.



“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very-low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All



references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

"Affordable unit" means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

"Age-restricted housing" means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

"Assisted living residence" means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

"Barrier-free escrow" means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

"Builder's remedy" means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

"Certified household" means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

"CHOICE" means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

"COAH" or the "Council" means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

"Commissioner" means the Commissioner of the Department of Community Affairs.



“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.



“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent affordable housing opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the



elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

"FHA" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Green Building Strategies" means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Household income" means a household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

"Housing element" means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

"Judgment of compliance" or "judgment for repose" means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

"Low-income household" means a household with a household income equal to 50 percent or less of the regional median income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity,



sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.



“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and



The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create



a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

"Random selection process" means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.



“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing



requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project's Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units. "Supportive housing unit" means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very-low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

"Transitional housing" means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very-low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for



home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household. Very-low-income units are a subset of low-income units.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

Article XXXVII: Affordable Housing Unit Controls and Requirements

185-224 Monitoring and Reporting Requirements

185-225 Municipality-wide Mandatory Set-Aside

185-226 New Construction

185-227 Affordable Housing Programs

185-228 Regional Income Limits

185-229 Maximum Initial Rents And Sales Prices

185-230 Affirmative Marketing

185-231 Selection of Occupants of Affordable Housing Units

185-232 Occupancy Standards

185-233 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

185-234 Price Restrictions for Restricted Ownership Units and Resale Prices

185-235 Buyer Income Eligibility

185-236 Limitations on Indebtedness Secured by Ownership Unit; Subordination

185-237 Control Periods for Restricted Rental Units

185-238 Rent Restrictions for Rental Units; Leases and Fees

185-239 Tenant Income Eligibility

185-224 Monitoring and Reporting Requirements



The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

- A. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
- B. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
- C. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

185-225 Municipality-wide Mandatory Set-Aside

- A. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.
- B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- C. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- E. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.



- F. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
- G. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
1. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 2. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100 percent affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20 percent set-aside would require 1.4 affordable units. Per the requirements above:
 3. The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

185-226 New Construction

- A. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.
- B. The following requirements shall apply to all new or planned developments that contain very-low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of



the project to assist municipal representatives, developers and Administrative Agents.

- C. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very-low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

- D. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

1. Design of 100 percent affordable developments:
 - a. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - b. Each bedroom in each restricted unit must have at least one window.
 - c. Restricted units must include adequate air conditioning and heating.
2. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - a. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.



- b. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - c. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - d. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - e. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - f. Each bedroom in each restricted unit must have at least one window.
 - g. Restricted units must be of the same unit type as market-rate units within the same building.
 - h. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
3. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
 - a. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - b. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in



undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.

- c. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - d. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - e. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - f. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - g. Each bedroom in each restricted unit must have at least one window; and
 - h. Restricted units must include adequate air conditioning and heating.
- E. Utilities.
- 1. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - 2. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
- F. Low/moderate split and bedroom distribution.



1. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
2. In each affordable housing development, at least 50 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very-low- or low-income units.
3. Within rental developments, of the total number of affordable rental units, at least 13 percent, rounded up to the nearest whole number, shall be affordable to very-low-income households. The very-low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
4. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - a. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - b. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - c. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, rounded down, of the total number of low- and moderate-income units.
 - d. At least 30 percent of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - e. At least 20 percent of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - f. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
5. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by



having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5 percent of those restricted units.

G. Accessibility requirements.

1. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
2. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - a. An adaptable toilet and bathing facility on the first floor;
 - b. An adaptable kitchen on the first floor;
 - c. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - d. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - e. If not all of the foregoing requirements in 2.a through 2.d` can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - f. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - i. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.



- ii. To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - iii. The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - iv. The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- g. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
- H. Market to Affordable program (per N.J.A.C. 5:97-6.9).
1. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
 2. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 3. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 4. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.



5. The units shall comply with UHAC with the following exceptions:
 - a. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - b. Low/moderate income split (N.J.A.C. 5:80-26.4).
6. Affordability average (N.J.A.C. 5:80-26.4); however:
 - a. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - b. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
- I. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
 1. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - a. The affordable unit meets the criteria for prior cycle (April 1, 1980 – December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - b. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - c. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - d. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.



- e. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100 percent affordable developments.
 - f. The deed restriction for the extended control period shall be filed with the County Clerk.
- J. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
1. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 2. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 3. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 4. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 5. Low- and moderate-income residents cannot be charged any upfront fees.
 6. The units shall comply with UHAC with the following exceptions:
 - a. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - b. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - c. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 7. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
- K. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).



1. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - a. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - b. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - c. Occupancy shall not be restricted to youth under 18 years of age.
 - d. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - e. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
 - ii. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - f. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - g. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - h. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - i. An Affirmative Marketing Plan in accordance with D1 above; and
 - ii. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services,



the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

- i. The sponsor/owner shall complete annual monitoring as directed by the MHL.

185-227 Affordable Housing Programs

- A. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
- B. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 1. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very-low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 2. Both ownership and rental units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to very-low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 4. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.



5. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
6. Households determined to be very-low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very-low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - a. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - b. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - c. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - d. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

185-228 Regional Income Limits

- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- B. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
- C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

185-229 Maximum Initial Rents And Sales Prices



- A. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
- B. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- C. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent of regional median income.
- D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income. These very-low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
- E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
- F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
- G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:



1. A studio or efficiency unit shall be affordable to a one-person household;
 2. A one-bedroom unit shall be affordable to a one and one-half person household;
 3. A two-bedroom unit shall be affordable to a three-person household;
 4. A three-bedroom unit shall be affordable to a four and one-half person household; and
 5. A four-bedroom unit shall be affordable to a six-person household.
- H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
1. A studio or efficiency unit shall be affordable to a one-person household;
 2. A one-bedroom unit shall be affordable to a one and one-half person household; and
 3. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
- J. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.



- K. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

185-230 Affirmative Marketing

- A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 and is required to be followed throughout the period of deed restriction.
- C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
1. There shall be a regional preference for all households that live and/or work in Housing Region 2 comprising Essex, Morris, Union, and Warren Counties.



2. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 - E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.
 - F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 - G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 - H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy, and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units



have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.

- J. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
- K. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

185-231 Selection of Occupants of Affordable Housing Units

- A. The Administrative Agent shall use a random selection process to select occupants of very-low-, low- and moderate-income housing.
- B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

185-232 Occupancy Standards

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

- A. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
- B. Provide a bedroom for every two adult occupants;
- C. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
- D. Avoid placing a one-person household into a unit with more than one bedroom.

185-233 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of



at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - 1. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - 2. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.



- I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

185-234 Price Restrictions for Restricted Ownership Units and Resale Prices

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 1. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - a. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - b. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 3. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - a. those that render the unit suitable for a larger household or the addition of a bathroom.
 - b. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 4. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.



- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

185-235 Buyer Income Eligibility

- A. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very-low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30 percent of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on



the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

185-236 Limitations on Indebtedness Secured by Ownership Unit; Subordination

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).



185-237 Control Periods for Restricted Rental Units

- A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
- B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit;
 - 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - 4. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.



185-238 Rent Restrictions for Rental Units; Leases and Fees

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - 1. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5 percent of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- F. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

185-239 Tenant Income Eligibility



- A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
1. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median income by household size.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median income by household size.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Article XXXVIII: Administration And Enforcement
185-240 Municipal Housing Liaison



185-241 Administrative Agent

185-242 Responsibilities of The Owner of a development containing affordable units

185-243 Enforcement of Affordable Housing Regulations

185-240 Municipal Housing Liaison

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 1. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 2. The oversight of the Affirmative Marketing Plan and affordability controls.
 3. When applicable, overseeing and monitoring any contracting Administrative Agent.
 4. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 5. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 6. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 7. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 8. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 9. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 10. Listing on the municipal website contact information for the MHL and Administrative Agents.



185-241 Administrative Agent

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
 1. Administrative agent fees related to rental units shall be paid by the developer/owner.
 2. Administrative agent fees related to initial sale of units shall be paid by the developer.
 3. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 4. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 2. Affirmative marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - b. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.



3. Household certification.
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
4. Affordability controls.
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - b. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - c. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - d. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
5. Records retention.



- a. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - b. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
6. Resales and re-rentals.
- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - b. Instituting and maintaining an effective means of communicating information to very-low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
7. Processing requests from unit owners.
- a. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - c. Notifying the municipality of an owner's intent to sell a restricted unit.
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
8. Enforcement.
- a. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be



offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- c. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - d. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - e. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
9. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

185-242 Responsibilities of The Owner of a development containing affordable units

- A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 1. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 2. The total number of units in the project and the number of affordable units.
 3. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 4. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 5. A projected construction schedule.
 6. The location of any common areas and elevators.



7. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
- B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
1. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 2. Provide to the administrative agent a description of any applicable fees.
 3. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 4. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 5. Provide to the administrative agent a proposed form of lease for any rental units.
 6. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 7. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
- C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
1. Proposed pricing for all units, including any purchaser options and add-on items.
 2. Realistic condominium or homeowner association fees and any other applicable fees.
 3. Estimated real property taxes.
 4. Sewer, water, trash disposal, and any other utility assessments.
 5. Flood insurance requirement, if applicable.



6. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

185-243 Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - b. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner.



The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.

- D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
1. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
 3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions



and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be released within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the



purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

- F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
- G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
- H. Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Article XXXIX: Development Fees
185-244 Development Fees

185-244 Development Fees

A. Purpose

This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

B. Basic Requirements

- 1. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.



2. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees

1. Imposed fees

- a. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- b. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5 percent of the equalized assessed value on the first two units; and the specified higher percentage of 6 percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. Eligible exactions, ineligible exactions and exemptions for residential development
 - a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments



in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

- b. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- d. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees

1. Imposition of fees

- a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5 percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- b. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5 percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5 percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final



certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - a. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5 percent development fee, unless otherwise exempted below.
 - b. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

E. Collection Procedures

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development



- Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
 4. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
 5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
 6. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 7. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
 8. Fifty percent (50 percent) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

F. Appeal of development fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of



the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund

1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - a. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - b. Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - c. Rental income from municipally operated units;
 - d. Repayments from affordable housing program loans;
 - e. Recapture funds;
 - f. Proceeds from the sale of affordable units; and
 - g. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
3. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and



the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

4. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - a. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - b. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - c. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - d. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - e. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - f. Revocation of compliance certification or a judgment of compliance and repose;
 - g. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - h. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted



- national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
 3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very-low-income households.
 - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - b. Affordability assistance for very-low income households may include producing very-low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 4. No more than 20 percent of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Affordable Housing Dispute Resolution Program including the costs to the municipality of resolving a challenge.
 - I. Monitoring
 1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from



January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

J. Ongoing Collection of Fees

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

- K. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

SECTION 3.

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.



SECTION 5.

This ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40-55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 6.

On passage this ordinance shall be codified.

Introduction and First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						
Greenberg						
Haskins						
Jones						
Lewis-Chang						
Zollman						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced and advanced on first reading by the Village Council at their meeting held on February 23, 2026.

 Ojetti E. Davis
 Village Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						
Greenberg						
Haskins						
Jones						



Lewis-Chang						
Zollman						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on March 9, 2026.

Ojetti E. Davis
Village Clerk

Adopted:

Attest:

Sheena C. Collum

Ojetti E. Davis

Appendix E – Prospective Obligation Plans

Resolution
Village of South Orange
Planning Board
In the Matter of 185 Church Street Development, LLC
Application # 306
185 Church Street
Decided on August 4, 2025
Memorialized on September 9, 2025
Preliminary and Final Site Plan Approval With Redevelopment Plan
Deviations and Design Waivers

WHEREAS, 185 Church Street Development, LLC (hereinafter the “Applicant”) has made an application for preliminary and final site plan approval and approval of deviations from the Church Street Redevelopment Plan and design waivers to construct a twenty-three (23) unit townhouse development and other improvements at 171-175, 181, and 185-189 Church Street, also known as Block 2301, Lots 21, 42, 43 and 44 on the Tax Map of the Village of South Orange; and

WHEREAS, public hearings were conducted on June 11, 2025, July 7, 2025, and August 4, 2025; and

WHEREAS, the Applicant was represented by Elnardo Webster II, Esq.; and

WHEREAS, the Applicant provided testimony by Chike Achebe, representative of the Applicant, Alexander C. Elias, a professional architect whose credentials were accepted by the Board; Kiersten Osterkorn of Omland & Osterkorn, Inc., a professional engineer whose credentials were accepted by the Board; John Corak, of Stonefield Engineering and Design, LLC, a professional traffic engineer whose credentials were accepted by the Board; and Alexander Dougherty, P.P., a professional planner whose credentials were accepted by the Board; and

WHEREAS, the Applicant presented and relied upon the application package initially submitted to the Board, filed August 14, 2024, and exhibits introduced as follows:

- A-1 Circulation Plan;
- A-2 Planner’s exhibit consisting of six slides;

as well as the following:

- Site Plan, consisting of 14 sheets prepared by Kiersten Osterkorn, P.E. of Omland & Osterkorn, Inc. dated July 10, 2024, last revised July 25, 2025;
- Architectural plans consisting of 12 sheets prepared by Alexander C. Elias dated July 23, 2023, last revised April 7, 2025;

- Traffic and Parking Assessment Report prepared by Stonefield Engineering & Design, LLC dated July 23, 2024;
- Stormwater Management Report prepared by Kiersten Osterkorn, P.E. dated March 1, 2025, last revised April 30, 2025;
- Environmental Impact Assessment prepared by Kiersten Osterkorn dated May 1, 2025;
- Survey of Block 42 and 43 prepared by Lakeland Surveying dated January 30, 2024;
- Survey of Block 21 and 44 prepared by Casey & Keller dated February 17, 2020;
- Sewer Demand Calculations prepared by Kiersten Osterkorn dated April 13, 2025, last revised July 25, 2025
- Fire Truck Circulation Plan prepared by Kiersten Osterkorn, dated July 31, 2025;
- Engineering response letter prepared by Kiersten Osterkorn dated July 25, 2025; and
- Other documents identified in the reports of Board professionals.

WHEREAS, representatives of the public participated in the hearing, asking questions of the witnesses and offering statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearing and in written reports, including the report of Marc Lincer, Board Planner dated June 5, 2025 and Eric L. Keller, P.E., Board Engineer, dated July 31, 2025; and

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made.

1. The subject properties are located at 171-175, 181, and 185-189 Church Street, also known as Block 2301, Lots 21, 42, 43 and 44. The existing properties include light industrial uses, including a landscaping service and accessory storage and office. The Applicant proposes to remove all existing site improvements and construct 23 townhouses in six buildings served by a common driveway and two multi-family access courts, parking and other improvements.

2. The properties are located in the R-22 Zoning District of the Church Street Redevelopment Area and are subject to the zoning provisions of the Church Street Redevelopment Plan. The Applicant requests the following deviations from the Church Street Redevelopment Plan:

a. Section 6.2.4.E, Rear Yard Setback, because a minimum 20 foot setback is required, the existing setback is 11 feet and the Applicant proposes a setback of 15.9 feet on the South, 20.2 feet on the northwest and 14 feet on the southwest;

b. Section 6.4.4.L, Parking, because 36 spaces are required and 34 spaces are proposed; and

c. Section 6.2.4.M, Landscape Perimeter Buffer Depth, because a buffer of 10 feet is required to residential zoning districts and the Applicant proposes buffers of 5 feet and 7.2 feet to northwest property lines as measured from the retaining walls to the property line.

3. The Applicant requests the following design waiver from the Residential Site Improvement Standards:

- a. Minimum Drive Aisle Width: 24 feet required and 20 feet proposed (although the proposed width complies with the Village Land Development Ordinance);
- b. No on-site guest/visitor parking spaces in common areas

6. The project consists of 23 for-sale townhouses organized as a condominium. There are a variety of unit types, as follows.

Type 1A (Units 2-4 and 11-17): first floor units have a one-car garage and second floor units have a front Juliet balcony; all units have access to the rear yard.

Type 1B (Units 18 and 23): first floor unit has one-car garage and second floor unit has a front Juliet balcony and balcony.

Type 2 (Units 1 and 5-10): first floor unit has a two-car garage with a future EV charging station and a storage/bonus room; second floor units have a front balcony

Type 3 (Units 19-22): first floor unit has a two-car garage and a storage/bonus room; second floor units have a front balcony

4. The project generates a five-unit affordable housing obligation. This obligation would be addressed with four units on-site (Units 19-22), and a contribution to the Village Affordable Housing Trust Fund for one unit.

5. The buildings are three story buildings, except that those buildings constructed into the slope will be two stories in height in the rear and 3 stories on the driveway (front) side. Construction will include three sets of retaining walls with maximum heights of 4 feet (South side), 3.5 feet (southwest rear yard), and 11.5 feet (west rear yard). These walls will not be seen by residents on adjacent lots, nor from Church Street.

6. With regard to the rear yard setback and landscaped buffer deviations, the adjacent residences are located above grade from the subject property. The 3rd floor of certain proposed buildings is approximately at grade with the rear property line of the adjacent residences in the worst case scenario. The units closest to the existing residences are constructed into the hillside. Therefore, there will not a detrimental aesthetic impact on these neighbors.

7. Trash will be stored in receptacles within the individual garages, placed along the internal driveways and collected by private hauler. Trucks will pick up from the interior street. Circulation is adequate.

8. At 23 units, the project is a minor traffic generator. The project includes 34 parking spaces. A minimum of six (6) EV parking spaces are required (15% of 39 spaces). The implementation of these EV spaces are in accordance with the Village ordinance. These EV spaces will be provided in individual garages. The Redevelopment Plan, adjusted for the electric vehicle credit, requires 36 parking spaces. The Applicant does not propose on-site guest parking. RSIS requires ½ space per unit, or 12 spaces in this case, but it can be provided offsite. Guest parking can be provided on Church Street, which permits two-hour parking from 8am to 6pm but not overnight. Parking counts demonstrated parking availability. Parking is also potentially available at the lots near the NJ Transit station or in the 3rd and Valley garage.

9. The Applicant seeks a design waiver for driveway width because RSIS requires a minimum of 24 feet and the Applicant proposes a width of 20 feet. This width will be adequate, including fire truck movements as confirmed by the Fire Department. At the request of the Fire Department, the plans were revised to include two hydrants.

10. Regarding landscaping, twenty-six trees are to be removed with 44 replacement trees required. Six on-site trees are to remain. Fifty-two (52) new evergreen and shade trees are proposed. In the yards for Units 10-17, evergreens and trees will be planted above a retaining wall.

11. With regard to fencing, the Condominium Association By-Laws will identify the type of fencing that will be permitted between units if a unit owner wants to install a fence. The fence type will be identified by the Applicant and approved by the Board professionals as a condition of approval.

12. Proposed lighting includes four pole-mounted 12-foot tall lights and 61 wall-mounted lights at 8 feet above grade. Rooftop and ground utilities will not be visible from Church Street.

13. In addition to typical utility construction, the project involves relocation of a sanitary sewer line that serves upgradient, off-site users. An investigation by the Applicant revealed that the line has adequate capacity, however this must be confirmed with additional investigations. Nevertheless, the new routing of the line must be approved by the Board engineer and Village engineer, and the Applicant must enter into easements with the upgradient property owners for inspection and repair..

14. Stormwater currently sheet flows to Church Street. In the proposed condition, stormwater will be addressed through inlets, pipes and swales, with a discharge to the storm water system in Church Street. Impervious coverage will be reduced. For the 25-year storm, runoff rates will be less than the existing condition. All elements of the detention system will be located within the property boundary.

15. The Applicant is proposing bicycle parking in the garage and a bike rack outside of the garages will be added to the plan in a location acceptable to the Board planner and engineer.

16. Circulation for deliveries is adequate. For snow removal, it is anticipated that snow

will be stored at the ends of the two courts. If those locations are inadequate, the Association will haul the snow off-site.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law.

1. An Applicant seeking relief from the provisions of the Church Street Redevelopment Plan must comply with Subsection 8.7 of that Plan. That Section provides as follows:

The Village Planning Board may grant deviations from the regulations contained within this Plan where, by reason for exceptional narrowness, shallowness or shape for a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional or undue hardship upon, the developer of such property. The Village Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Plan.

2. This application satisfies the criteria for the deviations requested. With respect to the deviation for the rear yard setback, the subject property is oddly shaped with challenging topography, constituting exceptional topographic conditions. The Applicant is mitigating any impact by building into the slope. Therefore, granting this relief will not cause substantial detriment.
3. With respect to the deviation regarding parking, the Applicant is seeking only a two-space variance. The properties' location close to the NJ Transit station will reduce parking demand. Guest parking is available during the day on Church Street and overnight in nearby facilities. Bicycle racks are being provided.
4. With respect to the deviation for Landscape Perimeter Buffer Depth, this relief can be granted because the deviation is relatively minor and the slope will mitigate any potential impact from the buffer intrusion.
5. With respect to the design waiver for driveway width, the Applicant is providing width satisfactory for emergency vehicles, which is the paramount concern.
6. Granting these deviations and design waivers is consistent with the purpose and intent of the Redevelopment Plan and will cause no substantial interference with

the public good or the Redevelopment Plan. Granting this relief will authorize the construction of a quality in-fill development in close proximity to mass transit and consisting of for-sale units, a housing type the Village wants to attract.

NOW THEREFORE be it resolved by the Planning Board of the Township of South Orange Village that the application of 185 Church Street, LLC for property located at 171-175, 181, and 185-189 Church Street, also known as Block 2301, Lots 21, 42, 43 and 44 is determined as follows:

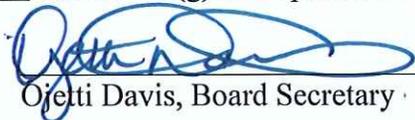
1. The Board grants preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50.
2. The Board grants the deviations from the Church Street Redevelopment Plan set forth herein, pursuant to Section 8.7 of that Plan.
3. The Board grants the design waivers requested pursuant to N.J.S.A. 40:55D-51.

AND IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County and State laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local and state approvals and/or permits.
2. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
3. The Applicant shall pay all outstanding taxes, application fees, technical review fees and inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within ten (10) days of notification.
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. Revised plans will be submitted for Resolution Compliance review and approval by the Board Professionals, which shall contain an approvals statement, signature blocks, revisions discussed herein and in the reports by the Board Professionals, and any notations related to conditions of approval. After those plans are approved by the board professionals, a final set of all plans will be provided for signature, and then the applicant may proceed with building permits. Any changes to the plans during this process must be requested in writing.

6. The Applicant will comply with all terms and conditions set forth in the Planning Report Marc Lincer, P.P. dated June 5, 2025 and the Memorandum of Eric L. Keller, P.E. dated July 25, 2025.
7. The Applicant will develop a pedestrian access and safety plan that, to the extent safe to do so, will provide for pedestrian access along Church Street throughout the construction of this project, subject to approval by the Village.
8. The Applicant will obtain approval from all other governmental agencies whose approval is required for the project, including but not limited to, the Board of Trustees of the Township of South Orange Village and the County Soil Conservation District.
9. The fence type to be used if a unit owner wants one will be submitted by the Applicant for review and approval by the Board professionals.
10. A bike rack outside of the garages will be added to the plan in a location acceptable to the Board planner and engineer, in addition to the racks already proposed in the garages.
11. The new routing of the sanitary sewer line must be approved by the Board engineer and Village engineer, including a determination of the number of upstream properties and their anticipated sewage demands into the existing Church Street sewer main.
12. The Church Street right of way in front of the subject properties will be widened to provide additional parking subject to the review and approval of the Board and Village engineers.

The undersigned secretary certifies that this decision was made by this Board on August 4, 2025 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 9, 2025.


 Ojelti Davis, Board Secretary

Vote on Action Taken by the Board

FOR:

AGAINST:

ABSTAIN:

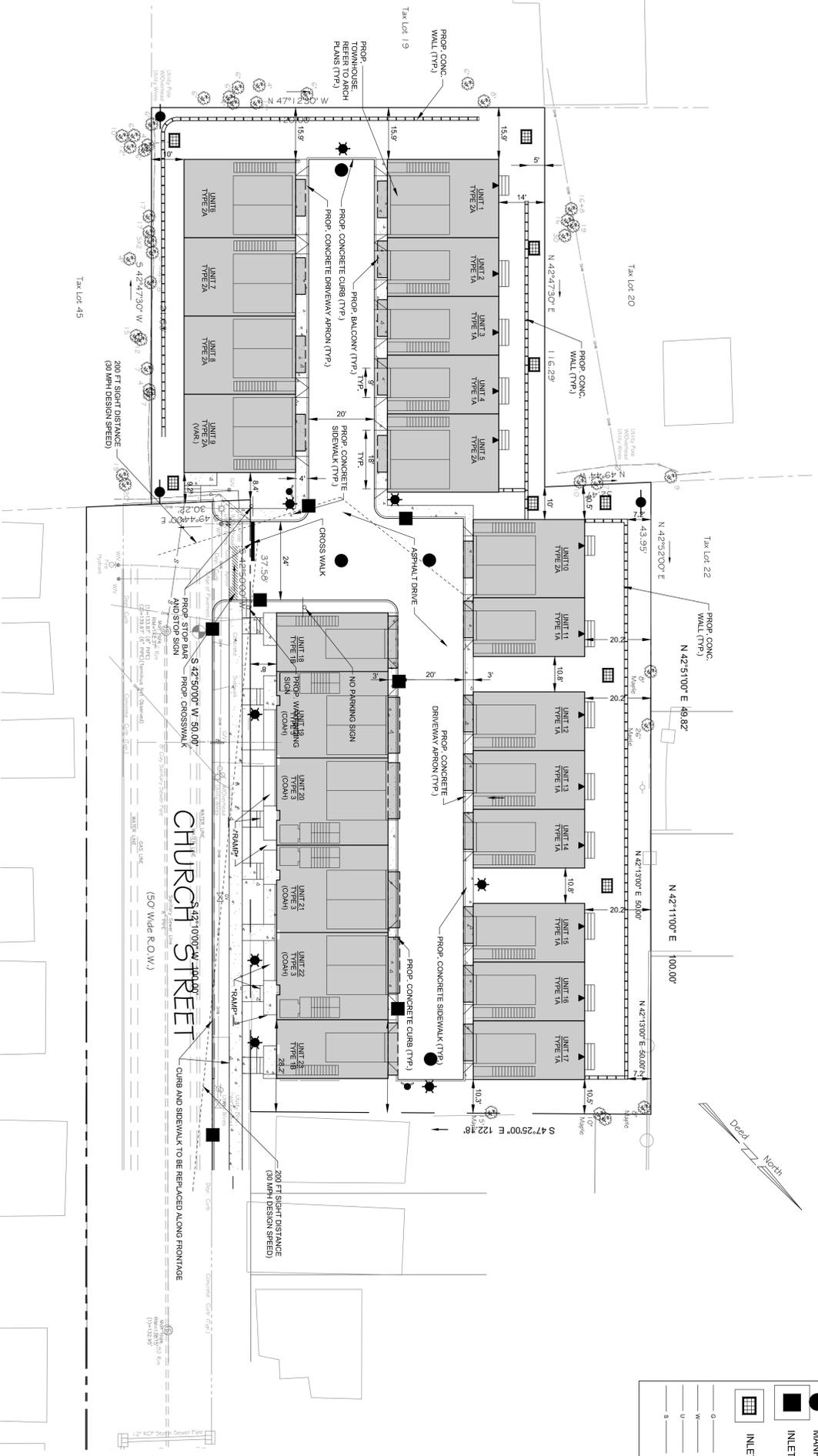
Board Member(s) Eligible to Vote:

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BUSCH-VOGEL						x

COLTON-MAX (Ch.)		X	X			
HARRIS (1 ST Alt)			X			
MORIN			X			
DORIN						X
MILLER						X
KRAIKER			X			
HOUSE	X		X			
HASKINS						X

Vote on Memorialization of Resolution:

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BUSCH-VOGEL						x
COLTON-MAX (Ch.)	X		X			
HARRIS (1 ST Alt)						X
MORIN			X			
DORIN						X
MILLER						X
KRAIKER			X			
HOUSE		X	X			
HASKINS						X



RAMP NOTES:
 1. UCC 1108.6.5 COAH UNITS, THE EXEMPTION FOR TOWNHOUSES AND MULTISTORY UNITS NOTWITHSTANDING, MULTISTORY OR MULTIFLOOR TOWNHOUSES FOR WHICH CREDIT IS SOUGHT FOR LOW OR MODERATE INCOME HOUSING THROUGH THE COUNCIL ON AFFORDABLE HOUSING (COAH) SHALL HAVE THE FOLLOWING FEATURES, WHICH SHALL COMPLY WITH THE STANDARDS FOR TYPE A DWELLING UNITS PER ICC A17.1: AN ADAPTABLE ENTRANCE WITH THE STANDARDS FOR TYPE A DWELLING.

PROPOSED LEGEND	
	GRANITE BLOCK CURB
	CONCRETE CURB
	DEPRESSED OR FLUSH CURB (SEE PLAN)
	RETAINING WALL
	POLE MOUNTED LIGHT
	POLE MOUNTED LIGHT
	HYDRANT
	MANHOLE
	INLET TYPE 'A'
	INLET TYPE 'B'
	UTILITY POLE
	SIGN
	4" GAS LINE
	8" WATER LINE
	ELECTRIC, CATV & TELEPHONE
	SANITARY SEWER LATERAL
	VALVE



SEE SHEET 1 OF THIS SET FOR GENERAL NOTES AND REFERENCES. THESE PLANS ARE NOT TO BE USED FOR BID OR CONSTRUCTION.

PRELIMINARY & FINAL SITE PLANS FOR
185 CHURCH STREET
 SITE LAYOUT & DIMENSIONING PLAN
 TAX MAP BLOCK 2301, LOTS 21, 42, 43, 44
 TOWNSHIP OF SOUTH ORANGE VILLAGE, ESSEX COUNTY, NEW JERSEY

Omland & Osterkorn, Inc.
 22 Madison Heights
 Wyckoff, NJ 07481
 www.oengineers.com
 E-mail: kosterkorn@o-o-inc.com
 Phone: 973-647-7820
 NJ Certificate of Authorization
 No. 24GA26293300

 KERSTEN OSTERKORN, N.J. Professional Engineer & Professional Land Surveyor,
 Lic. 24GB42581



PROJ.: 240303
 DATE: 01/20/25
 CHKD: KO
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NO.	REVISION	DATE	CHKD.
6			
5			
4			
3	REV DRAINAGE PIPE LOCATION AND ADD HYDRANTS	07/25/25	
2	REV PER COMPLETENESS REVIEW	05/16/25	
1	REV PER COMPLETENESS REVIEW	04/13/25	

SHEET No. **4** OF **14**

Resolution
South Orange Village
Planning Board
In the Matter of JESPY House, Inc.
Application # 300
66, 102-110 Prospect Street
Block 2017, Lots 16-19
Decided on November 4, 2024
Memorialized on January 6, 2025
Variances, Design Waiver and Site Plan
Approval

WHEREAS, JESPY House, Inc. (hereinafter the “Applicant”) has made an application for bulk variances, a parking variance, a design waiver and major preliminary and final site plan approval to construct a five-story structure containing housing for intellectually and developmentally disabled individuals, administrative offices for JESPY House and space for services and programming for JESPY House clients, at property known as 66, 102-110 Prospect Street, also known as Block 2017 Lots 16-19 on the Tax Map of the Township of South Orange; and

WHEREAS, public hearings were conducted on April 1, 2024; April 11, 2024; May 6, 2024; July 11, 2024; August 5, 2024; August 14, 2024; September 4, 2024; October 10, 2024; and November 4, 2024; and

WHEREAS, the Applicant was represented by Derek W. Orth, Esq.; and

WHEREAS, the Applicant provided testimony by Audrey Winkler, representing the Applicant as its Executive Director; Nancy Dougherty, a professional architect whose credentials were accepted by the Board; Michael Lanzafama, a professional engineer and land surveyor whose credentials were accepted by the Board; Matthew Seckler, a professional

traffic engineer whose credentials were accepted by the Board; Brian Conway, a professional landscape architect whose credentials were accepted by the Board; and Mallory Clark, a professional planner whose credentials were accepted by the Board; and

WHEREAS, the Applicant presented and relied upon the application package submitted and the following exhibits introduced:

1. Aerial exhibit with depiction of proposed structure (A-1);
2. Site Plan sheet 5, colorized (A-2);
3. Partial Site Plan with loading study, April 1 2024 (A-3);
4. Truck Turning Analysis of Alternate Loading, April 1 2024 (A-4);
5. JESPY House Presentation (A-5);
6. NJ Division of Developmental Disabilities support letter (A-6);
7. Aerial photograph, updated April 11, 2024 (A-7);
8. Photographs of existing structures, April 11, 2024 (A-8);
9. Photographs of structures in the vicinity used to develop design for proposed building (A-9);
10. Colorized courtyard plan and elevation (A-10);
11. Site History, April 11, 2024 (A-11);
12. Existing Conditions, 108-110 Prospect, March 4, 2024 (A-12);
13. Height Analysis, April 11, 2024 (A-13);
14. Complete revised Site Plan set, June 13, 2024 (A-14);
15. Lower level floor plan exhibit with areas triggering parking (A-15);
16. First floor plan exhibit with areas triggering parking (A-16);
17. Truck turning templates (A-17);
18. Truck turning plan (A-18);
19. Revised Site Plan sheet previously marked A-1 (A-19);
20. Revised landscape plan, June 13, 2024 (A-20);
21. Streetscape sections (three sheets), May 6, 2024 (A-21);
22. Parking calculation plan diagram, July 22, 2024 (A-22);
23. Second floor rooftop amenity plan, August 5, 2024 (A-23);
24. Equipment enclosure detail, August 5, 2024 (A-24);

25. Garage gate detail, August 5, 2024 (A-25);
26. Updated North elevation, August 5, 2024 (A-26);
27. Bike rack detail, August 5, 2024 (A-27);
28. Planning testimony exhibit, October 10, 2024 (A-28); and

WHEREAS, representatives of the public were provided with an opportunity to ask questions of the witnesses and offer statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearing and in written reports, including the reports of Greer Patras and Justin Cutroneo, Board planners, dated March 28, 2024; August 14, 2024; and October 9, 2024; and the reports of Eric Keller, Board engineer, dated December 4, 2023; December 28, 2023; February 19, 2024; July 9, 2024; and October 7, 2024; a Memoranda from the Design Review Board dated January 20, 2024 and March 1, 2024; and correspondence from William C. Sullivan, Jr., Esq on behalf of the South Orange Village Historic Preservation Commission dated July 9, 2024;

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made.

1. The applicant proposes to construct a five-story mixed-use structure containing 31 housing units accommodating 46 persons with intellectual and developmental disabilities, as well as administrative offices for the applicant's staff and space for providing services and programming for clients of the applicant, including clients that do not reside in the proposed building.
2. The property is located in the RC-1 residential multifamily office zone, in which the proposed facility is a permitted use.

3. On one of the four lots that are the subject of the application (Lot 18), the applicant currently carries out various administrative and clinical service programs. On the other three lots within the scope of this application, there are residential and office uses. The applicant has recently acquired the 4th lot. All of the structures on these four lots are proposed for demolition under this application.

4. The applicant seeks the following relief:
 - a) under Ordinance Section 185, Attachment 3, a side yard setback variance is required on the West side of the property because a minimum setback of 15 feet is required, whereas 12.22 feet is proposed to the limits of a parking garage to be constructed below grade;
 - b) under Section 185, Attachment 3, a rear yard setback variance is required on the South side of the property because a minimum setback of 25 feet is required, whereas 11.03 feet is proposed to the limits of the below-grade parking garage;
 - c) under Section 185-174.A, a parking variance is required because a minimum of 131 spaces is required for the combined uses on the property and a six space credit is applicable for the six electric vehicle spaces provided, for a net parking requirement of 125 spaces, whereas the applicant is proposing to install 36 spaces;
 - d) under Section 185-143.A.2.a, a variance is required because the Ordinance permits one sign whereas the applicant is proposing two signs; and
 - e) a design waiver from section 185-141.A.8, requiring a maximum of six colors on a sign whereas the applicant proposes nine colors.

5. For many years, the applicant has provided housing and a wide variety of support services to adults with intellectual and developmental disabilities, on properties located in the

Village. The housing and services provided to these clients help them become more independent and thus more capable of navigating through the complexities of daily life. The proposed building provides affordable housing for 46 clients, some of whom cannot afford to live in market-rate housing. For others, this housing will allow them to move into a space of their own, a significant step in increasing their independence. The construction of this project will generate 20 affordable housing credits for the Village.

6. The non-residential portion of the new building will include a Health and Wellness Center providing occupational therapy, physical therapy, athletic training, yoga, meditation, health and nutritional counseling and other activities. These areas also include a nursing office and exam room for the applicant's clients. Portions of the building will also include space for clinical and behavioral support evaluations, a lobby, a library/tech center, counseling and workshops and related services, daily living skills, work readiness and employment counseling; and other services and activities.
7. The four lots involved have a total area of approximately 37,998 square feet or 0.872 acres. The proposed improvements include the proposed building, indoor and exterior parking, loading, drop off area, rear yard courtyard, rooftop courtyard, landscaping and other improvements.
8. The proposed building will include five stories, with partially underground level containing 6,000+ SF of health-related services (gym, physical therapy, nurses' office), a parking garage. The proposed height is 44.9 feet whereas 45 feet is the maximum permitted. That height is based upon an average grade, which is consistent with the Ordinance. Because the height is based on average grade, the part of the building visible at the entrance to the garage is not counted as part of

the building height. Measured from the driveway in front of the garage access, the structure is approximately 57 feet high because the driveway is cut into the grade. The height of 44 feet 11 inches is approximately 18 feet higher than the house to the East and 23 feet higher than the house to the West. The properties in the vicinity consist of multifamily and commercial properties of varying types and sizes ranging from one to three stories and 26 to 44 feet in height.

9. There is a 6% grade differential from south to north so that the grade of the properties rises up from the street, such that the elevation of 209 feet at Prospect Street rises to elevation 226 feet at the rear of the properties.
10. The basement level will have an elevation of 206.5 feet. The door at the lower level will be at elevation 207.5. The roof will have an elevation of 262.6 feet at the highest point of the parapet. The first floors of the existing structures range in elevation from 216 to 221 feet. The first floor elevation at the proposed main entrance and lobby is 218.5 feet, which is approximately three feet lower than the existing first floor elevation of the structures at 108-110 Prospect and the same elevation as the structures existing at 104-106 Prospect. The building is set back further from Prospect Street than the existing structures.
11. The building has a gross floor area of approximately 79,000 square feet and includes the following elements. The cellar level will include parking, utility rooms and a trash and recycling room fed by a trash chute as well as the health/wellness studio, OT/PT area, nurses' office, and ancillary offices. The garage entry is located on the east side of the building. There will be a bike rack with capacity for 10 bikes and bollards surrounding it.

12. The first floor contains administrative offices and client service offices workspaces, and related programming spaces. It also contains the lobby, library, multi-purpose room, mail room, and break room.
13. On the second floor there will be 5 four-bedroom units for an older adult population with increased need for assistance. On the third floor there will be thirteen apartments, lounge space in the front and a music room. On the 4th floor there will be thirteen apartments and lounge space in the front. Apartment sizes on the 3rd and 4th floors will range from 729 square feet to 853 square feet.
14. The roof level will include the elevator bulkhead with a grey stucco finish, HVAC equipment, and an emergency generator, all within a dark grey enclosure six feet high, as well as a solar installation. The equipment area will be 1,498.7 square feet, less than ten percent of the overall roof area of 15,328.6 square feet, so that a height variance is not required.
15. There will be an open courtyard in the middle of the building with a total area of 2100 square feet including benches and planters. It will also include planters with underlying drainage with a collective area of approximately 750 square feet. It will be accessible from the building. The building will have two elevators and smart building technology. The building will be fully sprinklered.
16. Several sustainability elements are incorporated in the building design, including a green roof over a portion of the parking garage, Energy Star appliances and low flow fixtures, a solar installation on the roof, and six electric vehicle spaces.
17. Patio and green space will be included in the rear of the

building with an area of 2600 square feet.

18. The facade design as presented to the Board as of the conclusion of testimony had been modified to address some comments of the Historic Preservation Commission and the Design Review Board. Among the modifications were a reduction in building height and the reduction of the height of retaining walls in some places or the elimination of same in some locations, as well as modifying the entrance to provide for accessible pedestrian access. Among the recommendations that were not accepted were a proposed portico, a first floor entrance at a lower level, making the building smaller and relocating the office space to an off- site location.
19. Building materials will include brick, stucco and cast stone details, as well as Hardie panels and siding. There will be carriage lights at the front entrance.
20. The plans for this facility were reviewed by the New Jersey Division of Developmental Disabilities, which issued a letter in support of the project. Exhibit A-6. Among the building elements developed to meet the agency requirements were the size and layout of apartments, programming spaces and amenity spaces and life safety upgrades.
21. The South Orange Historic Preservation Commission (“HPC”) considered this application at a meeting held on December 21, 2023 pursuant to the Commission’s authority pursuant to N.J.S.A. 40:55D-110 and Ordinances 2012-09 and 2012-16. Following that meeting, by letter of January 2, 2024 prepared by William C Sullivan, Jr. counsel for the HPC, the HPC provided a number of comments and recommendations. Thereafter, the Applicant made a number of modifications to the project.

22. The HPC considered the modified project at a meeting held on June 20, 2024, at which time the Applicant's architect explained that a number of modifications were made to address the prior comments by the HPC. After considering that testimony, the HPC provided modified comments and recommendations which were set forth in correspondence from Mr. Sullivan dated June 27, 2024. The HPC maintained its prior position that the Village's recognition of the historic value of the existing structures should lead the Planning Board to conclude that these structures should not be demolished. The HPC stated that it appreciated the fact that the Applicant had made several design modifications to address the HPC's prior comments, including but not limited to the relocation of the loading space to the side yard, the reconfiguration of the driveway to provide a new, lower level entrance to the garage on the side; the elimination or reduction in height of retaining walls, the reduction of the building height by 4 feet, and the providing of additional trim and articulation.
23. If the Board was inclined to grant the application, then the HPC also recommended that the Applicant should reuse historic materials in the existing structures to the extent feasible, that design and detailing at the top of the front facade should extend along the length of the sides, that the Applicant should consider a modified parking lot design to be more historically attractive, and that more landscaping should be provided. Ultimately, the Applicant agreed to reuse historic materials to the extent feasible, extended the roof detail on the sides but not along their entire length, (because doing so would require alterations to the interior of the 4th floor); and provided additional landscaping. The Applicant maintained that it was not practical to use the existing buildings for the proposed residential and programming uses due to changes in grade and height and non-accessible interior elements. The Applicant also maintained that it had made the exterior parking area more

attractive by eliminating a parking space and adding landscaping.

24. As explained in paragraph 11 above, the project, as modified, provides for an entry to the garage from the east side of the building at the lower level. There will be a garage gate that is locked after approximately 8 pm, with card access thereafter. The gate will slide side to side and not up and down and will have a bronze anodized finish.
25. The loading space, with an area of approximately 12 feet by 35 feet, is also located in the side yard, eliminating the need for a variance from the requirement that loading spaces are prohibited in the front yard. The transformer location was also changed to a less prominent location that is easier to screen. The Applicant also provided for a drop off area, with a pedestrian entrance at grade and with a bench and a canopy with an area of approximately 200 square feet, which extends 8 feet from the front façade of the building.
26. The project provides for 36 parking spaces, 31 in the garage and five outside; including two ADA-compliant spaces and six electric vehicle spaces within the garage. On-street parking may also be available though it was not considered in the grant of the parking variance.
27. The Ordinance requires 1 space per 300 sq ft of office space. Based on programming and office space of 20,571 sq ft, 69 spaces are required, and 62 spaces for the residential component (2 spaces per unit), for a total demand of 131 spaces, minus a six-space credit for the electric vehicle spaces, for a total parking requirement of 125 spaces, whereas 36 spaces are proposed.

28. The Applicant presented testimony supporting the position that the proposed number of spaces was adequate. Very few of the clients drive and therefore the 62 spaces related to the residential component were not necessary. There are few visitors. Staff will work on three shifts and share office space. During the peak shift, the 8 am to 4 pm shift, 24 employees are expected on-site. Because the change of shift at 4 pm will include 24 employees from the day shift still on site and the evening shift arriving, the Applicant adjusted the day shifts as follows: Day A (7 am to 3 pm)(5 employees); Day B (7:30am to 3:30 pm)(5 employees) and Day C (8am to 4 pm)(14 employees). The evening shift (4pm to 12 am) will include 16 employees and the night shift (12am to 8 am) will include 8 employees. As a result, there will be a maximum of 30 employees on duty in the afternoon and 32 employees in the overlap between the night and day shifts. Vans used to transport clients to appointments and activities are maintained at the Applicant's facility located at 110 Irvington Avenue. They also transport residents from other buildings to this proposed facility for services. They will likely make a few trips a day to and from the proposed facility.
29. The Applicant agreed to schedule events so as to not overtax the parking. The Applicant also agreed to conduct a study every two years, commencing two years after the issuance of the Certificate of Occupancy to confirm that the proposed parking is adequate. The study will be conducted by a consultant retained by the Applicant but reviewed and confirmed by the Board engineer. If the parking on-site is not adequate, then the Applicant shall implement a plan for employees to park at off-site facilities (either applicant or Village controlled), implement car-pooling or propose another alternative that will redirect parking in sufficient numbers to provide for adequate parking on-site, to the satisfaction of the

Board engineer.

30. In terms of traffic impact, the existing four buildings have four curb cuts. The proposed residential use will generate almost no vehicle trips. The existing JESPY facilities on the subject properties generate four trips in the AM peak hour and 9 trips in the PM peak hour and additional trips are generated from the structure currently housing a dental office on one of the lots that are the subject of this application.
31. As proposed, the number of current employees on these properties (18) will be increased to approximately 24 employees at the peak time. The four AM peak trips will increase to five trips and the nine PM peak trips will increase to 12 trips. In addition, there could be as many as three additional van trips to and from the property, for a total of 6 total new trips, which is not a significant increase in traffic volumes.
32. In terms of site circulation, there will be a one way access to the drop off area and a two way driveway to the five surface spaces and the garage. The applicant credibly demonstrated that this safe site circulation will be safe and efficient.
33. Pedestrian access will be provided through the main front entrance. A sidewalk/ crosswalk will be installed from the street to both the cellar and first floor levels. The grades of these walkways will satisfy ADA requirements. This access will be accomplished through an accessible walkway and ramp to the entrances. The crosswalk will be relocated to the West side of the intersection of Prospect Street and Milligan Place. Pedestrian safety during construction will be assured through the development, approval and implementation of a pedestrian safety plan.

34. With regard to landscaping, there are 36 existing trees on the site, nineteen of which are alien invasive trees and ten of the on-site trees are in poor condition. Other trees are off of the properties but are in close proximity. There are no street trees. All of the on-site trees are to be removed. The trees that are off site but close to the property line are typically alien invasive trees. The Applicant will nevertheless undertake steps to protect trees that are located on other properties. The Applicant shifted a sidewalk closer to the building to avoid impacted trees at or near the property line. As the result of changes during the course of the hearings to the exterior parking area, the Applicant was able to increase a landscape buffer and also improve sight distance.
35. The Applicant has proposed a rain garden in the exterior parking and loading area on the east side of the building, as well as pervious pavement for the patio in the rear and for the sidewalks.
36. An evergreen hedge is proposed on top of the modular block retaining walls to the sides and rear of the building. The Applicant also proposes a six foot high, earth tone PVC fence in these areas. Foundation plantings will also be included at the lower level and along the front of the building. Landscaping in the front of the property will also include annuals, perennials, shrubs and six street trees and a hedge. The street trees will be planted at 30 to 40 feet on center. As a condition of approval, the Applicant agreed to coordinate the final tree species selection with the Environmental Commission. The applicant also agreed to replace vegetation as it dies. The Municipal Land Use Law requires a two-year guarantee for the maintenance of the trees.
37. On the West side of the building, the Applicant proposes retaining walls and planted terraces. In the rear of the property

the applicant proposes a 2600 square foot landscaped flex space that can be used for multiple purposes, including staff activities, exercise space, picnics and other activities. The rear space will also include a patio with an area of approximately 345 square feet.

38. It is in this rear area where the “ground level green roof” will be installed, consisting of soil three feet deep with grass on top of the underground parking, with a storm water collection system.
39. In the interior courtyard, roof planters will be installed with depths of approximately 18 inches and plantings.
40. An emergency generator will be provided to operate the elevator, lights and controls for the doors. The generator will be tested once per week during business hours.
41. The grading and drainage plan demonstrates a reduction in peak runoff and volume, meeting applicable stormwater standards. The applicant will use porous pavement in some areas to reduce impervious coverage. Roof leaders will be connected to the proposed on-site stormwater system which will connect to the existing storm sewer in the street. The driveway pitches toward the garage so there will be a trench drain which connects to a catch basin adjacent to the rain garden.
42. Lighting will consist primarily of building and bollard lighting. All fixtures will be focused downward. Fixtures around the rooftop courtyard will be mounted 10 feet high as will all of the parking lot fixtures except for one fixture near the loading area which will be mounted at 12 feet. Emergency lighting will be installed but only turned on in the event of an emergency along the southeast façade of the building. The

surface parking area and driveways will be illuminated with a Colonial-style pole-mounted fixture. Bollards installed along the walks will have a light at the top with a downward focus. The Applicant will work with the Board engineer to determine if additional street lighting can be provided.

43. The project will have a number of features promoting sustainability. These features include the additional plantings and landscaping, consisting of native plants where possible. The aforementioned green infrastructure and solar panels will promote sustainability. Sustainable materials and pervious pavers will be used and there will be minimal, high-efficiency outdoor lighting.
44. There will be two signs with a total area of twelve square feet. The primary sign will be located over the main entrance. It will have an area of 10 square feet, less than the Ordinance maximum of 12 square feet. The second sign will be installed to the right of the main entrance and will have an area of two square feet, so that the total sign area meets the Ordinance requirement. The second sign and the number of colors on the sign require relief from this Board.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law.

1. The Applicant seeks the following relief:
 - a) under Ordinance Section 185, Attachment 3, a side yard setback variance is required on the West side of the property because a minimum setback of 15 feet is required, whereas 12.22 feet is proposed to the limits of a parking garage to be constructed below grade;
 - b) under Section 185, Attachment 3, a rear yard setback variance is required on the South side of the property

because a minimum setback of 25 feet is required, whereas 11.03 feet is proposed to the limits of the below-grade parking garage;

- c) under Section 185-174.A, a parking variance is required because a minimum of 131 spaces is required for the combined uses on the property and a six space credit is applicable for the six electric vehicle spaces provided, for a net parking requirement of 125 spaces, whereas the applicant is proposing to install 36 spaces;
- d) under Section 185-143.A.2.a, a variance is required because the Ordinance permits one sign whereas the applicant is proposing two signs; and
- e) a design waiver from section 185-141A.8 requiring a maximum of six colors on a sign whereas the applicant proposes nine colors.

2. The variances must be evaluated pursuant to the criteria set forth in N.J.S.A. 40:55D-70(c). Under subsection c(1), the Applicant must prove hardship (a) by reason of exceptional narrowness, shallowness, or shape of the specific piece of property, or (b) by reason of exceptional topographic conditions and physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the applicable regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such a property. The Applicant then must demonstrate that granting the relief requested will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

3. For a c(2) variance, the Applicant must prove that the purposes of the MLUL would be met by a deviation from the zoning ordinance requirement and that the variance can be granted

without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zoning plan or zoning ordinance.

4. In this case, the setback variances are due to the distance between the property line and the underground parking structure, which will not be visible or impact upon light, air and open space. The setbacks are compliant at and above grade. Providing the underground parking within the setbacks permits the construction of additional parking. Because the primary purpose of setback requirements is to avoid visual impacts and impacts to light, air and open space, the construction of underground structures has no such impacts and thus is also consistent with the intent and purpose of the Ordinance.
5. Regarding the parking variance, the residential component of the project will generate virtually no parking demand because very few of the residents drive. The non-residential component is primarily related to the parking needs of staff. Applicant has addressed the accommodation of the vans by including the drop off area at the front of the building.
6. The Applicant has accepted several conditions on the granting of the parking variance. Based on the imposition of these conditions, the parking proposed will be adequate, will not cause a substantial detriment to the public good and is consistent with the intent and purpose of the Ordinance, which does not contemplate the unique parking aspects of this use. Furthermore, the Master Plan supports equity and enhanced quality of life for all Village residents and granting this variance so that this project may proceed supports this objective.
7. The variance and design waiver associated with the signs are de minimis relief that will not result in any detrimental impact and will provide appropriate and attractive identification.

NOW THEREFORE be it resolved by the Planning Board of South Orange Village that the application of JESPY House, Inc for property located at 102-110 Prospect Street, also known as Block 2017, Lots 16-19 is determined as follows:

1. The Board grants rear and side yard setback variances, parking variance and sign variance pursuant to N.J.S.A. 40:55D-70(c)(2);
2. The Board grants a design waiver for number of sign colors pursuant to N.J.S.A. 40:55D-51; and
3. The Board grants major preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50.

AND IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Village, County and State laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local and state approvals and/or permits.
2. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

3. The Applicant shall pay all outstanding taxes, application fees, technical review fees and inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within ten (10) days of notification.
4. If the Applicant desires to make any changes to the final plans, regardless of whether any such change is material or non-material, the Applicant shall request approval therefor by written application to the Board's Administrative Officer, which application shall clearly identify each change proposed. The Administrative Officer shall determine whether each such change is "material" or "non-material". Changes determined by the Administrative Officer to be non-material shall be automatically approved. Material changes shall require an application for amended approval to be filed with the Board. Failure to comply with this condition may be sufficient grounds for withholding any certificate of occupancy or revocation of any previously issued certificate of occupancy pursuant to N.J.A.C. 5:23, Uniform Construction Code of New Jersey.
5. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution, all of which have been relied upon by the Board in rendering its decision. The Applicant shall be bound to comply with the representations made before this Board by the Applicant and its professionals and the conditions imposed by the Board at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
6. Prior to the commencement of any land disturbance or construction,

revised plans incorporating all additions, amendments and corrections made a part of this approval as indicated during testimony and as required by the Board, the Board's professionals, and/or any other agency having jurisdiction in the matter, shall be submitted to the Zoning Officer, which will be distributed to the Board Professionals for Resolution Compliance Review and Approval. Additionally, the plans will incorporate all items from the professional reports unless otherwise specifically addressed in this resolution, will show an updated bulk chart with all variances and design waivers granted, and add notes to confirm compliance with conditions expressed within this resolution. All changes from the previously filed plans shall be clearly identified. Said plans and reports shall be delivered within sixty (60) days of (i) the date of this resolution, or (ii) receipt of final approval from all other agencies with jurisdiction over the project, whichever last occurs; provided, however, that in no event shall such revised plans and reports be submitted more than one hundred eighty (180) days from the date of this resolution. In the event the Applicant does not comply with these deadlines, it shall apply to the Board for an extension. Errors and omissions by the Applicant in the submission process will not be deemed to be a valid basis for extension requests of the aforementioned timeframes. Construction permit(s) shall not be issued by the Building Department until the Zoning Officer determines that the construction documents submitted for permits conform to all Board approval requirements.

7. Except as modified by the Board, the Applicant will comply with all terms and conditions set forth in the reports of Greer Patras and Justin Cutroneo, Board planners, dated March 28, 2024; August 14, 2024; and October 9, 2024; and the reports of Eric Keller, Board engineer, dated December 4, 2023; December 28, 2023; February 19, 2024; July 9, 2024; and October 7, 2024.

8. The Applicant will obtain approval from all other governmental agencies whose approval is required for the project, including but not limited to, South Orange Village and the County of Essex Planning Board and Health Department, and the Soil Conservation District.
9. The Applicant shall provide a plan identifying the routes of trucks carrying soil from the site, which shall be coordinated with and reviewed by the Board engineer.
10. The Applicant shall coordinate landscaping species selection with the Environmental Commission and Board Engineer.
11. Additional street trees will be planted across Prospect Street from the subject property (likely three trees) and along Milligan Place (likely five trees), to be coordinated with the Environmental Commission and Board professionals.
12. Evergreen shrubs will be added to shield the front yard retaining walls.
13. All planters in the rooftop courtyard will have an 18-inch minimum depth.
14. All ground-mounted and rooftop-mounted equipment shall be screened, with details depicted on the revised plans. Testing of the generator will be limited to once per week during business hours.
15. The Applicant shall work with the Board engineer to determine if additional street lighting should reasonably be provided along the frontage.
16. The lights on the East façade adjacent to Lots 21 and 22 are to be lit only in emergencies.

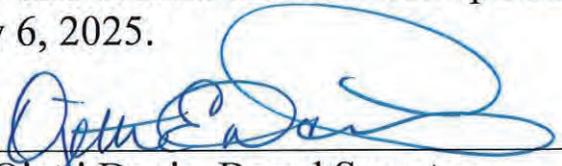
17. A mural or other aesthetic improvement will be added on the interior garage wall opposite the ADA-compliant spaces and the EV parking spaces.
18. A pedestrian cross walk and signage in accordance with MUTCD standards shall be installed in connection with the Prospect Street crosswalk at Milligan Place, which is to be relocated to the west side of the intersection.
19. A pedestrian safety plan shall be prepared, incorporated into the plan set, and subject to Board Engineer review and approval prior to construction. Sidewalks and streets will not be blocked unless necessary to accomplish a special construction objective and will be reopened as soon as safe to do so during construction.
20. The Applicant shall fund an engineering study to be performed by the Village to determine whether a pedestrian warning device, like a flashing beacon or similar device, should be installed at the crosswalk, and if so, it shall be installed at Applicant's expense.
21. The Applicant shall prepare a truck maneuvering plan for an emergency vehicle, to the satisfaction of the Board engineer.
22. The Applicant shall install a gate, no more than four feet in height to restrict access to the rear yard of the building.
23. The garage gate will be closed at 8 PM until 8AM and during these times, the gate will be activated by card, fob or similar type of access control. Provisions will be made for garage access by emergency services.
24. The Applicant shall provide utility will-serve letters.

25. The Applicant shall coordinate with utilities for overhead electric removal and new pole locations/service lines.
26. The Applicant shall provide a Deed of lot consolidation for review and approval by the Board attorney and engineer and shall obtain a new Block and Lot number from the Tax Assessor.
27. The Applicant shall provide the Board professionals with a copy of the survey for Lot 19.
28. The Applicant shall submit a stormwater maintenance manual for review and approval by the Board engineer.
29. The Applicant shall submit a revised stormwater management report for review and approval by the Board engineer, including reconciliation and coordination of prior impervious coverage calculations.
30. The Applicant shall submit a detail of the sign proposed for the package drop off area.
31. The Applicant shall revise the plans to show the relocated fire hydrant and obtain approval for same from the Fire Chief.
32. The Applicant shall submit an updated earthwork analysis to address the comments of the Board engineer on same.
33. To address a comment from the HPC, the Applicant shall incorporate building details from the existing buildings into artwork for the completed building and include a plaque depicting/describing the structures to be demolished.

34. The Applicant shall provide an engineer's cost estimate, including a separate bond estimate for improvements to be constructed in the public right of way.
35. The Applicant will post a bond for work in the right of way and execute a Developer's Agreement for any such work.
36. The Applicant shall comply with all applicable requirements related to affordable housing, including entering into appropriate agreements with the Village and Deed Restrictions to ensure that twenty percent (20%) of the residential units will be reserved as affordable housing.
37. There will be no parking of JESPY-owned vans during overnight hours on-site.
38. Staff hours will be staggered in a manner consistent with the testimony.
39. Applicant shall provide an engineer's certification, including an as-built confirming all building setbacks.
40. The Applicant shall conduct a parking study every two years, commencing two years after the issuance of the Certificate of Occupancy to confirm that the proposed parking is adequate. The study will be conducted by a consultant retained by the Applicant but reviewed and confirmed by the Board engineer. If the parking on-site is not adequate, then the Applicant shall implement a plan for employees to park at off-site facilities (either applicant or Village controlled), implement car-pooling or propose another alternative that will redirect parking in sufficient numbers to

provide for adequate parking on-site, to the satisfaction of the Board engineer.

The undersigned secretary certifies that this decision was made by this Board on November 4, 2024 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on January 6, 2025.


 Ojetti Davis, Board Secretary

Vote on Action Taken by the Board

FOR: 7

AGAINST: 1

ABSTAIN:

Board Member(s) Eligible to Vote:

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BUSCH-VOGEL		X	X			
COLTON-MAX (Ch.)	X		X			
HARRIS			X			
DORAN				X		
MILLER (V. Ch.)			X			
KRAIKER			X			
HOUSE			X			
MORIN			X			

Vote on Memorialization of Resolution:

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BUSCH-VOGEL			X			
COLTON-MAX (Ch.)			X			
HARRIS	X		X			
DORAN						
MILLER (V. Ch.)		X	X			
KRAIKER						X
HOUSE			X			
MORIN			X			

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



ORDINANCE #2026-XX

Introduction: February 23, 2026

Adoption: March 9, 2026

AN ORDINANCE OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING AND RESTATING VILLAGE CODE CHAPTER 185 BY THE ADDITION OF ARTICLE XXXIII TO ESTABLISH THE VALLEY STREET AFFORDABLE HOUSING OVERLAY ZONE DISTRICT

WHEREAS, the South Orange Village (the "Village") is obligated to provide a realistic opportunity for the creation of housing affordable to very low-, low-, and moderate-income households pursuant to the New Jersey Fair Housing Act and applicable constitutional requirements; and

WHEREAS, on March 20, 2024, the Fair Housing Act was amended by P.L.2024, c.2, including changes establishing updated Fourth Round compliance procedures and related State monitoring responsibilities; and

WHEREAS, P.L. 2024, c.2 requires ordinances and resolutions implementing the Village's compliance program be adopted on or before March 15, 2026; and

WHEREAS, the Village's Planning Board adopted the Village's Fourth Round Housing Element and Fair Share Plan ("HEFSP") as part of the Village's Master Plan, identifying the strategies, mechanisms, and implementation measures by which the Village will address its Fourth Round affordable housing obligations; and

WHEREAS, the Village Council has endorsed the HEFSP as the policy basis for the Village's affordable housing implementation program; and

WHEREAS, the HEFSP identifies a project at Block 2003, Lots 6 and 7 on the official Tax Map of South Orange Village and otherwise known as 164-168 Valley Street as a project to contribute ten affordable units as part of the Village's Fourth Round compliance program; and

WHEREAS, the Village Council seeks to provide a realistic opportunity for development of affordable housing project identified in its HEFSP in compliance with statutory deadlines.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of South Orange Village, in the County of Essex and the State of New Jersey as follows:

SECTION 1.

Chapter 185, Part 13 – Zoning is hereby amended and restated, in relevant part, by the addition of the following:



Article XXXIII: Valley Street Affordable Housing Overlay

185-195 Purpose and Applicability

- A. The purpose of this article is to provide a realistic opportunity for development of inclusionary affordable housing at Block 2003, Lots 6 and 7 as specified in South Orange Villages Round Four Housing Element and Fair Share Plan. Development on Block 2003, Lots 6 and 7 may be regulated under the standards of this overlay zone district or under the underlying zone districts.
- B. The provisions in this Article are not intended to repeal, abrogate or annul any portion of this chapter, nor shall it be construed to annul the applicability of other provisions of this Chapter except as expressly provided herein.
- C. South Orange Village reserves the right at any time to add to, remove from, or modify any provision of this Chapter provided that such addition, removal or modification is not inconsistent with the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; or the Village's Fourth Round Housing Element and Fair Share Plan.

185-196 Permitted Uses

- A. Multifamily Dwellings on above floors, with accessory spaces, including residential entrance and lobby on the first floor.
- B. Art Gallery, which may include installations on an outdoor rooftop deck.
- C. Retail Sales & Services.
- D. A suite with living, cooking, sleeping, and sanitary facilities expressly for use by Village emergency service first responders for rest, relaxation, and recovery.
- E. Outdoor Rooftop Decks.
- F. Any combination of the above uses.
- G. Art Gallery and/or retail sales & services shall be required as the primary use on the ground floor along Valley Street.
- H. Accessory uses customarily incidental and subordinate to the above permitted uses.

185-197 Lot, Yard, Intensity and Bulk Regulations

- A. Minimum Lot Area: 15,000 square feet.
- B. Minimum Lot Width: 40 feet.



- C. Minimum Lot Depth: 100 feet.
- D. Minimum Front Yard Setback: 10 feet from the property line and 15 feet from the curblineline.
- E. Minimum Side Yard Setback, Each: 10 feet.
- F. Minimum Rear Yard Setback: 30 feet.
- G. Maximum Building Coverage: 60 percent.
- H. Maximum Lot Coverage: 75 percent.
- I. Maximum Building Height, Feet: 48 feet.
- J. Maximum Building Height, Stories: 4 stories.
- K. Building Stepback from Public Streets: 25 feet at the fourth story.
- L. Maximum Density: 60 dwelling units per acre.

185-198 Additional Standards

- A. Multifamily housing shall comply with Part 15, Affordable Housing, of this Chapter.
- B. Rooftop decks containing commercial uses shall only be located within stepbacks fronting Valley Street.

SECTION 2.

The Village Council hereby amends the zoning district map of South Orange Village consistent with this Ordinance.

SECTION 3.

REPEALER.

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5.

This ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40-55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all



notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 6.

On passage and publication, this ordinance shall be codified.

Introduction and First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						
Greenberg						
Haskins						
Jones						
Lewis-Chang						
Zollman						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced and advanced on first reading by the Village Council at their meeting held on February 23, 2026.

 Ojetti E. Davis
 Village Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						
Greenberg						
Haskins						
Jones						
Lewis-Chang						
Zollman						



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on March 9, 2026.

Ojetti E. Davis
Village Clerk

Adopted:

Attest:

Sheena C. Collum, Mayor

Ojetti E. Davis, Village Clerk

Development Parameters Outline
Wednesday, May 1, 2024

A History of development strategies at 164-168 Valley Street, Township of South Orange Village, New Jersey
(JBG column data references)

	JBG University Housing	Hero w/Workshop Proposal
USE	Student Residences	Market Rate Residential & Commercial
LOT AREA	40,039 sf	40,039 sf
BUILDING HEIGHT (FRONT)	4 stories 47 ft	3.5 stories 48 ft
BUILDING HEIGHT (REAR)	20 ft (from top of wall)	32 ft (FF to Roof)
DENSITY	64 units/acre	59 units/acre
TOTAL UNITS	58 student residences 155 bedrooms	51 units (final split TBD) 73 bedrooms
RESIDENT POPULATION	202 ppl	95 ppl
BUILDING COVERAGE <i>(impact on site disturbance/below grade)</i>	76% (assumption*) 30,325 sf	58% 23,398 3,528 sf below only @ parking
FOOTPRINT ABOVE GRADE	65% 26,111 sf	50% 19,870 sf
IMPERVIOUS COVERAGE	100%	86% max. paving plans TBD
FRONT YARD SETBACK	15 ft from property line 21 ft from the curb	15 ft from property line 21 ft from the curb
REAR YARD SETBACK	10 ft below grade 16 ft above grade	32 ft below grade 81 ft above grade
SIDE YARD SETBACK	10 ft below grade 16 ft above grade	11.7 ft at closest pt above (SE) 10.5 ft at closest pt below (SE)
SETBACK @ 4TH FLOOR <i>(along Valley Street)</i>	21 ft	30 ft
PARKING	54 spaces	58 spaces***
TOTAL GFA	GFA <i>(state method of calculation)</i>	60,558 GFA

no change
consistent
1 ft taller than JBG
12 ft higher than JBG
5 less than JBG
7 less than JBG
82 less than JBG
(assume 1.3 ppl/bedroom on average)
18% less than JBG
6,927 sf less than JBG
15.6% less than JBG
6,241 less than JBG
14% less than JBG ref. undisturbed rear yard sloped area
consistent
consistent
22 ft more than JBG
65 ft more than JBG
2 ft better than JBG
4 ft less than JBG
9ft more than JBG
4 more than JBG
JBG calculations are based on assumptions

1.3

Notes:

- Legend**
- AREA OF PERVIOUS EARTH
 - AREA OF GREEN DECK
 - VEHICULAR
 - RESIDENTIAL
 - COMMERCIAL
 - UTILITY

Not For Construction
CONCEPT DESIGN

REVISION:

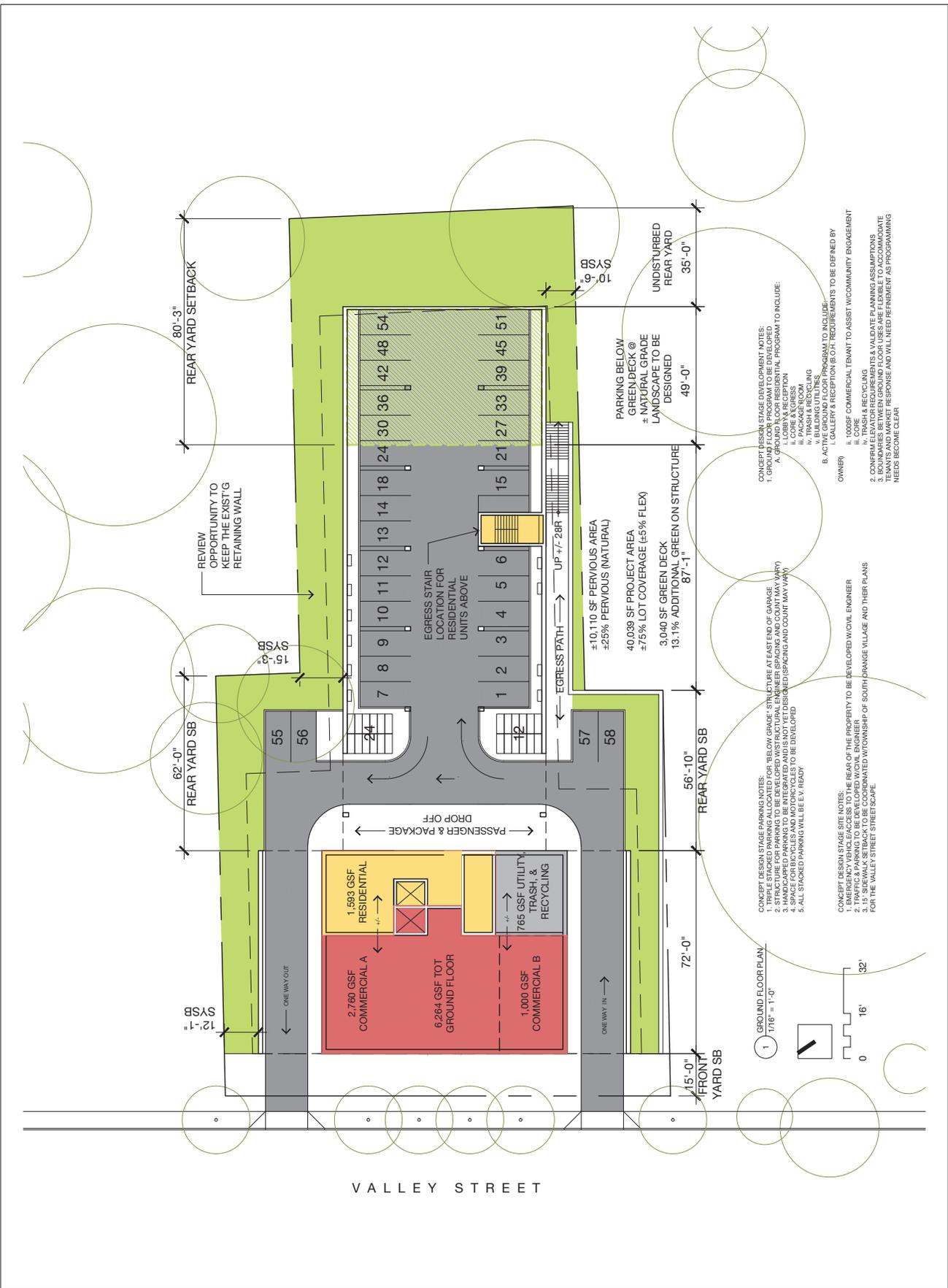
The Gallery on Valley

Site: 188 Valley Street
Township of South Orange, NJ

GROUND FLOOR PLAN

SCALE: AS NOTED
DATE: JANUARY 31, 2024

A101



Notes:

Legend

Not For Construction

CONCEPT DESIGN

REVISION:

The Gallery on Valley

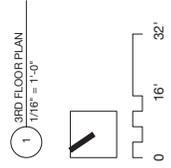
161 - 18th Valley Road
 Township of South Orange Village, NJ

3RD FLOOR PLAN

SCALE: AS NOTED
 DATE: JANUARY 31, 2024



CONCEPT DESIGN STAGE DEVELOPMENT NOTES:
 1. 20 UNITS ACCOUNTED FOR ON THE 3RD FLOOR.
 2. TOTAL UNIT COUNT AND ARRANGEMENT MAY BE DEVELOPED FURTHER
 AND MAY VARY DURING SCHEMATIC DESIGN.
 3. UNIT TYPES TO BE DEVELOPED AFTER BULK & MASSING CONCEPTS
 HAVE BEEN APPROVED.



Notes:

Legend

Not For Construction

CONCEPT DESIGN

REVISION:

The Gallery on Valley

161 - 18th Valley Road
 Township of South Orange Village, NJ

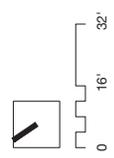
4TH FLOOR PLAN

SCALE: AS NOTED
 DATE: JANUARY 21, 2024



- CONCEPT DESIGN STAGE DEVELOPMENT NOTES:
- 11 UNITS ACCOUNTED FOR ON 4TH FLOOR 60 UNITS ON ALL FLOORS 2-4
 - 1,472 GSF RESIDENTIAL AMENITIES SPACE
 - 432 GSF COMMERCIAL/AMENITY SPACE FOR ROOFTOP SUPPORT
 - 432 GSF COMMERCIAL/AMENITY SPACE FOR ROOFTOP SUPPORT
 - TOTAL UNIT COUNT AND ARRANGEMENT MAY BE DEVELOPED FURTHER AND MAY VARY DURING SCHEMATIC DESIGN.
 - CONCEPTS WILL BE DEVELOPED AFTER BULK & MASSING CONCEPTS HAVE BEEN APPROVED.

1 FOURTH FLOOR PLAN
 1/16" = 1'-0"



15,534 GSF AT 4TH FLOOR

Notes:

Legend

Not For Construction

CONCEPT DESIGN

REVISION:

The Gallery on Valley

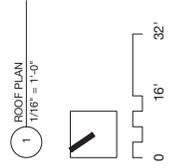
161 18th Valley Road
 Township of South Orange Village, NJ

5TH FLOOR/ROOF PLAN

SCALE: AS NOTED
 DATE: APRIL 3, 2024



- CONCEPT DESIGN STAGE DEVELOPMENT NOTES:
1. ROOF AT 4TH FLOOR IS PUBLIC SPACE AND OUTDOOR GALLERY
 2. CORE/MECH/ELEVATOR OVERLAP AND ROOF ACCESS IS TALLEST PART OF BUILDING AND SET BACK FROM ALL EDGES.
 3. CORE/MECH/ELEVATOR OVERLAP AND ROOF ACCESS IS TALLEST PART OF BUILDING AND SET BACK FROM ALL EDGES.
 4. CORE DESIGN TO BE DEVELOPED AFTER BULK & MASSING CONCEPTS HAVE BEEN APPROVED.
- SEE AREAS NOTED FOR CALCULATIONS



164-168 Valley Street: Gallery South Orange
April 3, 2024

Design Calculations		Commercial	Residential	Utility/Circ.
<i>Two over One on Valley ALT</i>		51		
Ground Floor		3,906 gsf	1,593 gsf 1,216 gsf	765 sf
First Responders' Suite				
2nd Floor				
ST/1BR (640)			6	
1BR (720)			8	
2BR/1BR(900)			4	
2BR (1080)			1	
3BR (1260) / 1ST RESP. SUITE			1	
3rd Floor				
ST/1BR (640)			6	
1BR (720)			6	
2BR/1BR(900)			5	
2BR (1080)			2	
3BR (1260)			1	
4th Floor				
ST/1BR (640)			0	
1BR (720)			6	
2BR/1BR(900)			1	
2BR (1080)			3	
3BR (1260) +1 @ 4th Floor			1	
Total Resi. Units/Bldg			51	

6,264 nsf

20 Units Incl. Responders Suite

20 Units

11 Units

Total Units by Type	% OF TOT	# of Birms
ST/1BR	24%	12
1BR	39%	20
2BR/1BR	20%	20
2BR	12%	12
3BR / 1st Resp. Unit	6%	9
51 Total	100%	73

Total GFA	
Ground Floor	6,264.00
2nd Floor	19,380.00
3rd Floor	19,380.00
4th Floor	15,534.00
60,558.00 Total	

Market Rate by Type		UNITS
Studio	10	40
1BR	20	
2BR	0	
3BR	0	
Market Rate Units		40

Affordable Units			
Studio	20% combined max	2.20	2
1BR			
2BR	30% min	3.30	4
3BR	20% min	2.20	3
Balance to be 2BR or 3BR (assum)	30% balance	3.30	2
AH UNITS	20% TOTAL		10.2 11

Design Calculations		Commercial	Residential	Utility/Circ.
<i>Two over One on Valley ALT</i>		50		
Ground Floor		3,906 gsf	1,593 gsf 1,216 gsf	765 sf
First Responders' Suite				
2nd Floor				
ST/1BR (640)			6	
1BR (720)			8	
2BR/1BR(900)			4	
2BR (1080)			1	
3BR (1260) / 1ST RESP. SUITE			1 n.i.c.	
3rd Floor				
ST/1BR (640)			6	
1BR (720)			6	
2BR/1BR(900)			5	
2BR (1080)			2	
3BR (1260)			1	
4th Floor				
ST/1BR (640)			0	
1BR (720)			6	
2BR/1BR(900)			1	
2BR (1080)			3	
3BR (1260) +1 @ 4th Floor			1	
Total Resi. Units/Bldg			50	

6,264 nsf

20 Units Incl. Responders Suite

20 Units

11 Units

Total Units by Type	% OF TOT	# of Birms
ST/1BR	24%	12
1BR	40%	20
2BR/1BR	20%	20
2BR	12%	12
3BR	4%	6
1st Resp. Unit	2%	3
50 Total	100%	73

Total GFA	
Ground Floor	6,264.00
2nd Floor	19,380.00
3rd Floor	19,380.00
4th Floor	15,534.00
60,558.00 Total	

Market Rate by Type		UNITS
Studio	10	40
1BR	20	
2BR	10	
3BR	0	
Market Rate Units		40

Affordable Units			
Studio	20% combined max	2.00	2
1BR			
2BR	30% min	3.00	3
3BR	20% min	2.00	2
Balance to be 2BR or 3BR (assu)	30% balance	3.00	3
AH UNITS	20% TOTAL		10 10

* Note the assumption that the 1st Responders' Suite is not in the calculations associated with Affordable Housing Units.

Appendix F – Resolution of intent to fund cost of municipality’s municipally sponsored affordable housing development as well as its rehabilitation program

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING APPROPRIATING FUNDS OR BOND IN THE EVENT OF
A SHORTFALL IN FUNDING FOR THE TOWNSHIP'S RENTAL REHABILITATION
PROGRAM

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township of South Orange Village (hereinafter "South Orange" or the "Village") filed a Declaratory Judgment Complaint in Superior Court, Law Division, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Village simultaneously, and ultimately secured, a protective order providing South Orange immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Village adopted a Housing Element and Fair Share Plan on or about January 6, 2020; and

WHEREAS, the Village has prepared a Spending Plan consistent with N.J.A.C. 5:97-8.1 – 8.14 and P.L. 2008, c.46; and

WHEREAS, in the event the funding sources as identified in the Spending Plan prove inadequate to complete the affordable housing programs included in the Village's Housing Element and Fair Share Plan, and any future amendments thereof; and to the extent permitted by law, the Village shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Township of South Orange Village in the County of Essex, and the State of New Jersey, that the Village does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its rental rehabilitation program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that the Village may repay debt through future collections of development fees and in-lieu contributions, as such funds become available; and

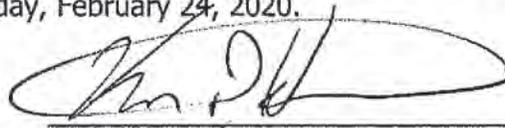
BE IT FURTHER RESOLVED that the Mayor (or her designee), Village Administrator, and Village Clerk are authorized and designated to execute any and all necessary documents in order to implement the intent of this Resolution.

#

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Coallier			X			
Hartshorn-Hilton			X			
Jones	X		X			
Schnall			X			
Zuckerman		X	X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their meeting held on Monday, February 24, 2020.



Kevin D. Harris
Village Clerk

Appendix G – Copies of resolutions appointing Administrative Agent(s) and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION APPOINTING CGP&H AS THE ADMINISTRATIVE AGENT FOR THE
TOWNSHIP OF SOUTH ORANGE VILLAGE

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the Township of South Orange Village is implementing a program to provide affordable housing units to low-and moderate-income households within the Township; and

WHEREAS, the Township's Affordable Housing Ordinance, found in Article XXXVIII of the Township's Code, sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14, 16 and 18, that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Township of South Orange Village, County of Essex, that CGP&H is hereby appointed by the Township Committee of South Orange as the Administrative Agent for the administration of the affordable housing program, pursuant to and in accordance with Article XXXVIII of the Code of the Township of South Orange Village, in an amount not to exceed \$30,000.00

CERTIFICATION OF AVAILABLE FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Christopher Battaglia, Chief Financial Officer of the Township of South Orange Village, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these finds upon the passage of this resolution.

Line Item Amount

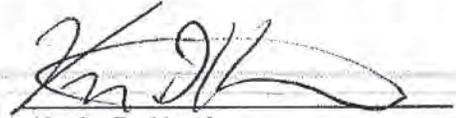
Christopher Battaglia, CFMO Date

#

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Coallier			X			
Hartshorn Hilton			X			
Jones	X		X			
Schnall			X			
Zuckerman		X	X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their meeting held on February 24, 2020.

A handwritten signature in black ink, appearing to read 'Kevin D. Harris', written over a horizontal line.

Kevin D. Harris
Village Clerk

SOUTH ORANGE VILLAGE
Municipal Offices
 76 South Orange Ave
 Suite 302
 South Orange
 Essex County
 New Jersey 07079

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 F 973.763.0987



RESOLUTION #2024-102

March 25, 2024

RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, ESSEX COUNTY, NEW JERSEY, ENDORSING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., the Township of South Orange Village is required to appoint a Municipal Housing Liaison for the administration of the Village's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Village's Affordable Housing Ordinance sets forth the duties of the Municipal Housing Liaison in which the Municipal Housing Liaison is required to oversee the Village's affordable housing programs; and

WHEREAS, pursuant to N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq. the Township of South Orange Village is required to appoint a Municipal Housing Liaison for administration of the Village's affordable housing programs to enforce the requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Township of South Orange Village, County of Essex, State of New Jersey, that Greer Patras is hereby appointed as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Article XXXVIII of the Code of the Township of South Orange Village.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg						X
Haskins			X			
Hartshorn Hilton		X	X			
Jones	X		X			
Lewis-Chang			X			



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their regular meeting held on Monday, March 25, 2024.

A handwritten signature in blue ink, appearing to read "Ojetti E. Davis", is written over a horizontal line.

Ojetti E. Davis
Village Clerk

Appendix H – Village Home Improvement Program – Policies and Procedures Manual

Home Improvement Program

Policies and Procedures Manual

Township of South Orange Village

Created 12-8-21

Prepared by:



1249 South River Road, Suite 301
Cranbury, NJ 08512-3633
609/664-2769 www.cgph.net

Home Improvement Program

I. INTRODUCTION	3
A. Fair Housing and Equal Housing Opportunities	3
II. ELIGIBLE PARTICIPANTS	4
A. Program Area	4
B. Categories of Participants	4
C. Income Limits	5
D. Application Selection	5
III. ELIGIBLE ACTIVITIES	7
A. Eligible Improvements	7
B. Ineligible Improvements	8
C. Rehabilitation Standards	8
D. Certifications of Substandard/Standard	8
IV. FUNDING TERMS FOR OWNER OCCUPIED AND INVESTOR OWNED UNITS	9
A. Terms and Conditions for Owner Occupied Units	9
B. Terms and Conditions on Owner-Occupied Multi-Family Rental Units	10
C. Terms and Conditions on Investor-Owned Multi-Family Rental Units	11
D. Special Needs Waivers for Higher Cost Rehabilitation Projects	12
E. Use of Recaptured Program Funds	13
V. IMPLEMENTATION PROCESS	13
A. Application/Interview	13
B. Eligibility Certification	13
C. What is Considered Income	14
D. What is Not Considered Income	14
E. How to Verify Income	15
F. Additional Income Verification Procedures	16
G. Other Eligibility Requirements	16
H. Requirements of Property Taxes and Municipal Utilities Account Paid Current	17
I. Sufficient Equity and Carrying Cost	17
J. House Conditions:	17
K. Eligibility Scenarios of Multi-Family Structures	18
L. Eligibility Certification	18
M. Housing Inspection/Substandard Certification/Work Write Up/Cost Estimate	19
N. Contractor Selection	19

O. Pre-Construction Conference/Contract Signing.....	20
P. Initiate Township Voucher.....	21
Q. Progress Inspections.....	21
R. Change Orders.....	22
S. Final Inspection.....	22
T. Payment Structure and Process.....	23
U. Standard Certification.....	24
V. Record Mortgage Documentation.....	25
W. File Closing.....	25
X. Requests for Subordination or Program Loan Payoff.....	25
VI. CONTRACTOR REQUIREMENTS AND RECRUITMENT.....	25
A. Marketing.....	25
B. Contractor Qualifications.....	26
VII. Lead Based Paint (LBP):.....	27
VIII. Rental Procedures:.....	27
A. Determining Initial Affordable Rents.....	27
B. Pricing by Household Size.....	28
C. Determining Rent Increases.....	28
IX. MARKETING STRATEGY.....	29
X. MAINTENANCE OF RECORDS AND CLIENT FILES.....	30
A. Programmatic Recording.....	30
B. Participant Record Keeping.....	30
C. State Reporting.....	31
D. Financial Recordkeeping.....	32
XI. HOUSING ADVISORY COMMITTEE AND APPEALS PROCESS.....	32
XII. CONCLUSION.....	33
APPENDIX A - LIST OF PROGRAM FORMS.....	34
APPENDIX B – Approved Calculation of Annual Increases to Income Limits, Resale Prices and Rents.....	35

Home Improvement Program

Policies & Procedures Manual

I. INTRODUCTION

The purpose of this document is to establish policies, guidelines and procedures which will govern the Home Improvement Program (HIP). The HIP was created by the Township to assist properties occupied by very low, low and moderate-income households to correct all existing interior and exterior health, safety and code violations in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6. Additionally, the HIP was designed to fulfill South Orange Village's rental and owner rehabilitation obligation, as found in the Township's Settlement Agreement entered into between the Township and Fair Share Housing Center (FSHC) on May 17, 2019, as well as in the Township's Housing Element and Fair Share Plan (HEFSP). The HIP is guided by N.J.A.C. 5:93-5.2 and is subject to all laws, regulations, ordinances, and codes of the New Jersey Department of Community Affairs (DCA) and the Township of South Orange Village ¹. The Township of South Orange Village has contracted with Community Grants, Planning & Housing LLC (CGP&H), a private consulting firm specializing in the implementation of publicly-funded housing rehabilitation programs, to manage and administer the HIP. The Program's funding source will be municipal affordable housing trust fund. If the funding source changes, the manual will be updated to reflect the change as well as changes to regulation requirements, if any.

A. Fair Housing and Equal Housing Opportunities

It is unlawful to discriminate against any person making application to participate in the housing rehabilitation/home improvement programs or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.



For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>. Fair Housing and Equal Housing Opportunities apply to both owner and tenant applications.

¹ The HIP is guided by N.J.A.C. 5:93 except for the length of affordability controls for both owner- and renter-occupied (10 years, not six (6) years) and except for the required average hard cost expenditure (\$10,000, not \$8,000).

II. ELIGIBLE PARTICIPANTS

A. Program Area

The HIP is a Township wide program currently aimed at scattered site housing rehabilitation of housing occupied by very low, low and moderate-income households throughout the Township of South Orange Village.

B. Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be income eligible, the units are determined to be substandard and for primary residency only. Owners of rental properties do not have to be income eligible households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit, funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.

For housing units which received past affordable housing state credit, the following rules for repeat assistance shall apply.

- An owner of a previously rehabbed unit may apply for current rehab assistance if the unit was rehabbed prior to 2010 and the affordability period has expired.
- An owner of an existing affordable deed restricted ownership unit with an active deed restriction that is currently meeting a Round 1 or Round 2 credit may apply for current rehab assistance for the municipality to obtain a Round 3 present need credit, unless the affordable housing deed restriction received a new affordable housing credit during Round 3 due to extended controls.
- Housing units which the municipality received an affordable housing credit in Round 3 in any category are not eligible for additional assistance from the Township's housing rehabilitation program during Round 3.

Basically, a municipality cannot double dip credits on a unit within the same affordable housing Round.

C. Income Limits

Household income is defined as the combined annual income of all family members over 18 years of age including wages, Social Security, disability insurance, unemployment insurance, pensions, dividend/interest income, alimony, etc. Each unit's total household income must fall within or below the State's moderate-income limits based on family size.

Since the 2015 NJ Supreme decision declaring COAH nonfunctioning, it is now left to the local court vicinages to approve income, sales and rental increases using similar methodologies that were employed by COAH.

The income limits and applicable methodology are in Appendix B, and the plan for properly amending median incomes and rental increases every year going forward until or unless COAH or another state entity becomes functional again is also included in Appendix B at the end of this manual. The Program Administrator will ensure that the annual chart in Appendix B is updated whenever updates become available.

If at any time, COAH (or a successor administrative agency duly empowered by an amendment to the Fair Housing Act) begins to issue updated annual income limits and rules for increasing sales prices and rent levels each year, said updated income limits and rules for increasing sales prices and rent levels each year may be used instead of the methodology set forth herein.

D. Application Selection

At program start-up, and if and when the homeowner intake demand exceeds the number of openings, applications will be prioritized based on the reported income of the household as a percentage of the maximum allowable income for households of that size. This will give priority to the lowest income applicants and assist the municipality in reaching its goal of providing assistance to a minimum of 50% of the properties comprising of low income households.

Otherwise, the Program will process new applicants added to the waiting list/applicant pool on a first-come, first served basis, to qualified applicants. If and when there is a waiting list, priority will be given to homeowners with less than \$250,000 in liquid assets. Assets in federally recognized retirement accounts do not apply to the liquid asset limit. The HIP will establish the waiting list from the program marketing efforts identified in Section IX of this manual.

Emergency Processing Order

Properties with safety and/or health hazards, confirmed/certified as an emergency by the municipal Construction Official or Health Department, can by-pass the first-come, first served process however they must meet all the other program requirements including income eligibility and bringing the unit up to code.

The Program Administrator shall determine that an emergency situation exists based on the following:

- A. The repair problem is an immediate and serious threat to the health and safety of the building's residents
- B. The problem has been inspected and the threat verified by the appropriate local building inspector and/or health official

Depending on the type and extent of the emergency and with the homeowner's permission, the Program may by-pass the standard contractor proposal process outlined in *Section V sub-section N* to expedite the proposal/contractor selection process. Instead the Program may have a proven qualified contractor familiar with the Program present at the initial property inspection with the homeowner to count as the contractor's site visit. This will allow for a quick turn-around on emergency scope of work to be contracted on a single quote basis. To be awarded the emergency work, the contractor's proposal must be determined to be a reasonable cost based on the Program Inspector's cost estimate and the contractor must commit to a tight timeline to resolve the emergency situation. This emergency process may apply to heavily leaking roofs, inoperable heating systems during the winter months, immediately hazardous electrical systems and/or blocked sewer lines unresolvable to unclog via a simple service call for under \$1,000.

Please note that the loan agreement will state that if the homeowner takes the emergency funds to abate the safety/health hazards and then subsequently decides to voluntarily remove themselves from participation in the Township's Home Improvement Program to complete the non-emergency substandard code violation components of their project, essentially negating any opportunity for the municipality to gain credit for a fully rehabilitated home for this unit, those public funds used for the emergency shall be immediately due and payable back to the Township.

To address this potential, any homeowner receiving emergency funds will also be required to execute a statement indicating that the Township will place a lien on the property assisted for the Township to recapture the emergency funds, to be repaid with interest, based on the monthly average mortgage loan commitment rates at the time of closing in the event of noncompliance.

III. ELIGIBLE ACTIVITIES

A. Eligible Improvements

The purpose of the program is to bring substandard housing up to code. In order to qualify for participation in the program, the condition of each home must be certifiable as being "substandard" as defined in N.J.A.C. 5:93-1.3.

In other words, at least one of the following major systems must be in need of replacement or substantial repair:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Lead paint remediation
- Interior trim work
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are upgrades/higher than mid-grade and/or strictly cosmetic), carpets, additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools, landscaping, solar panels and generators. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited.

Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Funds are to be used for work and repairs required to make the unit standard and abate all interior and exterior violations of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6, and Chapter 237 of the municipality's local property maintenance code adopted by the municipality or ordinance (of which the more restrictive requirements will apply), conserve energy and remove health and/or safety hazards; and any other work or repairs, including finishing and painting, which are directly related to the above listed objectives. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

Municipal rehabilitation investment for hard costs shall average at least \$10,000 per unit, and include the rehabilitation of at least one major system, as previously defined under eligible improvements.

D. Certifications of Substandard/Standard

The Program Building Inspector will inspect the property to determine which systems, if any, are substandard in accordance with sub-section A above and issue a Certification of Substandard. Upon program construction completion, all code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a municipal certificate of completion/approval.

IV. FUNDING TERMS FOR OWNER OCCUPIED AND INVESTOR OWNED UNITS

Funding will be provided on the following terms:

A. Terms and Conditions for Owner Occupied Units

Table 1 Owner-Occupied Single Family Home Terms & Conditions

Owner-Occupied Single Family Unit Terms and Conditions of Loan	
Minimum Loan Amount	The municipality may rehabilitate substandard units that require less than \$10,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.
Maximum Loan Amount	\$10,000 per unit
Interest Rate	0% (No monthly payments)
Payment Terms:	100% forgivable if homeowner maintains occupancy and title during the 10-year period. Original Principal is due if house is sold and/or title/occupancy changes years 1 through 10 except for <i>Exceptions to Loan Repayment Terms</i> section below.
Mechanism for Securing Loan	Mortgage and Mortgage Note recorded against property

If the owner decides to sell the property, transfer title, or if the owner should die before the terms of the lien expire, the owner, heirs, executors or legal representatives must repay 100% of the original loan per the schedule above upon a title change. Rental of house is allowable under certain conditions subject to approval by the Administrative Agent.

Exceptions to Loan Repayment Terms above during the lien period:

1. If the loan transfers due to inheritance by a Class A beneficiary who will take occupancy upon death of Program mortgagee/Borrower and assume the lien (income eligibility not a requirement); or if by inheritance by a qualified income eligible non-Class A beneficiary, or
2. If the house is sold at an affordable price pursuant to UHAC to someone who can be qualified as income eligible, takes occupancy and agrees to assume the program lien, or

3. If the house is sold at an affordable price pursuant to UHAC to an investor who assumes the lien and also signs a deed restriction for the remaining duration of the affordability period to rent the dwelling at the affordability controls restricted rental rate and according to the affirmative marketing requirements for re-rentals. When this occurs, the Township's Administrative Agent will be responsible for monitoring compliance over that unit.

B. Terms and Conditions on Owner-Occupied Multi-Family Rental Units

Table 2 Owner-Occupied Multi-Family Home Terms & Conditions

Owner-Occupied Multi-Family Including Tenant Unit(s) Terms and Conditions of Loan	
Minimum Loan Amount	The municipality may rehabilitate substandard units that require less than \$10,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.
Maximum Loan Amount	\$10,000 per unit
Interest Rate	0% (No monthly payments)
Payment Terms	100% forgivable if homeowner maintains occupancy and title during the 10 year period. Original Principal is due if not in compliance with affordability controls. Rental restrictions transfer with property. See Restrictions below.
Mechanism for Securing Loan	Mortgage, Mortgage Note and Deed Restriction recorded on property

The assisted housing unit(s) must be occupied by and affordable to a household that is certified as an income eligible household as per either the latest Income Limits by Region, or in compliance with the municipality's Settlement Agreement and Court Order, whichever is applicable

The owner will execute a Mortgage, Mortgage Note, and Deed Restriction, the latter which guarantees the continued availability of the rental unit to low or moderate-income households for the terms of the ten-year deed restricted affordability period. The affordability terms for the rental units do not expire even if the owner sells the property, transfers title to the property, or dies within the ten-year program deed restricted affordability period.

Moreover, if Program funds were expended on the owner-occupied unit, and the homeowner sells, transfers title, dies or is not in compliance during the ten-year deed restricted affordability

period, unless ownership is transferred to another low or moderate-income homeowner, any Program funds expended on work done on the owner’s individual unit along with a pro-rata portion of the shared improvements must be fully repaid to the Township and used to rehabilitate another housing unit.

Additionally, for rental units in a multi-family owner-occupied home:

For tenant units, the maximum permitted rent is pursuant to UHAC and subject to annual adjustment. If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the Deed Restriction shall require the unit to be rented to a low- or moderate- income household at an affordable rental price and will be affirmatively marketed by the Township designated Administrative Agent, in accordance with the Township of South Orange Village Affordable Housing Affirmative Marketing Plan. Landlords are responsible to pay income certification fees and affirmative marketing cost for re-rentals.

For information regarding future rental increases: Please refer to Section VIII C of this manual.

C. Terms and Conditions on Investor-Owned Multi-Family Rental Units

Table 3 Investor-Owned Terms & Conditions

Investor-Owned Multi-Family Unit Terms and Conditions of Loan	
Minimum Loan Amount	Per N.J.A.C. 5:93-5.2, the municipality may rehabilitate substandard units that require less than \$8,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.
Maximum Loan Amount	\$10,000 per rental unit
Interest Rate	0% (No monthly payments)
Payment Terms	Owner pays 25% of rehab cost at construction agreement signing. 75% balance forgiven if in compliance with rental restrictions. Rental restrictions transfer with property. See restrictions below.
Mechanism for Securing Loan	Mortgage, Mortgage Note and Deed Restriction recorded against property

The ten-year affordability controls against the property will be recorded in a Deed Restriction. The property owner agrees to abide by the rental affordability controls for the life of the Deed Restriction. Additionally, the following conditions apply:

The assisted housing unit(s) must be occupied by and affordable to a household that is certified as an income eligible household as per either the latest Income Limits by Region, or in compliance with the municipality's Settlement Agreement and Court Order, whichever is applicable and as designated by unit in the Deed Restriction. The maximum permitted rent is determined by the Township's Administrative Agent and is pursuant to UHAC and subject to annual adjustment. A copy of the income figures for 2019, and the methodology for going forward, until the reinstatement of COAH or another state entity performing this function is included in Appendix B of this document.

Throughout the ten year affordability controls, if a rental unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the Deed Restriction shall require the unit to be rented to a low- or moderate-income household(as designated by unit in the Deed Restriction) at an affordable price and will be affirmatively marketed in accordance with the Township of South Orange Village Affordable Housing Affirmative Marketing Plan by the Township's current Administrative Agent at the rates and terms defined within that Agreement. Landlords are responsible to pay income certification fees and affirmative marketing costs for re-rentals.

The owner will execute a Mortgage, Mortgage Note and Deed Restriction, the latter which will guarantee the continued availability of the unit to income eligible households for the terms of the ten-year lien affordability period.

Throughout the ten-year deed restrictive period, the affordability terms do not expire even if the owner sells the property, transfers title to the property, dies, or rents to other than low or moderate-income renters, before the terms of the lien expire.

D. Special Needs Waivers for Higher Cost Rehabilitation Projects

In cases of housing rehabilitation costs exceeding the program maximum loan amounts listed in applicable Tables 1, 2 and 3 above:

- The Program will get confirmation of whether or not the homeowner can contribute personal funding.
- If needed, the Program will attempt to partner with other possible funding sources such as the Low Income Home Energy Assistance Program (LIHEAP) or the Essex County's Home Improvement Program.
- The Program reserves the right to make an exception and allow a reasonable additional expenditure per unit to address code violations. The Township will consider other situations for special needs waivers. Individual files will be reviewed on a case-by-case

basis. Upon Program and Township approval, a Special Needs Funding Limit Waiver may be issued.

- If no viable options, the case will have to be terminated.

E. Use of Recaptured Program Funds

All recaptured funds will be deposited into a South Orange Village Township affordable housing trust fund in accordance with N.J.A.C. 5:93-8.15

V. IMPLEMENTATION PROCESS

A. Application/Interview

For each prospective applicant, this process starts with a homeowner either submitting an online preliminary application or the Housing Rehabilitation Specialist pre-qualifies the interested homeowner by phone, whichever is the homeowner's preference. The information is entered in the program applicant pool/waiting list. If the homeowner passes the preliminary criteria review, program information, guidelines, and an application package will be mailed or emailed to the applicant when their name is reached in the program's waiting list. Each prospective applicant is to complete the application and return it to the Housing Rehabilitation Specialist, along with the required verification documents. Upon receipt of the completed application package, a case file will be opened for the applicant and a case file number will be assigned to the unit. The Housing Rehabilitation Specialist will be available via a direct phone line to assist applicants during this and all other phases of the process. Additionally, as needed, a Housing Rehabilitation Specialist will be available for face to face prescheduled appointments. Once a case is assigned a number, the cases are processed in the order of receipt of completed applications.

B. Eligibility Certification

To be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of both the owner household and tenant household (if any) must be fully certified as income-eligible before any assistance will be provided by the Program. The HIP will income qualify applicant, and when applicable tenant, households in accordance with N.J.A.C. 5:93-9 and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-16.1 et seq., except for the asset test.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

C. What is Considered Income

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Alimony
- Regularly scheduled overtime
- Pensions
- Social security
- Unemployment compensation (verify remaining eligible number of weeks)
- TANF (Temporary Assistance For Needy Families)
- Verified regular child support
- Disability
- Net income from business or real estate
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

D. What is Not Considered Income

The following income sources are not considered income and will not be included in the income eligibility determination:

- Rebates or credits received under low-income energy assistance programs
- Food stamps
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans

- Personal property such as automobiles
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Part-time income of dependents enrolled as full-time students
- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

E. How to Verify Income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

1. Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
2. A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
3. If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
 - Social Security or SSI – Current award letter or computer printout letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF current award letter
 - Disability - Worker’s compensation letter or
 - Pension income (monthly or annually) – a pension letter
4. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
5. Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts – most recent statements

and/or in certificate form – photocopy of certificates), whole life insurance. Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest bearing checking accounts, and investments;

6. Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
7. Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
8. Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

F. Additional Income Verification Procedures

1. Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

2. Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Program Housing Rehabilitation Specialist should determine the imputed interest from the value of the property. The Program Housing Rehabilitation Specialist should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

G. Other Eligibility Requirements

Applicant to submit the following in the application package:

- Copy of current Homeowner's insurance declarations page (not the policy or receipt);
- Proof of flood insurance, if property is located in a flood zone;

- Copy of recorded deed to the property to be assisted;
- If deed co-holder resides at another location, provide proof of same (driver's license, etc);
- If widow or widower, copy of spouse's Death Certificate;
- Receipt for paid property taxes;
- Proof that all mortgage payments and, when applicable, Homeowner Association (HOA) Fees are paid current;
- Copy of any and all other liens recorded against the property;
- Personal identification (a copy of any of the following: Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.); and
- Original of signed Eligibility Release form.

Properties for sale are ineligible for program assistance as well as any property the homeowner plans to sell within the next two years.

H. Requirements of Property Taxes and Municipal Utilities Account Paid Current

All applicants' property tax, municipal sewer account and New Jersey American Water account must be paid current. The Program reserves the right to make an exception to the requirement of paid up property taxes and applicable utilities accounts. Individual files will be reviewed on a case-by-case basis. Upon approval by the appropriate municipal officials and the Program, a Special Needs Eligibility Requirements Waiver may be issued.

I. Sufficient Equity and Carrying Cost

Additionally, to be determined eligible, there must be sufficient equity in the home to cover the program lien. In other words, the market value of the house must be greater than the total of the existing liens and anticipated program lien combined. For the sake of this rule, the market value of the home will be calculated using the municipality's assessed value divided by the equalization ratio. All existing property liens (mortgage, home equity loan, etc.) are then deducted from the calculated house value to determine the current property equity. The Township may consider a Special Needs Waiver approved by the municipality on a case-by-case basis for limited equity, but not for negative equity. Additionally, the applicant's income shall be sufficient to meet the carrying costs of the unit or the homeowner is to demonstrate how the unit's carrying costs are funded. This will be reviewed on a case-by-case basis.

J. House Conditions:

All areas of the house must be readily accessible, uncluttered, and clean. This is in anticipation of the Program Inspector and contractors needs of proper and sanitary access for inspections and construction work progress.

If there are any repairs or renovations currently being undertaken on the home by others or the homeowner or done within the last few years that require or required municipal permits, the work must be completed and the permits closed out prior to the homeowner applying to the Program.

K. Eligibility Scenarios of Multi-Family Structures

Several possibilities exist concerning the determination of eligibility in a multi-family structure.

Scenario 1. The Program Administrator determines that the owner is income eligible and the renters in each unit are income eligible. In this case, all of the units are eligible for rehabilitation.

Scenario 2. The Program Administrator determines that the owner is income eligible, but the renters are not. In this case, only the landlord's unit is eligible for rehabilitation. If a home improvement is undertaken which affects all the units in the house (e.g., replacement of a roof), the HIP will only cover a prorated percentage of the cost. For example, in a two-family home with units of approximately equal size, only 50% of the cost of roof replacement will be covered. Where units differ by more than 10% in size, the proration should be based on percentage of square footage within each unit compared to the total interior square footage of all other units in the structure. Shared common areas should not be counted in the denominator for the pro rata calculation.

Scenario 3. The Program Administrator determines that the owner is not income eligible, but the renters are. In this case, the rental units are eligible for rehab, but the owner's is not. If a rehab activity is undertaken which affects all of the units in the house (e.g., replacement of roof), the HIP will only cover a prorated percentage of the cost. For example, in a four-family home, only 75% of the cost of roof replacement would be covered. Where units differ in size, the proration is based on percentage of square footage.

If any of the conditions above apply to a particular applicant's case, CGP&H sends a letter that explicitly identifies which of the units is eligible for rehabilitation, as well as specifies any applicable percentage of the hard costs of rehabilitation between the Program and the homeowner. The homeowner's monetary contribution is to be paid prior to the start of construction at the preconstruction conference in the form of a money order or certified check made payable to the contractor. The payment is held by the Program until the work is satisfactorily completed, at which time the Program will release the payment to the contractor.

L. Eligibility Certification

After the Program Administrator has determined that the household is income eligible and meets all other eligible requirements, the Program Manager will complete and sign the Eligibility Certification. This certification is valid for 180 days starting from date of eligibility certification. A

Construction Agreement must be signed within this time period. If not, the Program Administrator must reevaluate the household's eligibility.

After the household is certified as income eligible, the Homeowner/Program Agreement will be executed between the owner and the program.

If an applicant is determined ineligible, for any reason, the Program will issue a Notice of Ineligibility explaining the reason for the ineligibility determination and case termination.

M. Housing Inspection/Substandard Certification/Work Write Up/Cost Estimate

The Program Inspector will perform a comprehensive inspection to determine what work items are necessary to bring the home up to code, as identified in section III C. Photos will be taken at the comprehensive inspection to document existing conditions. As a result of the comprehensive inspection, the Program Inspector will prepare a work write-up and cost estimate. All repairs needed to bring the home up to code will be identified. To the extent that the budget may permit, home weatherization will also be included. This work write-up will include a breakdown of each work item by category and by location in the house. The work write-up will contain information as to the scope of work and specifics on materials such as type, quantity and cost. A total cost estimate will be calculated for each housing unit. Improvements approved under the Program shall be based on the cost of mid-grade fixtures and materials. No upgrades from this standard shall be allowed. Only eligible rehab work will be funded by the Program. In the event that not all items can be accomplished due to program funding caps, the Program Inspector will establish a priority repair system which addresses the code violations before the non-code violations. The HIP's policy is to create Work Write-Ups and Cost Estimates that fall within the HIP funding caps. In unusual hardship cases and when the cost to correct all code violations exceeds the program funding limit, the HIP will seek the homeowner's monetary contribution. If the homeowner is unable to contribute funds or obtain funds from another funding source, the HIP will request additional funds from South Orange Village.

For houses built prior to 1978, refer to Section VII Lead Base Paint (LBP).

N. Contractor Selection

The homeowner, with the approval of the Program Inspector, will select the contractor. The Housing Rehabilitation Specialist will provide the homeowner with a copy of the work write up and the Program Contractor List. The homeowner will complete the Work Write-Up Review Form indicating review and approval of the work write-up and advising of any contractors currently on the Program Contractor List that the homeowner does not wish to have notified of the availability of the proposal package. If the homeowner wishes to solicit a proposal from a contractor not

currently on the Program Contractor List, the homeowner will provide the contractor's name, address and telephone number on the Work Write-Up Review Form. Any contractors that have not been previously qualified are eligible to participate but must submit their qualifications as well as their proposal in the proposal package.

The Housing Rehabilitation Specialist will notify at least three (3) currently active contractors that a proposal package for the property is available. Each contractor must contact the Housing Rehabilitation Specialist to obtain a full proposal package and the contractor must submit a proposal to the Housing Rehabilitation Specialist by the submission deadline (usually within three (3) weeks of the date of the proposal notification letter). All submitted proposals will be opened and recorded by the Program Administrator at a meeting open to all interested parties.

The submitted proposals will be reviewed by the homeowner and the Program Inspector. Generally, the lowest responsible proposal from a qualified contractor will be chosen. If the homeowner selects a higher proposal, he/she must pay the difference between the chosen and the lowest responsible proposal.

The Housing Rehabilitation Specialist will forward the contractor award Bid Tabulation form to the Township for the Village Administrator and Purchasing Agent's authorization.

O. Pre-Construction Conference/Contract Signing

The Program Inspector will conduct a pre-construction conference with the homeowner and contractor. Prior to the pre-construction conference the homeowner will be provided with copies of the loan documents and the Construction Agreement and the contractor will be provided with a copy of the Construction Agreement for review. At the time of the pre-construction conference, the scope of work will once again be reviewed. The homeowner and contractor responsibilities will also be reviewed, as well as the Program's construction procedures and program limitations. The homeowner and contractor will each sign the Construction Agreement and receive copies. The homeowner will sign and receive copies of the Mortgage and Mortgage Note in the amount of the HIP subsidy. For rental properties, the property owner will also sign the Deed Restriction (COAH form Appendix E-3).

If the homeowner is providing any funds for the rehabilitation of his/her home, those funds must be provided at the time of the pre-construction conference in the form of a certified check or money order made payable to the contractor. The check will be held by the Program and will be applied towards the contractor's first progress payment.

The contractor will be provided with information regarding the Lead-Based Paint Poisoning Prevention Act (4a.USC 483 1 (b)). The homeowner will be advised of the hazards of lead base

paint in houses built prior to 1978 and provided with the EPA booklet Renovate Right. Both contractor and homeowner will each sign the respective Certifications. Additionally, for houses built prior to 1978, Section VII Lead Base Paint (LBP) applies.

Following the pre-construction conference, the Housing Rehabilitation Specialist will provide the Township with a copy of the Construction Agreement which includes an itemized price list of the work.

It is the contractor's responsibility to ensure all required permits are applied for prior to the start of construction and, if applicable, at the time of any change orders.

The construction permitting process is handled by the municipality's Construction office.

P. Initiate Township Voucher

Upon contractor award decision, the Township will provide the Housing Rehabilitation Specialist with a blanket purchase order for full amount and two purchase orders for future contractor payments for each case for the contractor to sign at the pre-construction conference at time of contract signing. The contractor's signed purchase orders will be held by the Housing Rehabilitation Specialist until construction progress is sufficient to submit to the municipality.

The Township voucher will be separated into two potential payments. The Program staff will match the payment request up with the Township voucher issued at the pre-construction conference and adjust the payment amount as per the inspection results. Ultimately upon construction completion, the payments will equal the full voucher amount plus or minus any change orders.

For each contractor's first award in a calendar year, the Housing Rehabilitation Specialist will provide the municipal applicable staff with the awarded contractor Business Registration Certificate (BRC) and W-9 form.

Q. Progress Inspections

The Program Inspector will make the necessary inspections of the progress of property improvements. Inspections are necessary to ensure that the ongoing improvements coincide with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Program Inspector when a minimum of 40% of the total contract work is completed. The Program Inspector will schedule the inspection with the homeowner, at which time the Program Inspector will also obtain verbal confirmation from the homeowner that the work is ready for inspection.

If work passes the satisfactory progress inspection, the Housing Rehabilitation Specialist will follow the procedures spelled out in Section V subsection T *Payment Structure and Process* to process a contractor's progress payment request.

The Program Inspector will notify the contractor and the homeowner in writing of any work deficiencies discovered during the progress inspection. Work deficiencies must be corrected prior to the contractor's request for the next inspection.

For houses built prior to 1978, a work item marked EPA RRP Rule cannot be paid for until the contractor provides a post renovation report to the Program. Refer to Section VII Lead Base Paint (LBP) for the EPA regulation.

R. Change Orders

If it is determined during rehabilitation that a change from the original work write-up is required, a Program Change Order Authorization form must be completed and approved by the homeowner, the contractor, the Program and the Township. The Housing Rehabilitation Specialist will forward the change order with the first three signatures to the Township for approval by the Village Administrator and the Purchasing Agent.

The contractor will be notified by the Housing Rehabilitation Specialist of the results, and no change order work should be undertaken by the contractor until he has received a copy of the fully executed Change Order Authorization or the contractor risks non-payment for the change order work.

S. Final Inspection

Prior to requesting a final inspection, it is the contractor's responsibility to:

- Properly close out all the permits and to provide proof of closed out permits to the Housing Rehabilitation Specialist via the municipal Certificate of Approval;
- Deliver to the homeowner a complete release of all liens arising out of the Construction Agreement, a receipt in full covering all labor, materials and equipment for which a lien could be filed or a bond satisfactory to the owner indemnifying owner against any lien; and;
- Provide the homeowner with all applicable warranties for items installed and work completed during the course of the rehabilitation.

Once the contractor has provided the Housing Rehabilitation Specialist with all required job closeout forms, the contractor will be responsible to request the Program's final inspection. The

Program Inspector will schedule the final inspection with the homeowner, at which time the Program Inspector will also obtain verbal confirmation from the homeowner that the rehabilitation work has been completed and is ready for inspection. The Program Inspector will then conduct a final inspection to certify that the required property improvements are complete. The homeowner will be present during the final inspection and the contractor will be present if there are issues to resolve.

Construction progress on work line items will be inspected and considered for payment. If the work passes satisfactory final inspection, the Housing Rehabilitation Specialist will follow the procedures spelled out in Section V subsection T. *Payment Structure and Process* to process the contractor's final payment request.

For houses built prior to 1978, a work item marked EPA RRP Rule cannot be paid for until the contractor provides a post renovation report to the program. Refer to Section VII Lead Base Paint (LBP) for the EPA regulation.

If the Program Inspector identifies any work deficiencies during the final inspection, the Program Inspector will notify the contractor and the homeowner of the deficiencies in writing and the value of said deficiencies will be deducted from the final payment request. Work deficiencies discovered during the final inspection will require the Program Inspector to conduct a subsequent inspection upon contractor's correction of deficiencies. The Rehabilitation Program reserves the right to hold the contractor responsible to pay the cost of any additional inspections beyond the final inspection at a rate of \$350 per inspection for prematurely requesting the final inspection with the work not 100% completely done in a workman-like manner. Additional inspections are those in excess of the one progress inspection and the final inspection which are needed to inspect corrected deficiencies. The contractor must issue the failed final inspection penalty payment directly to CGP&H via a check prior to the Program Inspector scheduling and repeating the final inspection process. CGP&H will notify the municipality each time a penalty is levied.

The Program lien period will commence upon satisfactory completion of the final inspection. Photographs will be taken of the rehabilitated housing unit by the Program Inspector at the time of the satisfactory final inspection.

T. Payment Structure and Process

The Township will issue all payments, which will be made according to the following schedule:

One progress payment (representing a minimum of 40% of total contract work completed) will be paid. Upon completion of one hundred percent (100%) of the rehabilitation work, the contractor is eligible for final payment of the contract price.

Upon a satisfactory program inspection, and confirmation from the Housing Rehabilitation Specialist that all contractor's documents have been submitted according to program procedures, the Housing Rehabilitation Specialist will submit to the Township:

- Program's Request for Payment form with Owner's and Program's written approval
- The Township voucher signed by the contractor and adjusted to match the current payment amount
- Copy of change order, if one occurred

The Township retains the right to make payments to the contractor without homeowner approval should the homeowner become unavailable to sign the Program contractor payment form due to illness or absence. In such instance, the Program shall make reasonable attempts to contact the homeowner. If such efforts are not successful within a two-week period from the final inspection date, the Program shall advise the Township, provide documentation of efforts to obtain homeowner approval, and may authorize contractor payment without homeowner sign-off, to not hold up payment rightfully due to the contractor.

The Housing Rehabilitation Specialist is to submit the contractor payment request to the Township Purchasing Agent and, if acceptable, the payment request will be placed on the upcoming Bill List agenda. The Township will forward to the Housing Rehabilitation Specialist a copy of the executed payment to the contractor for case file records.

Upon job completion, the combined Township payments will total the Construction Agreement, including all applicable change order(s) if any, and minus owner contribution, if any. The combined Township payments will also match the final Township Voucher amount. Progress and final payments will be made payable to the contractor.

U. Standard Certification

A Certificate of Approval issued by the municipal construction official at the time the contractor closes out the rehabilitation construction permits, will confirm the scope of rehabilitation work has been completed and that the housing unit is now up to code standard. The contractor is to provide the Certificate of Approval to the Housing Rehabilitation Specialist when requesting the final inspection. The Housing Rehabilitation Specialist will ensure that a copy of the Certificate of Approval is placed in the case file.

V. Record Mortgage Documentation

At construction completion, the Housing Rehabilitation Specialist will forward the executed mortgage to the Village Council for recording. The Township will immediately file the mortgage with the County Clerk. For rental properties, the Deed Restriction will also be recorded.

W. File Closing

The Housing Rehabilitation Specialist will close the homeowner's file after the final payment is made and the mortgage, and when applicable, Deed Restriction is/are returned from the County with recorded date, book and page.

The Housing Rehabilitation Specialist will send the homeowner a case closeout letter explaining the warranty period, importance of program documents for personal record keeping, explaining the homeowner's responsibility to continue to maintain the home, providing the homeowner with a home maintenance checklist as guidance, thanking the owner for program participation, and encouraging him/her to recommend the program to other households in the community and, when applicable, reminding owner of the affordable housing rental requirements listed in the program lien documents and deed restriction.

X. Requests for Subordination or Program Loan Payoff

South Orange Village may agree to subordination of its lien if the mortgage company supplies an appraisal showing that the new loan plus the balance(s) on all unpaid loans (including the value of the rehabilitation assistance) does not exceed ninety-five (95%) of the appraised value of the unit. If the homeowner is simply refinancing their primary mortgage to a lower interest rate and not "cashing out" any equity, South Orange Village will subordinate up to 100% of the appraised value.

The fee to process program loan subordination requests will be paid by the homeowner directly to the Program Administrator in accordance with the fee set forth in the yearly program administration contract.

VI. CONTRACTOR REQUIREMENTS AND RECRUITMENT**A. Marketing**

The Program will coordinate with the Township to advertise the availability of construction work on the Township's website and display a contractor outreach poster and handouts in the municipal building, including the local construction office. Additionally, CGP&H will reach out to home improvement contractors registered with Consumer Affairs who are geographically near or in South Orange Village. If determined needed, additional outreach will be conducted in the local newspapers and through the posting of community notices. As necessary, the Program will

advertise the availability of construction work by posting information at local building supply dealers. All interested contractors will have the opportunity to apply for inclusion on the Program Contractor List, which will be made available for the homeowner's use in selecting rehabilitation contractors. The contractor outreach material will also be posted on CGP&H's website.

B. Contractor Qualifications

To qualify, contractors must meet the following minimum requirements:

- Contractors must carry at least \$1,000,000 in general liability insurance. The Contractor shall carry full workmen's compensation coverage including Employer's Liability limits of at least \$500,000 and statutory state coverage for all his/her employees and those of his/her subcontractors engaged in program rehab work. The Contractor must provide the Housing Rehabilitation Specialist with a certificate of insurance naming the Program as Certificate Holder, and naming the Municipality and CGP&H as additional insureds at time of Program job award; and
- At least three favorable references on the successful completion of similar work; and
- A reference of permit compliance from a municipal inspector (building inspector, code official, etc.); and
- The Contractor's State Business Registration Certificate; and
- Current Consumer Affairs Home Improvement Contractor license; and
- Applicable lead certifications for contractors working on houses built prior to 1978. As identified in the scope of work, the contractor must comply with the EPA Renovation, Repair and Painting (RRP) Rule regarding certification; and
- If claiming prior experience with local, state or federally funding housing rehabilitation programs, a record of satisfactory performance in a neighborhood rehabilitation program or other federal/state programs; and
- Appropriate licenses; e.g. plumbing, electrical.

Contractors must also complete a Contractor Qualification Form. The contractor's qualifications will be reviewed and the references cited will be checked by the Program Inspector before the contractor is awarded a job.

VII. Lead Based Paint (LBP):

For houses built prior to 1978, contractors must comply with the Environmental Protection Agency Renovation, Repair and Painting Rules (40 CFR Part 745) when any work item is marked with (EPA-RRP Rule) in the work specifications. The requirements are spelled out in the General Conditions of the work specifications.

The Housing Rehabilitation Specialist will provide information on the Essex County Lead Remediation Program to homeowners of houses built prior to 1978.

VIII. Rental Procedures:

Rental units are subject to the Uniform Housing Affordability Controls (UHAC) at N.J.A.C.5-80:26.1 et. seq. once the rental units are rehabilitated. In addition to the mortgage and mortgage note, the controls on affordability shall be in the form of a deed restriction.

- If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit be rented to an income eligible household at an affordable rent and affirmatively marketed pursuant to UHAC.
- If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
- Rental Increases: See section VIII C, below.

The municipality's Administrative Agent will administer the rental affordability controls during the 10-year affordability period for each rental property assisted. Landlords are responsible to pay income certification fees for re-rentals.

A. Determining Initial Affordable Rents

The initial maximum affordable rent for a rehabilitated unit is determined by the program staff based on several NJ rules and regulations. The Administrative Agent will make every attempt to price initial rents to average fifty-two percent (52%) of the median income for the household size appropriate to the sized unit within each individual project (N.J.A.C. 5:80-26.3 (d)). Thirty percent (30%) (N.J.A.C. 5:80-26-12 (a)) of that figure is considered the "maximum base rent." Subtracted from the maximum base rent is the cost of all tenant-paid utilities as defined and calculated by the HUD Utilities Allowance figures (updated annually). The remainder becomes the maximum

initial rent for that unit. The Home Improvement Program staff can provide potential applicants/landlords with a reasonable estimate of what the maximum base rent will be on their rental unit if they elect to participate in the program.

B. Pricing by Household Size

Initial rents are based on the number of legal bedrooms in each unit. Initial rents must adhere to the following rules.

Table 4 Initial Rental Pricing by Housing Size

Size of Unit	Household Size Used to Determined Max Rent
Studio/Efficiency	1
1 Bedroom	1.5
2 Bedrooms	3
3 Bedrooms	4.5
4 Bedrooms	6

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial rents.

C. Determining Rent Increases

Rents for rehabilitated units may increase annually based on the standards in Appendix B, entitled "Approved Calculation of Annual Increases to Income Limits, Resale Prices and Rents" and only upon written notification from the Administrative Agent.

In addition, the Township's Administrative Agent must be used by the Landlord to ensure that all appropriate affirmative marketing and all other affordable housing compliance procedures are followed and will continually oversee compliance for these affordable rental units throughout their restrictive term.

These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. Rents may not be increased more than once a year, may not be increased by more than one approved calculated increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

IX. MARKETING STRATEGY

In coordination with the Township, the Program Administrator will employ a variety of proven strategies to advertise the program within South Orange Village to establish the Program's applicant pool/waiting list. The marketing strategy/plan possibilities include but are not limited to:

- Creation and distribution of Program homeowner outreach posters, flyers and handouts
- Place Program outreach material on the Township's website
- Place Program outreach material on CGP&H's website
- Municipal E-newsletter and paper newsletter (if available)
- Appending announcements and/or flyers to other municipal mailings as they become available (tax, etc.) or direct mailing, if approved by the municipality
- Municipal email blasts and Twitter communication (if available)
- Program marketing will be distributed to local community organizations and major employers including religious organizations, civic groups, senior group, ethnic organizations, etc.
- Free local cable TV advertising (when available)
- Periodic Press releases
- Program group presentations to community organizations or at the Township Municipal Building to prospective homeowners and even to local contractors
- Paid newspaper advertisements (last resort) when deemed necessary and appropriate

- The order of method used will be analyzed to implement the most effective combination of strategies. Extensive marketing efforts are essential for all successful housing rehabilitation programs to meet their productivity objectives.

Available rental units assisted via the HIP will be affirmatively marketed in accordance with the Township of South Orange Village Affordable Housing Affirmative Marketing Plan.

X. MAINTENANCE OF RECORDS AND CLIENT FILES

A. Programmatic Recording

The Program files will include:

- The policies and procedures manual, which will also be updated when applicable.
- An applicant pool will be maintained by the Program staff to track intake of the people interested in the program and the corresponding outgoing application invites.
- A rehabilitation log will be maintained by the Program staff that depicts the status of all applications in progress.

B. Participant Record Keeping

The Program will be responsible for ensuring that individual files for each unit are established, maintained and then submitted to the municipality upon completion. Each completed file will contain a minimum of the following:

- Checklist
- Application form
- Tenant Application form (Rental Units Only) including rental lease
- Proof of ownership
- Income verification (for all households)
- Proof of currency of property tax and water/sewer accounts
- Proof of homeowner extended coverage/hazard insurance (Declaration Page)

- Proof that the municipal lien plus the total of other liens does not exceed the market value of the unit.
- Certification of Eligible Household or Notice of Ineligible Household (whichever is applicable)
- Homeowner/Program Agreement
- Certificate of Substandard
- Work Specifications/Cost Estimate aka Work Write-Up
- Contractor Proposal Notice
- Contractor proposals
- Proposal Tabulation
- Construction Agreement
- Mortgage and Mortgage Note, and for rental properties, Deed Restriction
- Notice of Right of Rescission
- Homeowner Confirmation of Receipt of EPA Lead Information Pamphlet
- Contractor Confirmation of Receipt of Lead Paint Notice
- Copies of all required permits
- Change orders, if any
- Work progress and final inspection reports
- Copies of contractor payment documentation
- Photographs (Before and After)
- Close-out documents
- Certification of Approval

C. State Reporting

For each unit the following information must be retained to be reported annually:

- Street Address

- Block/Lot/Unit Number
- Owner/Renter
- Income: Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs.)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

The Program Administrator will provide each completed unit's data for annual monitoring.

D. Financial Recordkeeping

Financial recordkeeping is the responsibility of the Municipal Housing Liaison, with assistance from the Administrative Agent, as may be requested from time to time.

XI. HOUSING ADVISORY COMMITTEE AND APPEALS PROCESS

The Program staff is skilled in effectively achieving resolution of homeowner/contractor disputes, in a fair and documented manner.

If a homeowner refuses to pay the contractor and work has been done to work specification and to the satisfaction of the Program, it may authorize payment to the contractor directly. However, the Program will make a reasonable attempt to resolve the differences before taking this step.

However, on the rare occasion if a homeowner or contractor decides to dispute a Program staff decision, the Program will refer the matter to the Township for further resolution. It is recommended the Township forms a Housing Advisory Committee to mediate and resolve the

differences. Homeowners or contractors involved in a dispute will be instructed to submit their concerns in writing. The homeowner or contractor may request a hearing conducted by the Housing Advisory Committee. All Housing Advisory Committee decisions are final. The Housing Advisory Committee formation may occur when the first need arises.

XII. CONCLUSION

If the procedures described in this manual are followed, the Township of South Orange Village's Home Improvement Program should operate smoothly and effectively. Where it is found that a new procedure will eliminate a recurring problem, that procedure may be incorporated into the program operation. In addition, this manual may be periodically revised to reflect changes in local, state and federal policies and regulations relative to the Home Improvement Program.

APPENDIX A - LIST OF PROGRAM FORMS

- Application Transmittal Letter
- Program Information Handout
- Application for Assistance- Homeowner
- Application for Assistance- Landlord (Investor)
- Application for Assistance- Tenant
- Eligibility Release Form
- Checklist
- Special Needs Waiver (Eligibility Requirements)
- Special Needs Waiver (Exceed Program Limit)
- Certification of Eligible Household
- Eligibility Determination Form
- Notification of Eligibility
- Notification of Ineligibility
- Homeowner/Program Agreement
- Certificate of Substandard
- Certificate of Substandard – Emergency Situation
- Letter: forward work write-up and contractor list to homeowner
- Work Write-Up Review form
- Request for Rehabilitation Bid
- Affidavit of Contractor
- Subcontractor Bid Sheet
- Bid Tabulation/Contractor Selection
- Construction Agreement
- Mortgage
- Mortgage Note – single family, multi family, investor versions
- Notice of Right of Rescission
- COAH Deed Restriction (when applicable)
- Homeowner Confirmation of Receipt of EPA Lead Information Pamphlet
- Contractor Confirmation of Receipt of Lead Paint Notice
- Notice to Proceed
- Contractor's Request for Final Inspection
- Change Order Authorization
- Certificate and Release
- Closeout Statement

APPENDIX B – Approved Calculation of Annual Increases to Income Limits, Resale Prices and Rents

Methodology for Calculating Regional Income Limits and Rental Increase:

Income limits for all units that are part of the municipality's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the municipality annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the region that the municipality is located within, based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the municipality's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the most recent year and shall be utilized until the municipality updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. If at any time, COAH (or a successor administrative agency duly empowered by an amendment to the Fair Housing Act) begins to issue updated annual income limits and

rules for increasing sales prices and rent levels each year, said updated income limits and rules for increasing sales prices and rent levels each year may be used instead of the methodology set forth herein.

In establishing sale prices and rents of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing.

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 27, 2021

2021 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1												
Median	\$72,846	\$78,050	\$83,253	\$93,659	\$104,066	\$108,229	\$112,391	\$120,717	\$129,042	\$137,367		
Moderate	\$58,277	\$62,440	\$66,602	\$74,928	\$83,253	\$86,583	\$89,913	\$96,573	\$103,233	\$109,894	1.6%	\$201,229
Low	\$36,423	\$39,025	\$41,626	\$46,830	\$52,033	\$54,114	\$56,196	\$60,358	\$64,521	\$68,684	8.46%	
Very Low	\$21,854	\$23,415	\$24,976	\$28,098	\$31,220	\$32,469	\$33,717	\$36,215	\$38,713	\$41,210		
Region 2												
Median	\$75,331	\$80,711	\$86,092	\$96,854	\$107,615	\$111,920	\$116,224	\$124,834	\$133,443	\$142,052		
Moderate	\$60,265	\$64,569	\$68,874	\$77,483	\$86,092	\$89,536	\$92,980	\$99,867	\$106,754	\$113,642	1.6%	\$206,459
Low	\$37,665	\$40,356	\$43,046	\$48,427	\$53,808	\$55,960	\$58,112	\$62,417	\$66,721	\$71,026	2.00%	
Very Low	\$22,599	\$24,213	\$25,828	\$29,056	\$32,285	\$33,576	\$34,867	\$37,450	\$40,033	\$42,616		
Region 3												
Median	\$86,240	\$92,400	\$98,560	\$110,880	\$123,200	\$128,128	\$133,056	\$142,912	\$152,768	\$162,624		
Moderate	\$68,992	\$73,920	\$78,848	\$88,704	\$98,560	\$102,502	\$106,445	\$114,330	\$122,214	\$130,099	1.6%	\$234,592
Low	\$43,120	\$46,200	\$49,280	\$55,440	\$61,600	\$64,064	\$66,528	\$71,456	\$76,384	\$81,312	3.10%	
Very Low	\$25,872	\$27,720	\$29,568	\$33,264	\$36,960	\$38,438	\$39,917	\$42,874	\$45,830	\$48,787		
Region 4												
Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199		
Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359	1.6%	\$205,486
Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099	0.00%	
Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260		
Region 5												
Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512		
Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.6%	\$179,028
Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756	0.00%	
Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254		
Region 6												
Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349		
Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679	1.6%	\$153,730
Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175	0.00%	
Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price index for All Urban Consumers (CPI-U); Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, 2018, 2019 or 2020 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2021 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16 (b)3.

Note: Since the Regional Income Limits for Regions 4, 5, and 6 in 2020 were higher than the 2021 calculations, the 2020 income limits will remain in force for 2021 (as previously required by N.J.A.C. 5:97-9.2(c)).

Appendix I: Vacant Land Adjustment



**South Orange Village
Essex County
Round 4: Vacant Land Adjustment**

Prepared For:



South Orange Village
76 South Orange Avenue
South Orange, NJ 07079
Report Date: May 5, 2025

Prepared by:

Graham Petto, AICP/PP

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Table of Contents

- I. Introduction + Methodology 2
 - A. Purpose of Vacant Land Adjustment 2
 - B. Legislation + Changes in Fourth Round VLA Requirements 2
 - C. Assumptions Underlying Realistic Development Potential 3
 - D. Data Sources Used in Analysis 3
 - E. Methodology of Vacant Land Parcels Assemblage..... 4
- II. Vacant Land Parcels Assemblages..... 7
- III. Parcels With “Developability” 9
 - A. Realistic Development Potential Based on Vacant Land Adjustment 9
 - B. Parcels Likely to be Redeveloped in Round 4..... 9
 - C. Conclusion..... 10
- Appendix A: Computing Municipal Adjustment, Exclusions (52:27D) 11
- Appendix B: Constraint Analysis Mapping 13

I. Introduction + Methodology

A. Purpose of Vacant Land Adjustment

The foregoing analysis was prepared on behalf of South Orange Village (herein the “Village” or “South Orange Village”). This analysis reviews the Village’s inventory of available vacant properties and summarizes an adjustment in the Fourth Round affordable housing obligation due to available land capacity. The analysis also takes into consideration projects likely to be redeveloped in the Fourth Round obligation. These include projects that have existing land use approvals, are under construction or were constructed, or are part of the Village’s Fourth Round compliance plan.

This analysis is otherwise known as a Vacant Land Adjustment (“VLA”). The VLA determines a municipality’s Realistic Development Potential (“RDP”) for its Fourth Round municipal obligation. Such obligation is memorialized in the municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”), which runs from 2025-2035.

In conclusion, the Village’s RDP for its Fourth Round is 0 where 41 credits must be accommodated on parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted.

B. Legislation + Changes in Fourth Round VLA Requirements

On March 20, 2024, Governor Phil Murphy signed P.L. 2025, c.2¹ (the “Legislation”) which expands and modifies the State’s affordable housing regulations. As a result of the Legislation, each municipality is assigned a non-binding affordable housing obligation to be met during the Fourth Round. The non-binding calculations were published by the NJ Department of Community Affairs (“DCA”) on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer. This obligation is also referred to as the “prospective need.”

Based on the numbers released by the DCA, the Prospective Need for the Village is 163. On January 28, 2025, the governing body adopted Resolution #2025-017² accepting the Prospective Need of 163 as calculated by the DCA.

The Legislation sets forth procedures by which municipalities may adjust their prospective obligation, including via the VLA process (See 52:27D-310.1).³ Under the Fourth Round, a municipality is permitted to make adjustments due to a lack of available land resources. However, the bill requires a municipality that receives such a vacant land adjustment to its

¹ https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF

² https://nj-aocmedia-prod-general-purpose.s3.amazonaws.com/files/civil/affordable-housing/essex/s-orange-township/12725SouthOrangeResoAcceptDCARound4Numberadopted.pdf?VersionId=qFf11Mo0ySeMCkBgCdR5O_5mAl.y.j8

³ <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310-1/>

obligation identify parcels for development that address at least 25 percent of the prospective need and adopt zoning that allows for the adjusted obligation, or demonstrate why this is not possible.

See Appendix “A” for the full legislation of municipal computation requirements and changes via P.L. 2024, c.2.

C. Assumptions Underlying Realistic Development Potential

Inclusionary Development

N.J.A.C. 5:93-4.2(f) specifies that the RDP is based on an inclusionary zoning framework and available land is not assumed to be developed as 100% affordable housing. The minimum presumptive set aside for affordable housing is 20%, or one in five units. As such, suitable development sites for inclusionary development must have the capacity to provide a minimum of five units.

Assumed Densities and Minimum Project Size

According to the Second Round Rules, it is important to “consider the character of the area surrounding each site” when crafting assumptions underlying the intensity of residential development. As such, the maximum density for each assemblage was determined as follows:

- The permitted density of each parcel pursuant to the Municipal Zoning Ordinance;
- Minimum presumptive density of six units per acre as required by the Second Round Rules where permitted density is below six units per acre;
- Surrounding land uses;
- The need for affordable housing; and
- Density count of approved projects by the Planning or Zoning Board.

D. Data Sources Used in Analysis

In compiling the analysis for the VLA, this report utilizes the following data:

- **Mod IV Tax Assessment Data** was obtained from the most recent Assessment Records. Parcel files were used utilizing the **New Jersey Geographic Information Network (NJGIN) Open Data** portal.
- **Flood Hazard Area Dataset** was obtained from the **Federal Emergency Management Agency (FEMA)** data of flood zones⁴.

⁴ <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

- **Wetlands Dataset** was developed using the Land Use/Land Cover from the New Jersey Department of Environmental Protection (NJDEP), last updated 2020. A 50-foot riparian buffer is also included.
- **Waterbodies Dataset** was obtained from the National Hydrography Dataset Waterbody Streams and Waterbodies dataset as developed by the NJDEP, last updated 2015.
 - *Note: No Category One (C1) Waters were observed in South Orange per [N.J.A.C 7:13-4.1\(c\)\(2\)](#).*
- **Steep Slope Dataset** was developed using the NJGIN Open Data portal⁵.

E. Methodology of Vacant Land Parcels Assemblage

Step 1: Selection of Sites

- *Step 1.1: Classification of Vacant Land / General Assemblages*

Using the most recent **Mod IV Tax Assessment Data**, properties that did not have the tax class 1 (Vacant) and vacant properties with tax class 15C (Public) were removed from the analysis.

These remaining properties are considered in the analysis as an inventory of all vacant sites. Assemble vacant properties (including those adjacent and under common ownership) and confirm acreage.

- *Step 1.2: Removing “False” Vacant Land / General Assemblages*

The **Mod IV Tax Assessment Data** properties of the assemblages created in Step 1.1 was further analyzed for “false” vacant land results that were removed from the analysis. False vacant land results included:

- Parcels that are actually common area part of a larger townhome / condominium development (i.e. “Condo Mother Lot”) and thus not actually “vacant”.
- Parcels that are developed with active improvements, where MODIV Tax Assessment Data erroneously coded property as “vacant” or may not be up-to-date given the construction status.
 - For purposes of this analysis, “active improvements” means any structure upon the site with an active Certificate of Occupancy (“C.O”), or building permit / temporary “C.O” where structures are underway for a full C.O. Also included are parcels where there are no structures on the land but where there are improvements on the land that are associated with a

⁵ <https://njgin.nj.gov/njgin/edata/elevation/index.html>

structure on a different parcel (e.g. parking lot associated with building on a different, likely adjacent, parcel).

- Parcels that are coded “vacant,” but are not in the municipal jurisdiction (i.e. small portion of vacant land belonging to larger assemblage that is in adjacent municipality).

Step 2: Exclusion of Known Land Encumbrances / Additional Exclusions

Step 2.1: Exclusion of Parklands and Recreational Land

All parklands and active recreational lands properties’ appearing were excluded based on their property tax classification under in the MOD IV tax assessment data.

Step 2.2: Exclusion of Open Space Restricted Land

All open space and properties on the Recreation and Open Space Inventory (ROSI) were excluded based on review of the [NJ State ROSI](#)⁶.

Step 2.3: Exclusion of Historic and Architecturally Important Sites

If applicable, areas of vacant land impacted by [historically or architecturally important constraints](#)⁷ were removed from the calculation of developable area.

Step 3: Exclusion of Low Yield Properties

Step 3.1: Exclude Properties Yielding Less Than 5 Units

The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regards to density, and that the minimum presumptive density be 6 du/ac.

In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created in Step 1 was multiplied by the permitted number of units per acre to determine the property yield. All vacant assemblages whose yield was less than five units were excluded from the Inventory of Vacant Sites.

Step 4: Site Analysis (Exclusion of Environmentally Sensitive Areas from Development Calculations)

Step 4.1: Overlay Environmentally Sensitive Areas

⁶ <https://dep.nj.gov/otpla/rosi/>

⁷ <https://www.arcgis.com/apps/webappviewer/index.html?id=6706acec2a7e46489f6d4dabba02fc9c>

Properties occupied by major environmental factors as described in the “Data Sources Used” section of this report above were removed as candidates for development. This was done using a Geographic Information Systems (GIS) program.

- *Step 4.2: Calculate Development Potential.*

Areas of vacant land impacted by these environmental constraints were removed from the calculation of developable area.

II. Vacant Land Parcels Assemblages

Following the process of parcels in Steps 1-3 as detailed in above in Section I.E, four parcel assemblages are left that should be further reviewed for environmentally sensitive areas per Step 4. Individual mapping and analysis of these parcels may be found in Appendix "B."

- Block 1503, Lot 33.01 (100 Tillou Road West)
- Block 2102, Lots 15-18 (266-278 Irvington Avenue)
- Block 2605, Lot 1 (616 South Orange Avenue West)
- Block 703, Lot 1 (602 Centre Street)



Figure 1: Map of Vacant Land Parcel Assemblages to Analyze against Environmental Areas

The map below summarizes the eligible vacant sites with environmentally sensitive mapping. Each assemblage was individually assessed for irregularities, access, and environmental constraints to conclude if the site is “developable” for consideration in the RDP (See individual environmental site analysis in Appendix “B”).

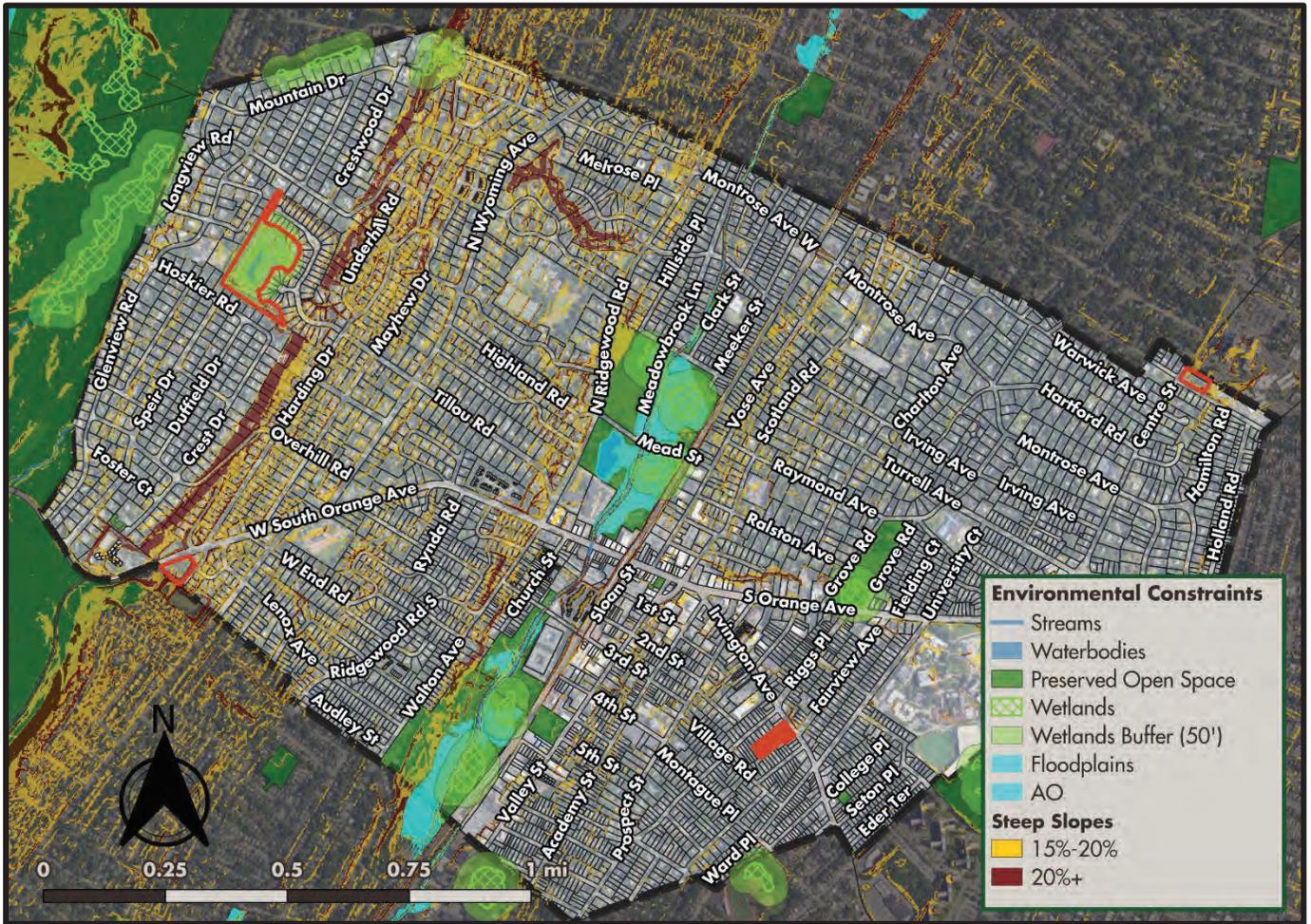


Figure 2: Municipal-Wide Map of Vacant Properties and Environmental Constraints

III. Parcels With “Developability”

A. Realistic Development Potential Based on Vacant Land Adjustment

Analysis of the four sites remaining on the inventory of vacant sites revealed that all vacant land within the Village is constrained, with no sites containing sufficient land free of environmental or access constraints with dimensions that could accommodate five or more residential units including a 20% affordable set aside. Therefore, these sites comprise 4 “buildable” units according to the assemblage analysis, of which 0 is the estimated 20% set-aside.

BLOCK	LOT	PROPERTY LOCATION	UNCONSTRAINED ACRES	EST. UNIT YIELD	EST. LMI SET-ASIDE
1503	33.01	100 TILLOU ROAD WEST	0	0	0
2102	15-18	266-278 IRVINGTON AVENUE	0	0	0
2605	1	616 SO ORANGE AVENUE WEST	0.69	4	0
703	1	602 CENTRE STREET	0	0	0
TOTAL REALISTIC DEVELOPMENT POTENTIAL (RDP)			0.73	4	0

B. Parcels Likely to be Redeveloped in Round 4

In addition to vacant properties that have a realistic development potential, the Village must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.

As noted, South Orange Village’s Fourth Round prospective need is 163. The Realistic Development Potential is 0. While the language in the statute leaves room for at least three interpretations for how to calculate this 25% obligation, the Village’s plan significantly exceeds even the most generous interpretation of twenty-five percent of the remaining need of 163, which is 41.

Projects on parcels likely to be redeveloped between 2025-2035 are below:

BLOCK AND LOTS	PROJECT	UNITS PLANNED	SET-ASIDE / CREDITS
Block 2301 Lots 21 & 42-44	185-189 Church Street	23 Units	4 Affordable Units 2 Bonus Credits (TOD)
Block 2017 Lots 16-18	102-110 Prospect Street	46 Bedrooms	46 Bedrooms 46 Bonus Credits (Permanent Supportive Housing)
Block 2003 Lots 7-8	164-168 Valley Street	50 Units	5 Affordable Units 5 Bonus Credits (TOD)
N/A	Age-Restricted Market-to-Affordable Conversion	18 Units	18 Affordable 18 Bonus Credits (Age-Restricted)
N/A	Round 3 Surplus Credits	N/A	5 Surplus Credits
N/A	Bonus Credits	N/A	40.5 (Capped)
GRAND TOTAL = 78 affordable units + 40.5 bonus credits + 5 R3 surplus credits = 123.5 credits			

C. Conclusion

In conclusion, the preceding analysis demonstrates (1) that the Village lacks sufficient vacant, suitable land to fully address its prospective need obligation of 163 and (2) that the Village's RDP is 0, based on developable land and land likely to redevelop within the Village by 2035. Once the RDP has been met, the 123.5 affordable credits unaddressed by current and anticipated development will constitute "unmet need."

Appendix A: Computing Municipal Adjustment, Exclusions (52:27D)

Section 52:27D-310.1 – As Amended via P.L. 2024, c. 2 (amendment is underlined)

1. Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the [Council on Affordable Housing] municipality, in filing a housing element and fair share plan pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), shall exclude from designating , and the process set forth pursuant to sections 3 of P.L.2024, c.2 (C.52:27D-304.1) and section 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly excluded, as vacant land:
 - a. any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
 - b. any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

- c. any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units [if current standards of the council were applied] based on appropriate standards pertaining to housing density;
- d. historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the [submission of the petition of substantive certification] date of filing a housing element and fair share plan pursuant to section 3, or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- e. agricultural lands when the development rights to these lands have been purchased or restricted by covenant;
- f. sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- g. environmentally sensitive lands where development is prohibited by any State or federal agency.

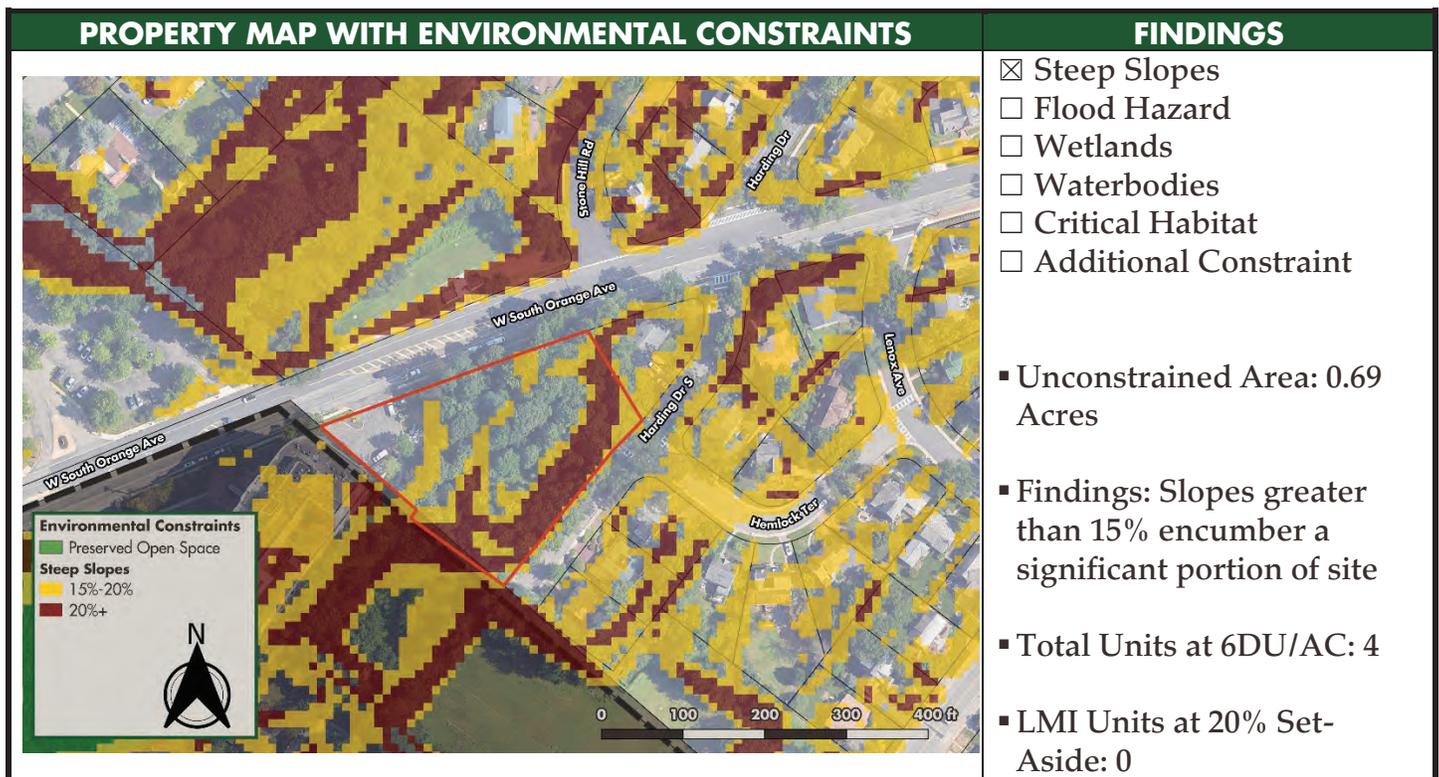
No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land. (cf: P.L.2008, c.46, s.39)

Appendix B: Constraint Analysis Mapping

Parcels Above Presumed Density of 6DU/AC:

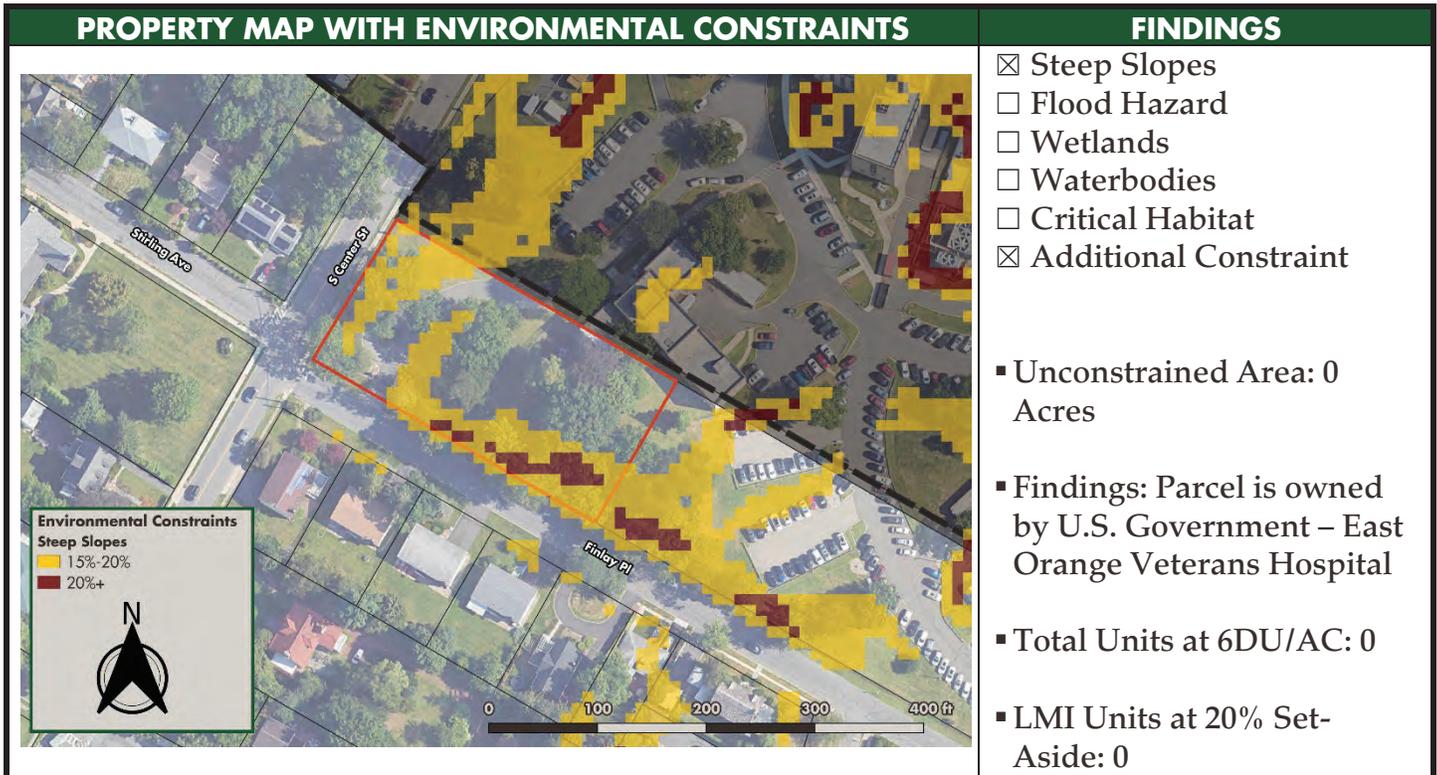
616 South Orange Avenue West

- Block and Lot(s): Block 2605, Lot 1
- Approximate Area: 1.42 Acres



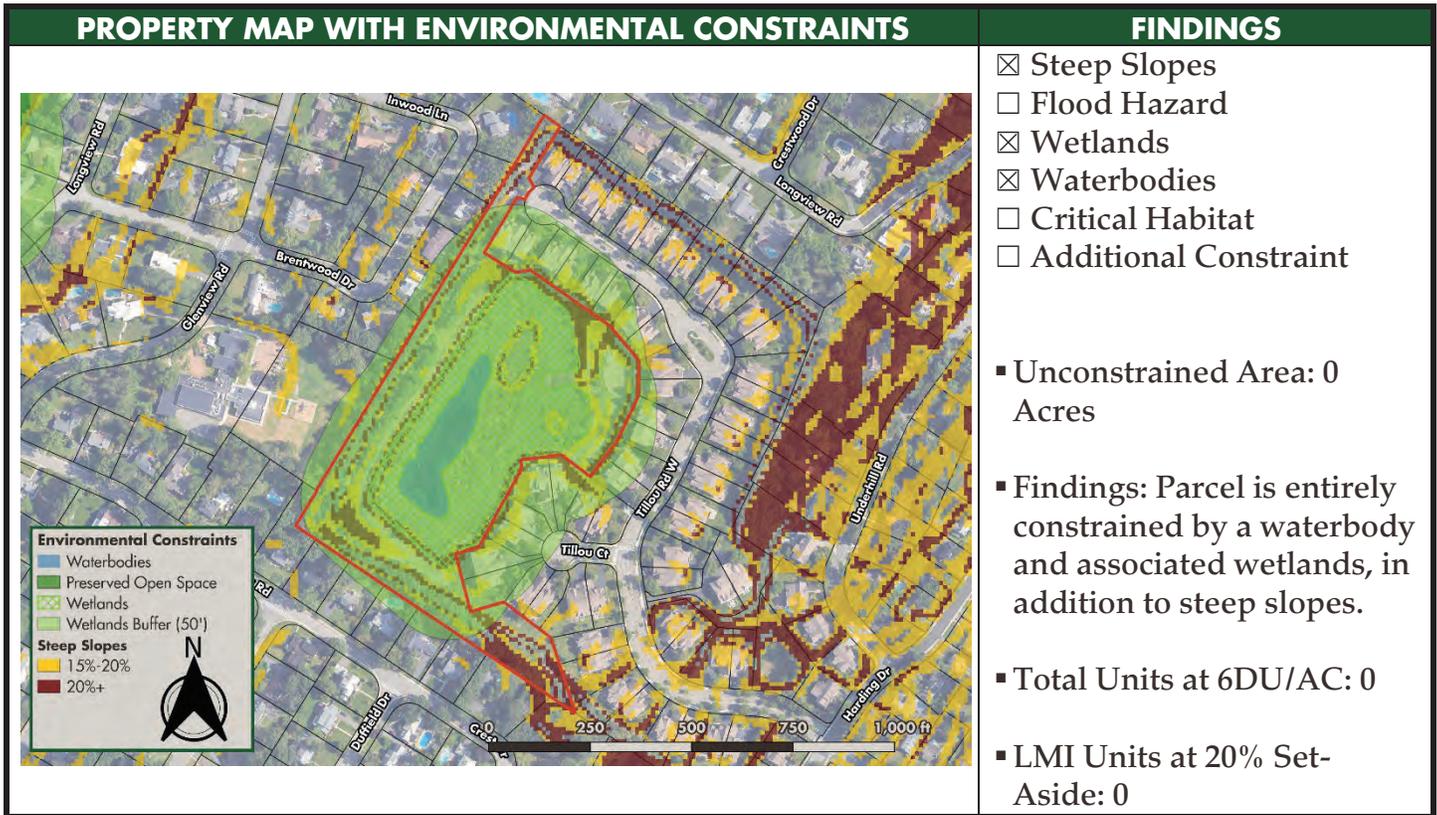
602 Centre Street

- Block and Lot(s): Block 703, Lot 1
- Approximate Area: 1.03 Acres



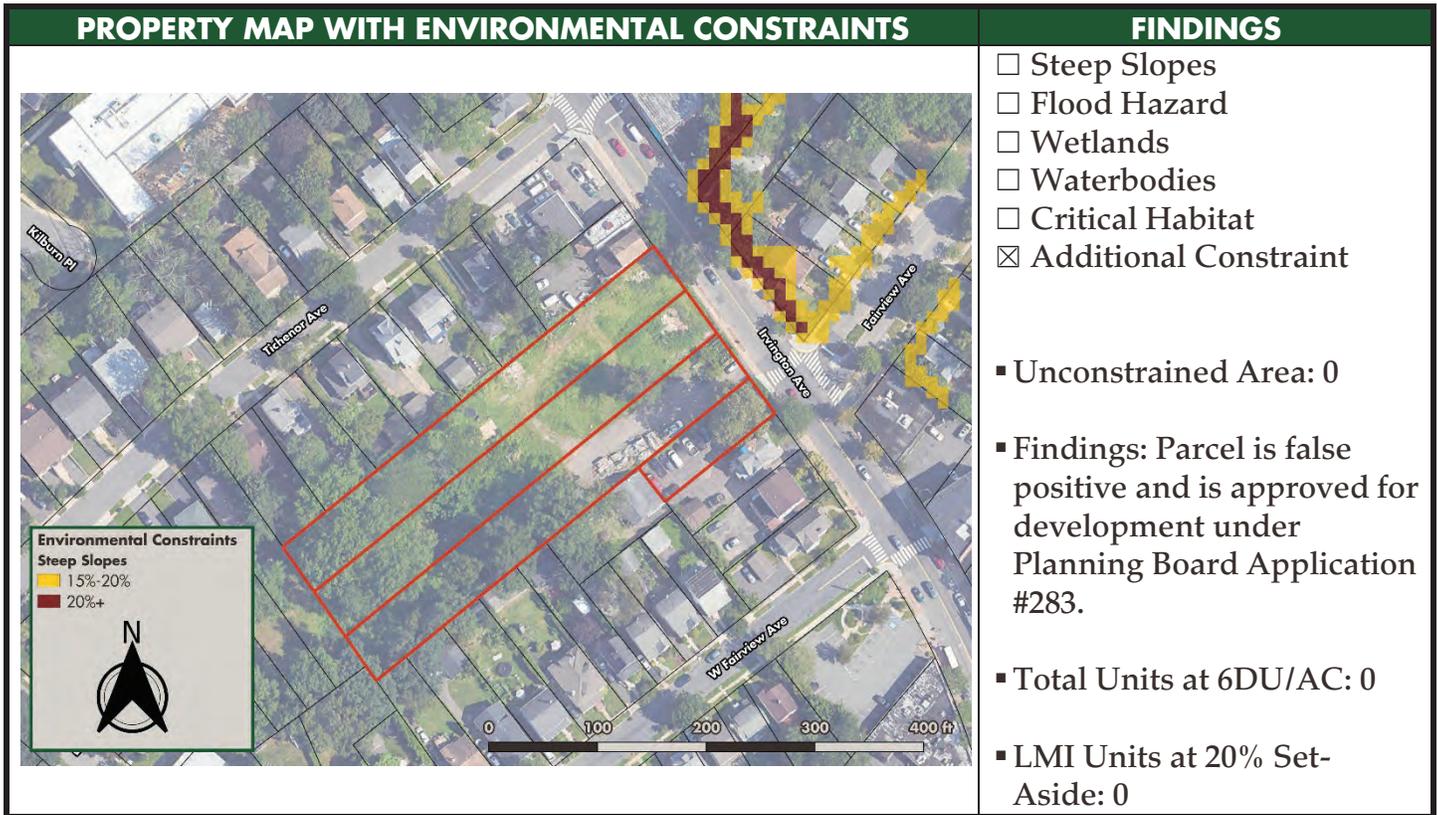
100 Tillou Road West

- Block and Lot(s): Block 1503, Lot 33.01
- Approximate Area: 1.03 Acres



602 Centre Street

- Block and Lot(s): 703 - 1
- Approximate Area: 1.03 Acres



All Vacant Parcels:

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
1503	33.01	1	100 TILLOU ROAD WEST	10.24	Wetlands & Buffer, Waterbody, Steep Slopes	0	0	0
2102	15-18	1	266-278 IRVINGTON AVENUE	1.64	False Positive: Planning Board Application #283 approved on November 1, 2021	0	0	0
2605	1	1	616 SO ORANGE AVENUE WEST	1.42	Steep Slopes (0.69 Acres)	0.69	4	0
703	1	15C	602 CENTRE STREET	1.03	False Positive: Owned by U.S. Government – East Orange Veterans Hospital	0	0	0
205	12	1	289 WYOMING AVENUE	0.61	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1905	1	1	8 SECOND STREET	0.53	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1503	33.08	1	2 TILLOU ROAD WEST	0.52	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1102	2	1	114 IRVING AVENUE	0.40	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
508	8	1	414 CHARLTON AVENUE	0.35	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
602	27	1	395 TURRELL AVENUE	0.26	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2301	16	15C	230A WALTON AVENUE REAR	0.23	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
307	26	1	471 RIDGEWOOD ROAD NORTH	0.23	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
307	27	1	463 RIDGEWOOD ROAD NORTH	0.23	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
503	5	1	165 HALSEY PLACE	0.22	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1902	37	15C	SO ORANGE AVE	0.19	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
402	6	1	ROAD	0.18	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2604	12	1	592 OVERHILL ROAD	0.18	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1503	4	15C	630 LONGVIEW ROAD	0.17	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
704	14.01	1	619 SOUTH ORANGE AVENUE	0.17	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
503	3	1	747 BERKELEY AVENUE (16)	0.15	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1009	30	1	331 SOUTH ORANGE AVENUE	0.14	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
2506	9	1	431 LENOX PLACE	0.12	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1902	22	15C	68 SO ORANGE AVENUE WEST	0.10	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
102	6	15C	674 LONGVIEW ROAD	0.10	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
401	5	1	UNKNOWN	0.09	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2604	33	1	14 STONEHILL ROAD	0.09	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2106	22	1	231 WARD PLACE	0.08	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2112	18	15C	410 WILDEN PLACE	0.08	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
705	57	1	11 HOLLAND ROAD	0.07	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
160.04	10	1	2 HILLCREST AVENUE	0.07	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
161.05	6	1	HENRIETTA DRIVE	0.05	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
707	5	1	711 MARION AVENUE	0.04	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2201	36	15C	316 VALLEY STREET	0.04	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
702	45	15C	625 HAMILTON ROAD	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2404	23	15C	318-A WESTERN DRIVE SOUTH	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
2302	7	1	351-A VALLEY ST REAR	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
45.06	6	1	12 MOUNTAIN WAY SOUTH	0.03	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
45.01	15	1	DEVON DRIVE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5.03	14.01	1	429-A LENOX PLACE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
45.06	7	1	29 DEVON DRIVE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
602	11	1	312 SELF PLACE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
402	15	1	525 PAGE TERRACE	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1904	14	15C	103 SO ORANGE AVENUE WEST	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
808	9	1	77 MONTROSE STREET	0.02	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
402	14	1	515 PAGE TERRACE	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
812	6	1	12 MONTROSE STREET	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
7003	12	1	792 EAST CLARK PLACE	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0

BLOCK	LOT	TAX CLASS	ADDRESS	ACRES	CONSTRAINT	UNCONSTRAINED ACRES	6 DU/AC	20% LMI SET-ASIDE
6705	16	1	180 STIRLING AVE REAR LOT	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4179	1	1	17 MONTROSE ST	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4178	5	1	8 MONTROSE ST REAR	0.01	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6902	4	1	8 KEASBY ROAD	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
16.01	1	15C	HIXON PLACE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
4178	7	1	10 MONTROSE ST REAR	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
15.07	422	15C	21 PARKER AVE WEST	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
6705	10	1	STIRLING AVENUE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
5501	1	15C	TREMONT AVENUE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0
1	1.26	15C	VALLEY RD.& HILLSIDE	0.00	Under presumed density of 6DU/AC (0.83 Acres)	0	0	0