

RESOLUTION P-2025-10

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN ADOPTING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Township of Bordentown (hereinafter the “Township” or “Bordentown”) has a demonstrated history of voluntary compliance as evidenced by 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 July 2, 2015, the Township of Bordentown 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 Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

WHEREAS, the Township continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; 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 Township adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of 95 and Prospective Need of 159; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 22, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Township did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Township’s Fourth Round obligations on March 1, 2025; and

WHEREAS, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Township's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 12, 2025; and

WHEREAS, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Bordentown, County of Burlington, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of Township of Bordentown at a regular meeting held on the 12TH day of JUNE 2025.



Planning Board Chairman



Planning Board Secretary

| RECORD OF VOTE FOR ACTION TAKEN JUNE 12, 2025 (ADOPTION) | | | | | | |
|---|-----|-----|---------|--------|----------------|--------|
| BOARD | AYE | NAY | Abstain | Absent | Motion Made By | Second |
| George Chidley, Chair | X | | | | | |
| Danielle Esser, Vice Chair | X | | | | X | |
| Bill Grayson, Class III | X | | | | | |
| Eric Holliday, Class I | | | | X | | |
| Adam Spundarelli, Class II | X | | | | | |
| Keith McWhirk | X | | | | | |
| Davinder Singh | | | | X | | |
| David G. Dietrich | X | | | | | |
| Abhilasha Singh | | | | X | | |
| David Kowalski (Alt. #1) | X | | | | | X |
| Nate Opielski (Alt. #2) | | | | X | | |

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Township of Bordentown
Burlington County, New Jersey

May 2025

Adopted by the Planning Board on June 12, 2025

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

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

A handwritten signature in black ink, appearing to read "Michael Davis", is written over a horizontal line.

Michael Davis, AICP, P.P. #6533

With contributing content by Julia DeLorenzo

Principals in Charge:

Susan S. Gruel, P.P. #1955

Fred Heyer, AICP, P.P. #3581

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Appendix A: Township of Bordentown Resolution 2025-33 – Committing to Fourth Round Present and Prospective Need

Appendix B: Order Fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle

Appendix C: Third Round Conditional Order of Judgment of Compliance and Repose, dated August 27, 2020

Appendix D: Third Round Amended Settlement Agreement with Fair Share Housing Center, dated June 11, 2019

Appendix E: Bradford Pointe Extension of Controls

- Executed MOU
- Resolution 2025-79 Approving MOU

Appendix F: Habitat for Humanity

- Temporary Certificates of Occupancy (Block 66, Lots 14.02-14.11)
- Deed Restrictions

Appendix G: Reserve at Crosswicks Certificates of Occupancy

Appendix H: Team Campus II

- Temporary Certificates of Occupancy
- Deed Restrictions

Appendix I: Burlington County Home Investments Partnerships Program Developer's Guide

Appendix J: Additional 21 Units at Kevin Johnson (Family)

- Settlement Agreement between the Township of Bordentown, Township of Bordentown Planning Board, and K Johnson Urban Renewal, LLC, Team Campus Phase II, LLC, Team Campus 85 Fitness and Wellness, LLC, Team Campus Senior Luxury Apartments, LLC, and Kevin L. Johnson or its affiliates, dated August 27, 2021
- Order of Fairness on Mount Laurel Settlement Agreement between K Johnson and Township of Bordentown, dated October 8, 2021

PART 1: HOUSING ELEMENT

EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Township of Bordentown in the County of Burlington in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

Bordentown Township is an 9.3 square mile community located in west-central New Jersey in the County of Burlington. The Township borders Florence Township and Mansfield Township to the south; Chesterfield Township to the east; and Hamilton Township to the north. In some areas, the Township's western edge is the Delaware River. Both Fieldsboro Borough and Bordentown City are located between Bordentown Township and the Delaware River. Major roadways through the Township include I-295, the New Jersey Turnpike, and Route 130 and 206.

The Township can be characterized as a suburban municipality and, according to the State Development and Redevelopment Plan (SDRP), is located in a handful of Planning Areas, including: Metropolitan Planning Area 1, Suburban Planning Area 2, and Rural Planning Area 4.

According to the 2020 Census, Bordentown Township's population was 12,103, which represents an increase of 6.5% from 2010. In 2020, the Township's median age was 41.3 years, a slight increase from the median age of 39.5 years in 2010. The Township's average household size in 2020 was 2.62 persons, which was slightly higher than the average at the County level (2.55 persons).

The housing stock of the Township is predominantly single-family detached dwelling units. Approximately 40% of the housing stock was built prior to 1970, making these dwellings older than fifty years. According to the guidelines originally established by COAH, the Township is located in Housing Region 5, a region that consists of Burlington, Camden, and Gloucester counties. Based on the 2024 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on April 12, 2024), the median income in Region 5 for a four-person household is \$114,700, the moderate-income is \$91,760, the low-income is \$57,350, and the very-low-income level is \$34,410.

Affordable housing obligations in New Jersey are divided into "housing rounds," as will be discussed in detail later in this Plan. Each municipality in New Jersey has a constitutional obligation to provide their fair share of the calculated regional need for affordable housing within the respective housing round. These obligations to construct new affordable housing are known as the "Prospective Need" obligation. Municipalities also have an obligation to rehabilitate units that are deemed substandard, pursuant to the criteria of the Fair Housing Act. This obligation is known as the Present Need, or Rehabilitation Share. The housings rounds are as follows: Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).

The Township of Bordentown has participated in each of the three housing rounds. In the Third Round, the Township entered into a Settlement Agreement with Fair Share Housing Center to establish the town's Third Round affordable housing obligation. The subsequent compliance efforts were approved by the Court in a Judgment of Compliance and Repose, dated August 27, 2020, confirming the town satisfied its Third Round obligations.

The Township was able to fully meet its Prior Round and Third Round obligations through credit-worthy units that are existing, under construction, or proposed as well as rental bonus credits.

The Township has a Fourth Round obligation as follows:

Rehabilitation Share: 95

Prospective Need: 159

The 159-unit Prospective Need obligation will be addressed through the extension of affordability controls on the existing Bradford Pointe family-rental development.

NEW JERSEY AFFORDABLE HOUSING LEGISLATIVE AND JUDICIAL HISTORY

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that municipalities in New Jersey have a constitutional obligation to zone for a variety and choice of housing types that would be affordable to low- and moderate-income households.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by determining that each New Jersey municipality was required to create a realistic opportunity for the construction of housing affordable to low- and moderate-income households sufficient to meet its "fair share" of the need for affordable housing. As a result, municipalities were required to address a fair share of the regional need for affordable housing.

In response to the threat of "builder's remedy" lawsuits endorsed by the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act (FHA) in 1985 (N.J.S.A. 52:270-301, et seq.). The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

First and Second Rounds

The First and Second Rounds under COAH are mutually referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 *et seq.*). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 *et seq.*) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This second round of obligations is known as the Second Round.

Third Round

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 they were extended to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C. 5:94-1 and 95-1 *et seq.*). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations.

On October 8, 2010, in response to numerous legal challenges to COAH's regulations, the Appellate Divisions ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds.

After several more court appearances and directions to adopt revised rules, COAH ultimately deadlocked at its October 20, 2024 meeting and failed to adopt draft rules. COAH's failure to adopt the new rules lead to new litigation filed by the Fair Share Housing Center, which resulted in the monumental 2015 decision, which changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing.

In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), decided March 10, 2015, the Supreme Court held that since COAH was no longer functioning,

trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose (“JOR”) or the “judicial equivalent” of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), which held that need having accrued during the Gap Period (1999-2015) was part of the Present Need, not Prospective Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional present need. As the methodology and obligations from the Gap + Prospective Need had not been fully adjudicated at that time, the majority of municipalities and FSHC agreed upon the magnitude of these obligations in the form of a Settlement Agreement.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round + Gap Period (1999-2015). Municipalities that received their Final Judgment of Compliance and Repose were guaranteed immunity from builders’ remedy lawsuits through the end of the Third Round, June 30, 2025.

Fourth Round

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March 20, 2024, establishing a new methodology for determining municipalities’ affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally **abolished COAH** while transferring its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). As a result, the legislation codified the method for calculating regional and municipal affordable housing needs and returned most of the process from the Courts to state administrative departments.

The amended FHA appoints the DCA as the entity responsible for establishing the regional need for each of the 6 housing regions and the portion of that need allocated to each municipality. In accordance with the amended FHA, on October 18, 2024 the DCA released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State’s municipalities. The non-binding obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2. Municipalities were given until January 31, 2025 to review the obligation

established by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. By January 31, 2025, every non-urban aid municipality was required to adopt a binding resolution establishing its housing obligation or lose its protection from builders' remedy suits.

After the municipality establishes its obligation, there is a one-month period during which a challenge can be filed by an interested party. The amended FHA calls for a streamlined appeal / challenge period that will be managed by a new "Affordable Housing Dispute Resolution Program" that will be staffed with current or retired judges, or other experts in the field.

Round Four Housing Elements and Fair Share Plans (HEFSP) are to be adopted by the municipal planning board by June 30, 2025. The Fourth Round Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HEFSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP.) (a new draft SDRP was released in late 2024) and the Highlands Regional Master Plan for conforming municipalities. As part of the HEFSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

BORDENTOWN TOWNSHIP'S HISTORY OF AFFORDABLE HOUSING

The Township filed a declaratory relief action on July 2, 2015 and simultaneously brought a motion to reaffirm its from exclusionary zoning actions, which was granted by the Court. That immunity order remains in full force effect as of the date of this HEFSP. This immunity was reaffirmed based upon the Prior Round Judgment of Compliance and Repose (JOR) which was entered on August 16, 2000 and the Third Round JOR signed on September 20, 2006.

On July 24, 2006, The Bordentown Planning Board adopted a Third Round Housing Element and Fair Share Plan (2006 Plan). After the Township Committee endorsed the Plan, it filed it with COAH, and pursuant to N.J.S.A. 52:27D-313, the Township brought a declaratory judgment action with the Court seeking approval of the 2006 Plan. On September 20, 2006, the Court entered an Order granting Bordentown Township Third Round immunity. The Township voluntarily remained under the jurisdiction of the Court.

When portions of the Third Round rules were invalidated by the Court in 2007 and new rules promulgated in June 2008, Bordentown complied with the December 31, 2008 deadline for submission of an amended Housing Element and Fair Share Plan. The Bordentown Planning Board adopted an Amended Housing Element and Fair Share Plan for the Third Round (2008 Plan) on December 22, 2008.

On May 3, 2012, the Township, the Planning Board, Fair Share Housing Center (FSHC) and Bordentown Waterfront Community, LLC (BWC) entered into a Consent Order, which among other items, clarified BWC's affordable housing obligation. A new Order was issued on May 9, 2012 by Judge Bookbinder dismissing

litigation without prejudice and granting the Township of Bordentown continued immunity and repose from Mount Laurel litigation. The Court concluded that “the Township is fully compliant under the First and Second rounds and has provided a realistic opportunity for a significant number of credits towards its Third Round obligations.”

In August 2015 Bordentown Development Company was granted intervention into the Township’s DJ Action, on the “Ziegler property,” found at Block 138.01, Lots 41-43 and is a component of this Plan. In November 2015, FSHC moved for and was granted intervention.

Due to the current uncertainty in the appropriate manner by which to calculate municipal obligations throughout New Jersey, the Township and Fair Share Housing Center (FSHC) agreed that a settlement agreement is in the best interest of the Township and its residents. Under the supervision of the Special Master, the Township and its professionals entered into negotiations with representatives of FSHC to settle the Township’s Declaratory Judgment action and seek Court-approval for an accepted fair share obligation for the Township. A settlement agreement was ultimately executed on June 26, 2017.

In September 2017, Mark Bergman filed objections to the Township’s settlement agreement. Although the Township met on several occasions in an attempt to resolve the objections, the Township was unable to reach mutually acceptable terms with Mr. Bergman.

An MOU was executed in August 2017 with Nissim Family Investments (Nissim) regarding the development of the property at Block 1.01 Lots 3 and 6. Additionally, in October 2017 the Township entered into a settlement agreement with Bordentown Development Company.

Subsequently, in April of 2018, KJohnson Enterprises, LLC contacted the Township, expressing interest in redeveloping their property at Block 58 Lot 37 on the Township’s Tax Map. On October 9, 2018, the Township entered into a settlement agreement with the entity known as Team Campus Phase II, LLC. The settlement agreement established provisions for the rezoning of Block 58 Lot 37 to develop an age-restricted inclusionary development at the subject property providing 19 age-restricted affordable units.

During the period of time that the Township was negotiating with KJohnson Enterprises, LLC, a Fairness Hearing was held on June 18, 2018, at which point the Court approved the settlement agreement between the Township and FSHC by Order dated June 29, 2018.

Thereafter, KJohnson Enterprises, LLC again approached the Township with the desire to redevelop, but this time on a different site located at Block 57 Lot 6 for a proposed mixed-used inclusionary development. The Township entered into new negotiations, and on March 11, 2019, entered into a settlement agreement with an entity known as KJohnson Urban Renewal, LLC. The settlement agreement provided for the rezoning of the subject property for mixed-use, inclusionary development with 26 family, rental affordable units.

Due to the inclusion of the two KJohnson Enterprises, LLC sites, the Township and FSHC entered into an amended settlement agreement on June 11, 2019, which modifies and supplements the 2017 FSHC Settlement Agreement.

Subsequently, Bordentown Township adopted an Amended Housing Element and Fair Share Plan via Resolution P-2020-19, addressing the conditions of the amended settlement agreement. The Township received a Final Order and of Judgment of Compliance and Repose on August 27, 2020.

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten 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;

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

DEMOGRAPHIC CHARACTERISTICS**Population**

Table 1 below depicts the population trends experienced in Bordentown Township, Burlington County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 11,791 residents in Bordentown Township, which indicates a decrease of -312 people (-2.6%) from 2020. Bordentown Township has experienced steady growth over the past 93 years, with just two minor decreases of -1.8% between 1970 and 1980, as well as -2.4% between 2020 and 2023. Overall, the Township has seen a growth of 10,973 residents during this time frame, reflecting a 1341.4% increase in its population. Proportionally speaking, the Township's most significant period of growth occurred in the decade between 1950 and 1960 when the Township saw a 192% increase in its population. These trends are reflected at the County and State level, as well, which saw a significant increase in population throughout the 1950s. although at a lower rate of 65.2%. While population growth has been steady during this time period in Burlington County and the State of New Jersey as a whole, the Township's overall growth (1341.4%) has proportionally exceeded that of the County (65.9%) and State (129.2%).

| Table 1: Population Trends, 1930-2023 | | | | | | | | | |
|---|----------------------------|---------------|----------------|--------------------------|---------------|----------------|-------------------|------------------|----------------|
| Bordentown Township, Burlington County, and New Jersey | | | | | | | | | |
| Year | Bordentown Township | | | Burlington County | | | New Jersey | | |
| | Population | Change | | Population | Change | | Population | Change | |
| | | Number | Percent | | Number | Percent | | Number | Percent |
| 1930 | 818 | - | - | 93,541 | - | - | 4,041,334 | - | - |
| 1940 | 1,095 | 277 | 33.9% | 97,013 | 3,472 | 3.7% | 4,160,165 | 118,831 | 2.9% |
| 1950 | 2,033 | 938 | 85.7% | 135,910 | 38,897 | 40.1% | 4,835,329 | 675,164 | 16.2% |
| 1960 | 5,936 | 3,903 | 192.0% | 224,499 | 88,589 | 65.2% | 6,066,782 | 1,231,453 | 25.5% |
| 1970 | 7,303 | 1,367 | 23.0% | 323,132 | 98,633 | 43.9% | 7,171,112 | 1,104,330 | 18.2% |
| 1980 | 7,170 | -133 | -1.8% | 362,542 | 39,410 | 12.2% | 7,365,011 | 193,899 | 2.7% |
| 1990 | 7,683 | 513 | 7.2% | 395,066 | 32,524 | 9.0% | 7,730,188 | 365,177 | 5.0% |
| 2000 | 8,380 | 697 | 9.1% | 423,394 | 28,328 | 7.2% | 8,414,350 | 684,162 | 8.9% |
| 2010 | 11,367 | 2,987 | 35.6% | 448,734 | 25,340 | 6.0% | 8,791,894 | 377,544 | 4.5% |
| 2020 | 12,103 | 736 | 6.5% | 461,853 | 13,119 | 2.9% | 9,288,994 | 497,100 | 5.7% |
| 2023 | 11,791 | -312 | -2.6% | 464,226 | 2,373 | 0.5% | 9,261,699 | -27,295 | -0.3% |
| Total Change | - | 10,973 | 1341.4% | - | 61,607 | 65.9% | - | 5,220,365 | 129.2% |

Source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Table S0101

Population Composition by Age

The median age of the residents in Bordentown in 2020 was 41.3 years, which shows a 4.6% increase from the median age of 39.5 years in 2010. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impact these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of Bordentown experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 55 and over, which collectively saw a 994-person (39.6%) increase. Simultaneously, the Township experienced a significant decrease in its population under 14 years old (-24%) and between the ages 35 to 54 (-10.7%). This data suggests that a larger portion of the Township's residents are transitioning into the senior citizen age range, which will require the Township to consider planning tools and approaches that encourage aging-in-place.

| Table 2: Population by Age, 2010 to 2020 | | | | | | |
|---|---------------|----------------|---------------|----------------|------------------------------|----------------|
| Bordentown Township | | | | | | |
| Population | 2010 | | 2020 | | Change (2010 to 2020) | |
| | Number | Percent | Number | Percent | Number | Percent |
| Under 5 years | 838 | 7.4% | 520 | 4.4% | -318 | -37.9% |
| 5 to 14 | 1595 | 14.0% | 1,435 | 12.2% | -160 | -10.0% |
| 15 to 24 | 1,346 | 11.8% | 1,506 | 12.8% | 160 | 11.9% |
| 25 to 34 | 1336 | 11.8% | 1,480 | 12.6% | 144 | 10.8% |
| 35 to 44 | 1860 | 16.4% | 1,554 | 13.2% | -306 | -16.5% |
| 45 to 54 | 1871 | 16.5% | 1,781 | 15.1% | -90 | -4.8% |
| 55 to 64 | 1,314 | 11.6% | 1,781 | 15.1% | 467 | 35.5% |
| 65 and over | 1,207 | 10.6% | 1,734 | 14.7% | 527 | 43.7% |
| Total population | 5,196 | 100.00% | 11,791 | 100.0% | 6595 | 126.9% |
| Median Age | 39.5 | - | 41.3 | - | 1.8 | 4.6% |

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Burlington County experienced population fluctuation as well. The County also saw the greatest shift of roughly 27.6% in its population aged 55 and over, which was proportionally lower than the increase experienced at the Township level. The County experienced decreases in its population aged 14 and below (-9.1%) as well as those aged 35 to 54 (-13.3%), directly mirroring shifting age trends occurring in the Township. This data is displayed in Table 3 below.

| Table 3: Population by Age, 2010 to 2020 | | | | | | |
|---|----------------|----------------|----------------|----------------|------------------------------|----------------|
| Burlington County | | | | | | |
| Population | 2010 | | 2020 | | Change (2000 to 2010) | |
| | Number | Percent | Number | Percent | Number | Percent |
| Under 5 years | 25,964 | 5.8% | 22,728 | 4.9% | -3,236 | -12.5% |
| 5 to 14 | 58,752 | 13.1% | 55,401 | 12.0% | -3,351 | -5.7% |
| 15 to 24 | 56,664 | 12.6% | 57,270 | 12.4% | 606 | 1.1% |
| 25 to 34 | 51,608 | 11.5% | 57,000 | 12.3% | 5,392 | 10.4% |
| 35 to 44 | 62,411 | 13.9% | 57,421 | 12.4% | -4,990 | -8.0% |
| 45 to 54 | 75,506 | 16.8% | 61,528 | 13.3% | -13,978 | -18.5% |
| 55 to 64 | 55,639 | 12.4% | 68,911 | 14.9% | 13,272 | 23.9% |
| 65 and over | 62,190 | 13.9% | 81,601 | 17.7% | 19,411 | 31.2% |
| Total population | 448,734 | 100.0% | 461,860 | 100.0% | 13,126 | 2.9% |
| Median Age | 45.3 | - | 41.6 | - | -3.7 | -8.2% |

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Households

A household is defined as one or more people, either related or not, living together in a housing unit. In 2020 there was a total of 4,505 households in Bordentown. Over half of the Township's households comprised two or less people. In fact, Two-person households were the most common household size at both the Township (31.4%) and County (31.9%) levels, followed by one-person households. The average household size of the Township in 2020 was 2.62, which was slightly higher than that of the County's average of 2.55.

| Table 4: Household Size of Occupied Housing Units, 2020 | | | | |
|--|----------------------------|----------------|--------------------------|----------------|
| Bordentown Township and Burlington County | | | | |
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| 1-person household | 1054 | 23.4% | 44,560 | 25.5% |
| 2-person household | 1413 | 31.4% | 55,737 | 31.9% |
| 3-person household | 825 | 18.3% | 30,235 | 17.3% |
| 4-person household | 765 | 17.0% | 26,390 | 15.1% |
| 5-person household | 282 | 6.3% | 11,454 | 6.6% |
| 6-person household | 106 | 2.4% | 4,027 | 2.3% |
| 7-or-more-person household | 60 | 1.3% | 2,157 | 1.2% |
| Total Households | 4,505 | 100.0% | 174,560 | 100.0% |
| Average Household Size | 2.62 | | 2.55 | |

Source: US Census Bureau 2020, Table H9

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, most (62%) of all households in the Township in 2023 were categorized as family households. Approximately 15% of the married-couple families within the Township had children under the age of 18. Approximately 35% of the Township's households were one-person households split between female householders (23%) and male householders (15%).

In providing more detail on American households, the 2023 American Community Survey includes the sub-groups of non-traditional households, including "Other Family" and "Non-Family" households. "Other Family" households accounted for 12% of all households, broken down into 8% female householders with no spouse or partner present and 4 % male householders with no spouse or partner present. "Non-Family" households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Non-family households comprised approximately 38% of all households in the Township.

| Table 5: Household Size and Type, 2023 Bordentown Township | | |
|---|--------------|----------------|
| | Total | Percent |
| Total Households | 5,597 | 100% |
| Family Households | 3451 | 62% |
| Married couple family | 2796 | 50% |
| With children | 847 | 15% |
| Without children | 1949 | 35% |
| Other Family | 655 | 12% |
| Male householder, no spouse | 206 | 4% |
| With children | 85 | 2% |
| Without children | 121 | 2% |
| Female householder, no spouse | 449 | 8% |
| With children | 172 | 3% |
| Without children | 277 | 5% |
| Nonfamily household | 2146 | 38% |
| Male householder | 868 | 16% |
| Living alone | 821 | 15% |
| Not living alone | 47 | 1% |
| With children | 0 | 0% |
| Female householder | 1278 | 23% |
| Living alone | 1163 | 21% |
| Not living alone | 115 | 2% |
| With children | 0 | 0% |

Source: 2023 ACS 5-Year B11005 and B11010

Income

As measured in 2023, Bordentown had a higher median household income compared to Burlington County and the State of New Jersey. The median income in Bordentown was \$115,507, which was roughly \$13,000 greater than that of the County and \$14,500 greater than that of the State. The per capita income in Bordentown was comparable to that of the County, but significantly lower than that of the State. This data is outlined in Table 6 below.

| Table 6: Per Capital Household Income, 2023 Bordentown Township, Burlington County, and New Jersey | | |
|---|---------------------------|--------------------------------|
| | Per Capital Income | Median Household Income |
| Bordentown Township | \$54,659 | \$115,507 |
| Burlington County | \$50,701 | \$102,532 |
| New Jersey | \$140,299 | \$101,050 |

Source: 2023 ACS 5-year Estimates, Tables S1901 and B19301

In 2023, roughly 87% percent of all households in the Township earned an income of \$50,000 or more, similarly to 88% of households in the County. The income range that accounted for the most Township households was the \$150,000 to \$199,999 bracket, which comprised nearly 25.3% of households in Bordentown; this was also the case across Burlington County as a whole, but at a lower percentage of 22.1%. The second largest income bracket in the Township was \$100,000 to \$149,999, comprising 23.1% of households. At the County level, this same income bracket accounted for a lesser 21% of households. This suggests that the Township's household income distribution is slightly skewed toward these higher income brackets as compared to the County, which may at least partially help explain the difference between the median income reported at the Township (\$115,507) and County (\$102,532) levels.

| Table 7: Household Income, 2023 Bordentown Township and Burlington County | | | | |
|--|----------------------------|----------------|--------------------------|----------------|
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| Less than \$10,000 | 81 | 1.8% | 5,321 | 3.0% |
| \$10,000 to \$14,999 | 0 | 0.0% | 3,558 | 2.0% |
| \$15,000 to \$24,999 | 91 | 2.0% | 6,894 | 3.9% |
| \$25,000 to \$34,999 | 150 | 3.3% | 8,951 | 5.1% |
| \$35,000 to \$49,999 | 255 | 5.7% | 14,349 | 8.2% |
| \$50,000 to \$74,999 | 703 | 15.6% | 23,315 | 13.4% |
| \$75,000 to \$99,999 | 529 | 11.7% | 24,565 | 14.1% |
| \$100,000 to \$149,999 | 1,042 | 23.1% | 36,715 | 21.0% |
| \$150,000 to \$199,999 | 1,141 | 25.3% | 38,599 | 22.1% |
| \$200,000 or more | 929 | 20.6% | 31,758 | 18.2% |
| Total Households | 4,505 | 100.0% | 174,560 | 100.0% |

Source: 2023 ACS 5-Year Estimates, Table B19001

Poverty Status

Of the 11,791 people in Bordentown for which poverty status was determined, 367 (3.1%) individuals lived in poverty in 2023; this was lower than the County's poverty rate of 6.7%. Of Bordentown's population that fell below the poverty level in 2023, a majority were under the age of 18; this trend differs from the County level, where a majority were between 18 to 64. Proportionally the Township and County had similar percentages of children living in poverty, but the County had a higher trend of elderly in poverty. This data is presented in Table 8 below.

| Table 8: Poverty Status, 2023 Bordentown Township and Burlington County | | | | |
|--|----------------------------|----------------|--------------------------|----------------|
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| Total persons | 11,791 | 100.0% | 464,226 | 100.0% |
| Total persons below poverty level | 367 | 3.1% | 31,041 | 6.7% |
| Under 18 | 195 | 1.7% | 8,126 | 1.8% |
| 18 to 64 | 146 | 1.2% | 17,511 | 3.8% |
| 65 and over | 26 | 0.2% | 5,404 | 1.2% |

Source: 2023 American Community Survey 5-Year Estimate, Table S1701

Household Costs

Tables 9 and 10 below show the expenditures for housing as a percentage of household income for those who own and rent in Bordentown and Burlington County. In 2023, a majority of Township residents lived in homes they owned, which was the same at the County level as well. General affordability standards set a limit at 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 21.3% of Township residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 47.3% of Township residents who rented the units they occupied. These figures were on par with those of the County.

| Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023 | | | | |
|--|----------------------------|----------------|--------------------------|----------------|
| Bordentown Township and Burlington County | | | | |
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| Total Owner-Occupied Housing Units | 3,191 | 100.0% | 137,492 | 100.0% |
| Less than 20.0% | 1,498 | 46.9% | 70,507 | 51.3% |
| 20.0 to 24.9% | 588 | 18.4% | 17,529 | 12.7% |
| 25.0 to 29.9% | 413 | 12.9% | 13,173 | 9.6% |
| 30.0 to 34.9% | 90 | 2.8% | 8,922 | 6.5% |
| 35.0% or more | 589 | 18.5% | 26,185 | 19.0% |
| Not computed | 13 | 0.4% | 1,176 | 0.9% |

Source: 2023 American Community 5-Year Estimates, Table DP04

| Table 10: Gross Rent as a Percentage of Household Income, 2023 | | | | |
|---|----------------------------|----------------|--------------------------|----------------|
| Bordentown Township and Burlington County | | | | |
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| Total Renter-Occupied Housing Units | 1,273 | 100.00% | 40,337 | 100.00% |
| Less than 15% | 322 | 25.3% | 4,931 | 12.2% |
| 15.0 to 19.9% | 119 | 9.3% | 4,303 | 10.7% |
| 20.0 to 24.9% | 158 | 12.4% | 5,191 | 12.9% |
| 25.0 to 29.9% | 72 | 5.7% | 4,408 | 10.9% |
| 30.0 to 34.9% | 277 | 21.8% | 4,053 | 10.0% |
| 35.0% or more | 325 | 25.5% | 17,451 | 43.3% |
| Not computed | 58 | 4.6% | 1,648 | 4.1% |

Source: 2023 American Community 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS**Housing Unit Data**

Bordentown's housing stock is largely comprised of structures built prior to the year 2010. In 2023, Bordentown had a total of 4,633 occupied housing units, 68.9% of which were owner-occupied and 28.7% of which were renter-occupied. The Township experienced housing booms in the 1950s and 2000s, during which approximately 20.4% and 22.9% of the Township's housing structures were constructed, respectively. According to 2023 American Community Survey Estimates, the Township has seen very few housing structures built between 2010 and 2023. The median year of construction for the housing stock in Bordentown is 1982. This data is outlined in Tables 11 and 12 below.

| Table 11: Housing Data, 2023 | | | |
|-------------------------------------|---------------|---------------------------------|------------------------------------|
| Bordentown Township | | | |
| | Number | % of Total Housing Units | % of Occupied Housing Units |
| Total Housing Units | 4,633 | 100.00% | - |
| Occupied Housing Units | 4,522 | 97.6% | 100.00% |
| Owner Occupied | 3,191 | 68.9% | 70.6% |
| Renter Occupied | 1,331 | 28.7% | 29.4% |
| Vacant Housing Units | 111 | 2.4% | - |

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

| Table 12: Year Structure Built, 2023 | | |
|---|---------------|----------------|
| Bordentown Township | | |
| | Number | Percent |
| Total Housing Units | 4,633 | 100.00% |
| Built 1939 or earlier | 111 | 2.4% |
| Built 1940 to 1949 | 215 | 4.6% |
| Built 1950 to 1959 | 943 | 20.4% |
| Built 1960 to 1969 | 597 | 12.9% |
| Built 1970 to 1979 | 344 | 7.4% |
| Built 1980 to 1989 | 440 | 9.5% |
| Built 1990 to 1999 | 577 | 12.5% |
| Built 2000 to 2009 | 1,061 | 22.9% |
| Built 2010 to 2019 | 253 | 5.5% |
| Built 2020 or later | 92 | 2.0% |
| Median Year Structure Built | 1982 | |

Source: 2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

According to the 2023 American Community Survey, Bordentown has a high occupancy rate, with very few of their housing units vacant. Of Bordentown's 4,633 housing units, 4,522 (97.6%) were occupied and only 111 (2.4%) were vacant. All vacant units were classified as "Other Vacant" categories. This data is represented in Table 13 below.

| Table 13: Housing Occupancy, 2023 Bordentown Township | | | |
|--|--------------|-------------------------------------|--------------------------------------|
| | Total | % of Total Housing Units | % of Vacant Housing Units |
| Total Housing Units | 4,633 | 100.00% | - |
| Occupied | 4,522 | 97.6% | - |
| Vacant Housing Units | 111 | 2.4% | 100.0% |
| For Rent/Rented Not Occupied | 0 | 0.0% | 0.0% |
| For Sale Only | 0 | 0.0% | 0.0% |
| Sold, not occupied | 0 | 0.0% | 0.0% |
| For Seasonal, Recreational or Occasional Use | 0 | 0.0% | 0.0% |
| For migrant workers | 0 | 0.0% | 0.0% |
| Other Vacant | 111 | 2.4% | 100.0% |

Source: ACS 5-Year DP04 and B25004

Housing Type and Size

In 2023, single-family detached housing made up the vast majority of the Township's housing stock at 57.4%. Single-family attached homes were the next most common housing type, representing 17.1% of the Township's housing stock. The median number of rooms within housing structures in the Township was 6.2, with nearly 66% of housing units having a minimum of 6 rooms and less than 4.3% of housing units having 2 or less rooms.

| Table 14: Housing Type and Size, 2023 Bordentown Township | | |
|--|--------------|----------------|
| Units in Structure | Total | Percent |
| 1, detached | 2,659 | 57.4% |
| 1, attached | 791 | 17.1% |
| 2 | 216 | 4.7% |
| 3 or 4 | 89 | 1.9% |
| 5 to 9 | 184 | 4.0% |
| 10 to 19 | 291 | 6.3% |
| 20 or more | 403 | 8.7% |
| Mobile home | 0 | 0.0% |
| Boat, RV, van, etc. | 0 | 0.0% |
| Total Housing Units | 4,633 | 100.00% |
| Rooms | Total | Percent |
| 1 room | 67 | 1.4% |

| | | |
|-------------------------------|-------|---------|
| 2 rooms | 135 | 2.9% |
| 3 rooms | 139 | 3.0% |
| 4 rooms | 599 | 12.9% |
| 5 rooms | 800 | 17.3% |
| 6 rooms | 830 | 17.9% |
| 7 rooms | 762 | 16.4% |
| 8 rooms | 384 | 8.3% |
| 9 or more rooms | 917 | 19.8% |
| Total Housing Units | 4,633 | 100.00% |
| Median number of rooms | 6.2 | |

Source: 2023 ACS 5-Year Estimates, Tables DP04 and B25024

Housing Growth and Projections

In terms of residential growth, the issuance of building permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2014 through November 2024, when the Township issued building permits authorizing the development of 993 housing units. Within this time frame, the busiest years for building permits occurred between 2020 and 2023, with most building permits since 2014 having been issued in those years. The vast majority of the permits issued during this time frame were for multi-family homes (924), while 69 permits were issued for 1 & 2 family homes.

Further, throughout the same 10-year period, Bordentown issued permits authorizing the demolition of 15 units, which averages to approximately 1.4 units per year. The average demolition rate is approximately 1.5% of the abovementioned development rate (i.e., a home net increase of around 98.5%). If the demolition rate were to remain relatively constant over the next approximately 10-year period, an additional 15 residential units could be expected to be demolished between January 2025 and the end of 2035, resulting in a projected net increase of 978 units.

| Table 15: Housing Units Authorized by Building Permits, 2014-2024 Bordentown Township | | | | |
|--|-------------------------|---------------------|------------------|--------------|
| Year | 1 & 2 Family | Multi Family | Mixed-Use | Total |
| 2014 | 1 | 67 | 0 | 68 |
| 2015 | 1 | 87 | 0 | 88 |
| 2016 | 7 | 0 | 0 | 7 |
| 2017 | 6 | 70 | 0 | 76 |
| 2018 | 1 | 0 | 0 | 1 |
| 2019 | 0 | 0 | 0 | 0 |
| 2020 | 0 | 352 | 0 | 352 |
| 2021 | 0 | 24 | 0 | 24 |
| 2022 | 17 | 122 | 0 | 139 |
| 2023 | 36 | 202 | 0 | 238 |
| 2024* | - | - | - | 0 |
| Total 2014-2024 | 69 | 924 | 0 | 993 |
| 10-Year Average | | | | 90.3 |
| 10-Year Permit Projection (2025-2035) | | | | 993 |

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

| Table 16: Housing Units Demolished by Building Permits, 2014-2024 Bordentown Township | | | | |
|--|-------------------------|---------------------|------------------|--------------|
| Year | 1 & 2 Family | Multi Family | Mixed-Use | Total |
| 2014 | 0 | 0 | 0 | 0 |
| 2015 | 0 | 0 | 0 | 0 |
| 2016 | 1 | 0 | 0 | 1 |
| 2017 | 3 | 0 | 0 | 3 |
| 2018 | 0 | 0 | 0 | 0 |
| 2019 | 2 | 0 | 0 | 2 |
| 2020 | 0 | 0 | 0 | 0 |
| 2021 | 6 | 0 | 0 | 6 |
| 2022 | 0 | 0 | 0 | 0 |
| 2023 | 3 | 0 | 0 | 3 |
| 2024* | - | - | - | 0 |
| Total 2014-2024 | 15 | 0 | 0 | 15 |
| 10-Year Average | | | | 1.4 |
| 10-Year Demolition Projection (2025-2035) | | | | 15 |

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*Note: 2024 Data includes January-November

Housing Values and Contract Rents

According to the 2023 American Community Survey, nearly two-thirds (65.5%) of the owner-occupied housing stock in Bordentown in 2023 was valued at over \$300,000, which was mirrored at the County level at 63.9%. In addition, the Township's median home value (\$346,300) was similar to that of the County (\$358,000). This data is outlined in Table 17 below.

| Table 17: Value for Owner-Occupied Housing Units, 2023 Bordentown Township and Burlington County | | | | |
|---|--------------------------------|----------------|--------------------------|----------------|
| | Bordentown Township | | Burlington County | |
| | Number | Percent | Number | Percent |
| Total | 3,191 | 100.0% | 137,492 | 100.0% |
| Less than \$50,000 | 55 | 1.7% | 4,154 | 3.0% |
| \$50,000 to \$99,999 | 0 | 0.0% | 1,977 | 1.4% |
| \$100,000 to \$149,999 | 24 | 0.8% | 2,855 | 2.1% |
| \$150,000 to \$199,999 | 88 | 2.8% | 9,719 | 7.1% |
| \$200,000 to \$299,999 | 931 | 29.2% | 31,028 | 22.6% |
| \$300,000 to \$499,999 | 1597 | 50.0% | 54,315 | 39.5% |
| \$500,000 to \$999,999 | 496 | 15.5% | 30,479 | 22.2% |
| \$1,00,000 and greater | 0 | 0.0% | 2,965 | 2.2% |
| Median Value | \$346,300 | | \$358,000 | |

Source: 2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown on Table 18 below, it is estimated that 70% of owner-occupied units in the Township were financed by a primary mortgage, contract to purchase, or similar debt. Of these units, approximately 79.7% had a primary mortgage only. Alternatively, 18.4% were tied to multiple mortgages, and only 1.3% were contributed to a home equity loan without a primary mortgage. Owner-occupied housing units without a mortgage accounted for 30% of all housing in Bordentown. Proportionately, there were slightly less owner-occupied housing units with a mortgage at the County level; more specifically, 66.1% of such units had a primary mortgage, contract to purchase, or similar debt, while 33.9% of units did not.

Table 18: Mortgage Status, 2023
Bordentown Township and Burlington County

| | Bordentown Township | | | Burlington County | | |
|---|---------------------|------------------|--------------------------|-------------------|------------------|--------------------------|
| | Number | % of Total Units | % of Units with Mortgage | Number | % of Total Units | % of Units with Mortgage |
| Total Owner-Occupied Units | 3,191 | 100.00% | - | 137,492 | 100.00% | - |
| Owner-Occupied Housing Units with a Mortgage | 2,233 | 70.0% | 100.00% | 90,945 | 66.1% | 100.00% |
| With multiple mortgages: | 411 | 12.9% | 18.4% | 9,474 | 6.9% | 10.4% |
| Mortgage with both second mortgage and home equity loan | 72 | - | 3.2% | 168 | - | 0.2% |
| Home equity loan only | 244 | - | 10.9% | 8,280 | - | 9.1% |
| Second mortgage only | 95 | - | 4.3% | 1026 | - | 1.1% |
| No second mortgage and no home equity loan | 1779 | 55.8% | 79.7% | 78,426 | 57.0% | 86.2% |
| Home equity loan without a primary mortgage | 43 | 1.3% | 1.9% | 3,045 | 2.2% | 3.3% |
| Owner-Occupied Housing units without a mortgage | 958 | 30.0% | - | 46,547 | 33.9% | - |

Source: 2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in Bordentown in 2023 was \$1,449, which was roughly comparable to the County median rent of \$1,484. Within the Township, the highest percentage of renters paid between \$2,000 to \$2,499 for rent (44.9%), followed by \$2,500 to \$2,999 (44%). The County level exhibited similar trends, but at lower rates: the highest percentage of renters paid between \$2,500 to \$2,999 (41.7%), followed by \$2,000 to \$2,499 for rent (35.1%). However, the County had a greater number of renters paying \$3,000 or more (5.6%) than at the Township level (0%). This data suggests that rent in the Township is comparable to the County as a whole.

Table 19: Contract Rent, 2023
Bordentown Township and Burlington County

| | Bordentown Township | | Burlington County | |
|-----------------------------|---------------------|---------|-------------------|---------|
| | Number | Percent | Number | Percent |
| Total Renter-Occupied Units | 1,315 | 100.0% | 40,681 | 100.0% |
| Less than \$500 | 37 | 2.8% | 1187 | 2.9% |
| \$500 to \$999 | 0 | 0.0% | 764 | 1.9% |
| \$1,000 to \$1,499 | 11 | 0.8% | 854 | 2.1% |
| \$1,500 to \$1,999 | 69 | 5.2% | 3659 | 9.0% |
| \$2,000 to \$2,499 | 591 | 44.9% | 14286 | 35.1% |
| \$2,500 to \$2,999 | 578 | 44.0% | 16957 | 41.7% |
| \$3,000 or More | 0 | 0.0% | 2,286 | 5.6% |
| No Rent Paid | 45 | 3.4% | 1992 | 4.9% |
| Median Contract Rent | \$1,449 | | \$1,484 | |

Source: 2023 American Community Survey 5-Year Estimates, Table B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Township's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, 82.8% of the Township's housing stock relied on utility gas for heating, followed by electricity (11.9%). A total of 192 (4.3%) occupied housing units experienced overcrowding (more than one person per room). Throughout the Township, there were no occupied housing units that lacked complete plumbing or kitchen facilities, and only 16 (0.4%) units lacked telephone service.

| Table 20: Housing Conditions, 2023 Bordentown Township | | |
|---|---------------|----------------|
| | Number | Percent |
| House Heating Fuel-Occupied Housing Units | | |
| Total | 4,522 | 100.0% |
| Utility gas | 3,745 | 82.8% |
| Bottled, tank, or LP gas | 52 | 1.1% |
| Electricity | 536 | 11.9% |
| Fuel oil, kerosene, etc. | 139 | 3.1% |
| Coal or coke | 0 | 0.0% |
| Wood | 0 | 0.0% |
| Solar energy | 37 | 0.8% |
| Other fuel | 13 | 0.3% |
| No fuel used | 0 | 0.0% |
| Occupants per Room – Occupied Housing Units | | |
| Total | 4,522 | 100.0% |
| 1.00 or Less | 4,330 | 95.8% |
| 1.01 to 1.50 | 152 | 3.4% |
| 1.51 or More | 40 | 0.9% |
| Facilities – Total Units | | |
| Total | 4,522 | 100.0% |
| Lacking complete plumbing facilities | 0 | 0.0% |
| Lacking complete kitchen facilities | 0 | 0.0% |
| Telephone Service – Occupied Housing Units | | |
| Total | 4,522 | 100.0% |
| No Service | 16 | 0.4% |

Sources: 2023 ACS 5-Year Estimates, Tables DP04, B25047, B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in Bordentown, Burlington County, and New Jersey, respectively. Throughout this thirteen-year period, the Township saw an overall 2.3% decrease in its unemployment rate; although the Township experienced a 4.4% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, although in comparison the Township has consistently exhibited a lower unemployment rate throughout this time period. In 2023, the Township's unemployment rate was 3.3%, which was 0.6% lower than the County (3.9%) and 1.1% lower than the State (4.4%).

| Table 21: Employment and Residential Labor Force, 2010 to 2023 Bordentown Township | | | | |
|---|--------------------|-------------------|---------------------|--------------------------|
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 6,234 | 5,882 | 351 | 5.6% |
| 2011 | 6,201 | 5,815 | 386 | 6.2% |
| 2012 | 6,461 | 5,977 | 484 | 7.5% |
| 2013 | 6,413 | 5,990 | 423 | 6.6% |
| 2014 | 6,436 | 6,078 | 358 | 5.6% |
| 2015 | 6,665 | 6,376 | 289 | 4.3% |
| 2016 | 6,801 | 6,554 | 247 | 3.6% |
| 2017 | 6,842 | 6,604 | 238 | 3.5% |
| 2018 | 6,882 | 6,656 | 226 | 3.3% |
| 2019 | 6,976 | 6,791 | 185 | 2.7% |
| 2020 | 6,968 | 6,471 | 497 | 7.1% |
| 2021 | 7,059 | 6,695 | 364 | 5.2% |
| 2022 | 7,247 | 7,025 | 222 | 3.1% |
| 2023 | 7,394 | 7,149 | 245 | 3.3% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

| Table 22: Employment and Residential Labor Force, 2010 to 2023 Burlington County | | | | |
|---|--------------------|-------------------|---------------------|--------------------------|
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 237,039 | 215,736 | 21,303 | 9.0% |
| 2011 | 235,904 | 215,373 | 20,531 | 8.7% |
| 2012 | 236,400 | 215,939 | 20,461 | 8.7% |
| 2013 | 234,288 | 216,371 | 17,917 | 7.6% |
| 2014 | 230,681 | 215,869 | 14,812 | 6.4% |
| 2015 | 232,623 | 220,189 | 12,434 | 5.3% |
| 2016 | 233,255 | 222,869 | 10,386 | 4.5% |
| 2017 | 234,179 | 224,582 | 9,597 | 4.1% |
| 2018 | 235,761 | 227,171 | 8,590 | 3.6% |
| 2019 | 240,127 | 232,445 | 7,682 | 3.2% |
| 2020 | 238,216 | 219,308 | 18,908 | 7.9% |
| 2021 | 240,563 | 226,911 | 13,652 | 5.7% |
| 2022 | 246,708 | 238,085 | 8,623 | 3.5% |
| 2023 | 252,255 | 242,294 | 9,961 | 3.9% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

| Table 23: Employment and Residential Labor Force, 2010 to 2023 New Jersey | | | | |
|--|--------------------|-------------------|---------------------|--------------------------|
| Year | Labor Force | Employment | Unemployment | Unemployment Rate |
| 2010 | 4,559,800 | 4,119,000 | 440,800 | 9.7% |
| 2011 | 4,561,800 | 4,134,700 | 427,100 | 9.4% |
| 2012 | 4,576,300 | 4,147,200 | 429,100 | 9.4% |
| 2013 | 4,528,000 | 4,147,700 | 380,400 | 8.4% |
| 2014 | 4,493,900 | 4,191,300 | 302,600 | 6.7% |
| 2015 | 4,494,600 | 4,237,900 | 256,700 | 5.7% |
| 2016 | 4,492,800 | 4,271,200 | 221,600 | 4.9% |
| 2017 | 4,615,000 | 4,406,200 | 208,800 | 4.5% |
| 2018 | 4,604,800 | 4,420,700 | 184,100 | 4.0% |
| 2019 | 4,686,300 | 4,524,300 | 162,000 | 3.5% |
| 2020 | 4,650,300 | 4,212,400 | 437,900 | 9.4% |
| 2021 | 4,666,100 | 4,357,200 | 308,900 | 6.6% |
| 2022 | 4,739,800 | 4,564,100 | 175,700 | 3.7% |
| 2023 | 4,829,671 | 4,615,722 | 213,949 | 4.4% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Employment Status

It is estimated that over two-thirds (71.3%) of Bordentown's population over the age of 16 was in the labor force in 2023, which was higher than the County's rate of 67%. Of the Township's labor force, 100% of workers were civilians and a vast majority (95.3%) were employed. At the County level, 98.7% of workers were civilians and 94.7% of the labor force was employed, indicating that the Township and County exhibited similar trends. This data is shown in Table 24 below.

| Table 24: Employment, 2023 | | | | | | |
|--|----------------------------|----------------------------|-------------------------|--------------------------|----------------------------|-------------------------|
| Bordentown Township and Burlington County | | | | | | |
| | Bordentown Township | | | Burlington County | | |
| | Number | % of 16+ Population | % of Labor Force | Number | % of 16+ Population | % of Labor Force |
| Population 16 years and over | 9,549 | 100.0% | - | 385,610 | 100.0% | - |
| In labor force | 6,808 | 71.3% | 100.0% | 258,282 | 67.0% | 100.0% |
| Civilian Labor Force | 6,808 | 71.3% | 100.0% | 254,987 | 66.1% | 98.7% |
| Employed | 6,486 | 67.9% | 95.3% | 244,566 | 63.4% | 94.7% |
| Unemployed | 322 | 3.4% | 4.7% | 10,421 | 2.7% | 4.0% |
| Armed Forces | 0 | 0.0% | 0.0% | 3295 | 0.9% | 1.3% |
| Not in labor force | 2,741 | 28.7% | - | 127,328 | 33.0% | - |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2023 American Community Survey Estimates, the majority of workers (66.3%) living in Bordentown were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The next largest category was local government workers (11.3%), followed by Private not-for-profit wage and salary workers (9.5%). This data is outlined in Table 25 below.

| Table 25: Class of Worker, 2023 | | |
|--|---------------|----------------|
| Bordentown Township | | |
| | Number | Percent |
| Total Civilian Employed Workers (Age 16+) | 6,486 | 100.0% |
| Private Wage and Salary Worker | 4,301 | 66.3% |
| Private not-for-profit wage and salary workers | 613 | 9.5% |
| Local Government Worker | 730 | 11.3% |
| State Government Worker | 461 | 7.1% |
| Federal Government Worker | 94 | 1.4% |
| Self-Employed Worker or Unpaid Family Worker | 287 | 4.4% |

Source: 2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Township residents who worked within the private wage field were concentrated heavily in Management, Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for 64% of the entire resident workforce over the age of 16.

| Table 26: Resident Employment by Occupation, 2023 Bordentown Township | | |
|--|---------------|----------------|
| | Number | Percent |
| Employed Civilian population 16 years and over | 6,486 | 100.0% |
| Management, business, science and arts occupations | 3,183 | 49.1% |
| Service occupations | 690 | 10.6% |
| Sales and office occupations | 1617 | 24.9% |
| Natural resources, construction and maintenance occupations | 519 | 8.0% |
| Production Transportation and material moving occupations | 477 | 7.4% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of Bordentown residents in 2023 was the Educational Services, and Health Care and Social Assistance sector, which accounted for 28.8% of the Township's resident workforce. The second most common industry during this time was the Professional, Scientific, and Management, and Administrative and Waste Management Services sector, which accounted for 10.5% of jobs occupied by Township residents.

| Table 27: Employment by Industry, 2023 Bordentown Township | | |
|--|---------------|----------------|
| Industry | Number | Percent |
| Employed Civilian Population 16 Years and Over | 6,486 | 100.00% |
| Agriculture, forestry, fishing and hunting, mining | 6 | 0.1% |
| Construction | 537 | 8.3% |
| Manufacturing | 349 | 5.4% |
| Wholesale Trade | 243 | 3.7% |
| Retail Trade | 360 | 5.6% |
| Transportation and Warehousing, and Utilities | 383 | 5.9% |
| Information | 238 | 3.7% |
| Finance and insurance, and real estate and rental and leasing | 617 | 9.5% |
| Professional, scientific, and management, and administrative and waste management services | 684 | 10.5% |
| Educational services, and health care and social assistance | 1869 | 28.8% |
| Arts, entertainment, and recreation, and accommodation and food services | 582 | 9.0% |
| Other Services, except public administration | 145 | 2.2% |
| Public administration | 473 | 7.3% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that most (79.3%) of the employed population that did not work from home commuted up to 35 minutes to their place of work. A vast majority (72.1%) of the Township's working population drove alone as their primary means of travel to work. Roughly 8.7% of workers carpooled or utilized public transportation, a taxicab, motorcycle, bike, or walking to commute to work, while the remaining 19.1% of the population worked from home. This data is outlined in Tables 28 and 29 below.

| Table 28: Travel Time to Work, 2023 Bordentown Township | | |
|--|---------------|----------------|
| | Number | Percent |
| Workers who did not work at home | 5,135 | 100.0% |
| Less than 5 minutes | 39 | 0.8% |
| 5 to 9 minutes | 569 | 11.1% |
| 10 to 14 minutes | 288 | 5.6% |
| 15 to 19 minutes | 737 | 14.4% |
| 20 to 24 minutes | 865 | 16.8% |
| 25 to 29 minutes | 605 | 11.8% |
| 30 to 34 minutes | 966 | 18.8% |
| 35 to 39 minutes | 226 | 4.4% |
| 40 to 44 minutes | 153 | 3.0% |
| 45 to 59 minutes | 282 | 5.5% |
| 60 to 89 minutes | 326 | 6.3% |
| 90 or more minutes | 79 | 1.5% |
| Mean Travel Time to Work (minutes) | 26.4 | |

Source: 2023 American Community Survey 5-Year Estimates, Table B08303 and DP03

| Table 29: Means of Travel to Work, 2023 Bordentown Township | | |
|--|---------------|----------------|
| | Number | Percent |
| Workers 16 years and over | 6,351 | 100.0% |
| Car, truck, van - Drove Alone | 4,582 | 72.1% |
| Car, truck, van - Carpooled | 395 | 6.2% |
| Public Transportation | 62 | 1.0% |
| Walked | 26 | 0.4% |
| Taxicab, Motorcycle, Bike, or Other | 70 | 1.1% |
| Worked at home | 1216 | 19.1% |

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within Bordentown. The first table reflects the number of jobs covered by private employment insurance from 2013 through 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Bordentown between 2013 and 2023 was in 2019 when 4,800 jobs were covered by unemployment insurance. Private employment has remained relatively steady in Bordentown since 2013, with its largest loss occurring between 2019 and 2020 (-12.6%), and largest gain occurring between 2015 and 2016 (11.9%). Bordentown Township experienced a gain of 187 jobs in 2023, representing an increase of 4.1% from 2022.

| Table 30: Private Wage Covered Employment 2013 - 2023 | | | |
|--|-----------------------|-----------------|-----------------|
| Bordentown Township | | | |
| Year | Number of Jobs | # Change | % Change |
| 2013 | 3,479 | - | - |
| 2014 | 3,746 | 267 | 7.7% |
| 2015 | 3,804 | 58 | 1.5% |
| 2016 | 4,258 | 454 | 11.9% |
| 2017 | 4,677 | 419 | 9.8% |
| 2018 | 4,800 | 123 | 2.6% |
| 2019 | 4,862 | 62 | 1.3% |
| 2020 | 4,248 | -614 | -12.6% |
| 2021 | 4,327 | 79 | 1.9% |
| 2022 | 4,601 | 274 | 6.3% |
| 2023 | 4,788 | 187 | 4.1% |

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

In-Township Establishments and Employees by Industry: 2022

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Township, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one

type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Township had an annual average of 308 establishments employing an average of 4,788 people in the private sector. In the private sector, the biggest industry for private employment was Accommodations/Food, which accounted for 34 units and employed 596 people. This was followed by Retail Trade (37 units, 515 people) and Local Government (8 units, 500 people).

| Table 31: Average Number of Establishments and Employees by Industry, 2023 | | | |
|---|--------------------------------|---------------------|-------------------|
| Bordentown Township | | | |
| Industry ID and Description | | 2023 Average | |
| | | Units | Employment |
| 11 | Agriculture | - | - |
| 23 | Construction | 28 | 89 |
| 31 | Manufacturing | - | - |
| 42 | Wholesale Trade | - | - |
| 44 | Retail Trade | 37 | 515 |
| 48 | Transp/Warehousing | - | - |
| | Information | - | - |
| 52 | Finance/Insurance | 14 | 88 |
| 53 | Real Estate | 7 | 34 |
| 54 | Professional/Technical | 32 | 106 |
| 55 | Management | - | - |
| 56 | Admin/Waste Remediation | - | - |
| 61 | Education | - | - |
| 62 | Health/Social | - | - |
| 71 | Arts/Entertainment | - | - |
| 72 | Accommodations/Food | 34 | 596 |
| 81 | Other Services | 33 | 276 |
| | Unclassifieds | 10 | 8 |
| | Private Sector Totals | 308 | 4,788 |
| | Local Government Totals | 8 | 500 |

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022

Data have been suppressed (-) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2021, documenting projections between 2015 and 2050. The 2021 report predicts that the Township's population (0.34%) and households (0.51%) will see steady annualized growth through 2050, while employment (-0.1%) will see a decrease. It is estimated that the population will see an overall 10.6% increase, while households will increase by 16.6% and employment will increase by -2.9%.

| Table 32: Population and Employment Projections, 2020 to 2050 | | | | | |
|--|-------------|-----------------------------|-----------------------|---------------------------------|----------------|
| Bordentown Township | | | | | |
| Category | 2020 | 2050 (Projected) | Annualized | Overall Projected Change | |
| | | | Percent Change | Number | Percent |
| Population | 11,791 | 13,045 | 0.34% | 1,254 | 10.6% |
| Households | 4,505 | 5,254 | 0.51% | 749 | 16.6% |
| Employment | 5,915 | 5,743 | -0.10% | -172 | -2.9% |

Source: DVRPC Municipal Forecasts, dated 9/13/2021

PART 2: FAIR SHARE PLAN

INTRODUCTION

The following Fair Share Plan (“Plan”) details the [municipality’s] Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as the [Township’s] Fourth Round Present Need. This Plan proposes mechanisms by which the [Township] can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

The Township’s affordable housing obligations are as follows:

| | |
|---|-----|
| Prior Round Obligation | 211 |
| Third Round Obligation | 425 |
| Fourth Round Prospective Need | 159 |
| Fourth Round Present Need / Rehabilitation Obligation | 95 |

SUITABILITY ANALYSIS

Pursuant to N.J.A.C. 5:93-1.3, sites that are designated to produce affordable housing shall be available, approvable, developable, and suitable according to the following criteria:

- “Available site” means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing. N.J.A.C. 5:93-1.3.
- “Approvable site” means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- “Developable site” means 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 plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by the DEP.
- “Suitable site” means 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.

Each of the housing sites proposed to meet the Fourth Round Obligation are reviewed in reference to the above criteria.

STATE PLAN CONFORMANCE

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water,

wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Sites that are located in the Metropolitan Planning Area 1 or Suburban Planning Area 2 of the SDRP, or are located in an existing sewer service area, are the preferred location for municipalities to address their fair share obligation.

New Jersey adopted its last SDRP in 2001. A draft amendment to the SDRP was prepared in 2011 but ultimately never adopted. The Office of Planning Advocacy released a new draft SDRP on December 4, 2024. The State is currently going through the Plan conformance process.

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY COMMISSION

A previous amendment to the Fair Housing Act requires “an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).” As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission in which to provide an analysis.

ADDITIONAL REQUIREMENTS

The amended Fair Housing Act includes a number of changes associated with the application of various categories of credits. The below walks through the current standards applicable to the Township’s Fourth Round obligation.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HEFSP and credited towards the fulfillment of a municipality’s fair share obligations. This is limited to a maximum of 10% of the municipality’s obligations, however.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality's actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality's actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Township's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Inclusionary Development Requirements

Pursuant to UHAC N.J.A.C. 5:80-26.5(b), in inclusionary developments, the affordable units shall be integrated with the market-rate units. The affordable units shall not be concentrated in less desirable

locations, nor shall the affordable units be physically clustered so as to segregate the affordable units and market-rate units. Affordable units 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.

Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:80-26(b)4.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

| Unit Type | Unit Credit | Bonus Credit |
|---|--------------------|---------------------|
| Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24). | 1 | 1 |
| Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer. | 1 | 0.5 |
| Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹ | 1 | 0.5 |
| A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations. | 1 | 0.5 |
| A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space. | 1 | 0.5 |
| Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation. | 1 | 0.5 |
| Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ² | 1 | 1 |
| Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1). | 1 | 0.5 |
| Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³ | 1 | 1 |

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

REVIEW OF PREVIOUS ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance 1987-1999

The Township had a Prior Round obligation of 135 units. Per the court-approved Third Round settlement agreement and the Township's Third Round JOR, Bordentown has met their Prior Round obligation through the following mechanisms:

| Summary of Bordentown's Prior Round of 211 | |
|---|------------|
| Bradford Pointe <i>Block 139, Lot 11</i> | 168 |
| Total Units | 168 |
| Rental Bonus Credits | |
| <i>Bradford Pointe</i> | 53 |
| Total Rental Bonus Credits | 53 |
| | |
| TOTAL PRIOR ROUND | 221 |
| TOTAL SURPLUS CREDITS | 10 |

Bradford Pointe

The Bradford Pointe apartments are located on Bradford Court on the western edge of the Township on Block 139, Lot 11 of the Township's official tax map. The development was approved in 2001 and constructed in 2002 to satisfy the conditions of the August 16, 2000 Judgment of Compliance and Repose ("2000 JOR"), issued by the Honorable Ronald Bookbinder. Bradford Pointe received Low Income Tax Credit (LITC) financing through HMFA and contains 168 family affordable rental units. The Developers Agreement between the Township and American Bordentown Affordable L.P. dated April 7, 1998 required affordability controls of at least 35 years. All 168 units are credit worthy according to the Township's 2000 JOR. In addition, Bradford Pointe is eligible for rental bonus credits under the Prior Round rules (N.J.A.C. 5:93-5.15) of 53 credits. Therefore, the 211-unit Prior Round obligation is fully satisfied. The surplus of 10 affordable family rental credits were applied to the Township's Third Round obligation.

Third Round Compliance

The Township had a Third Round obligation of 425 units. Per the court-approved Third Round settlement agreement and the Township's Third Round JOR, Bordentown has met their Third Round obligation through the following mechanisms:

| Summary of Bordentown's Third Round of 425 | |
|---|------------|
| <i>Bradford Pointe Prior Round Surplus</i> | 10 |
| <i>BWC</i> | 18 |
| <i>VOA-I</i> | 69 |
| <i>Zeiger</i> | 36 |
| <i>Nissim</i> | 40 |
| <i>VOA-II</i> | 65 |
| <i>Kevin Johnson – Team Campus Phase II (senior)</i> | 19 |
| <i>Kevin Johnson (family)</i> | 26 |
| <i>Additional Kevin Johnson Units (family)</i> | 21 |
| <i>Supportive and Special Needs Housing</i> | 14 |
| <i>Habitat for Humanity - Block 66 Lots 13 and 14</i> | 10 |
| Total Units | 328 |
| Rental Bonus Credits | |
| <i>Bradford Pointe Prior Round Surplus</i> | 10 |
| <i>VOA-I</i> | 5 |
| <i>Zeiger</i> | 36 |
| <i>Nissim</i> | 40 |
| <i>VOA-II</i> | 2 |
| <i>Supportive and Special Needs Housing</i> | 14 |
| Total Bonus Credits | 107 |
| THIRD ROUND RDP COMPLIANCE TOTAL | 435 |

Under the Settlement Agreement between the Township and FSHC, Bordentown has a Third Round obligation of 425 units. The Township has fully addressed its Third Round obligation through the following:

Bradford Pointe

The remaining 10 units as well as the remaining 10 bonus credits from the Bradford Pointe development will be applied to the Township's Third Round obligation.

Bordentown Waterfront Community

Bordentown Waterfront, LLC (BWC) proposed a Planned Unit / Transit Oriented Development consisting of 580 housing units in the Township's Waterfront Development Area. Planned housing types range from multifamily apartments to townhouses and "manor type townhouses." As per Bordentown's development regulations for designated Redevelopment Areas, the project was required to provide a 15% set-aside for new affordable housing units. On September 10, 2009, the Township Planning Board granted preliminary site plan approval for the construction of the BWC Redevelopment Project as an inclusionary mixed-use development. Amended preliminary and final site plan approval and preliminary and final subdivision approvals were granted on January 14, 2010 and January 12, 2012, respectively. To ensure the 15% affordable set-aside was retained, the Planning Board sought a Court Order to confirm the 15% set-aside requirement in May 2012. The Court Order, dated May 3, 2012, confirmed that 15% of the total number of units approved, provided on or off-site, shall be deed restricted for very-low, low- and moderate-income households for a period at least 30 years. BWC is required, therefore, to produce 87 affordable units.

In 2016, BWC filed an application with the Planning Board for amended site plan and subdivision approval. The Planning Board resolution of approval dated July 14, 2016, reaffirmed BWC's compliance with the Court order regarding affordable housing. BWC is expected to appear before the Planning Board in July 2019 for an extension of all their 2016 approvals.

As part of BWC's 87-unit obligation, BWC collaborated with Volunteers of America (VOA) to develop a 69-unit on-site senior/special needs 100% affordable rental development. The remaining 18 affordable units required of the BWC site will be produced on-site as either family or senior rental. The Township will apply these 18 units to its Third Round obligation. The environmental remediation of the site was completed, and the developer is anticipating submission to the Planning Board in the Summer of 2025.

The site meets the suitability criteria as follows:

- *Available:* The BWC development has been offered by its owner to support affordable housing units within an inclusionary development and by VOA as a 100% affordable development. The site has no easements or title issues preventing its development.

- *Suitable:* The site is adjacent to several residential developments, including the Bradford Pointe apartments. Additionally, a portion of the BWC has already been constructed, called Rivergate Bordentown, providing 159 rental units. The site is within Planning Area 2: Suburban Planning Area, which encourages growth.
- *Developable:* The portion of the site slated for development has a potable water source, is within the sewer service area, and has access to appropriate public streets. Route 130 provides access to Burlington Road. Internal roadways will extend from these two public roadways. Although the site is located within the 100-year floodplain, it was deemed by the Court to be an appropriate site for multi-family development.
- *Approvable:* The site is within the Waterfront Village Redevelopment Area. The regulatory standards of the Redevelopment Plan require provisions for the development of affordable housing consistent with the Court order.

VOA-1 (Volunteers of America)

As previously stated, BWC worked with Volunteers of America to develop 69 affordable units at Block 140 Lot 3.02. Sixty-four (64) of which are age-restricted rental and 5 are special needs housing. VOA received 9% tax credits from the New Jersey Housing and Mortgage Finance Agency (HMFA) in 2015. The development is completed and occupied. The Township will gain 5 bonus credits from this development.

Zeiger / Bordentown Redevelopment Company (BDC)

The Zeiger property is located in the southern portion of the Township, consisting of 46.9 total acres on Block 138.01, Lots 41-43 of the official Township tax map. Of the property's 46.9 acres, approximately 29 acres are suitable for development, with the remaining land encumbered by wetlands. Subsequent to the Township's filing of a declaratory judgment action (DJ Action) to the Superior Court of New Jersey, the owners of Block 138.01, Lots 41-43 ("Zeiger") intervened as an intervenor-defendant in the DJ Action. The Township entered into negotiations with Zeiger in an effort to develop mutually agreeable re-zoning in relation to the Township's affordable housing obligations. The parties executed the agreement on September 7, 2017, which included a draft ordinance and concept plan.

The executed settlement agreement stipulates that 10 acres on the property's northeast corner will be dedicated as a "commercial lot." The remaining developable land (19 acres) will consist of an inclusionary development. The inclusionary project will contain a total of 227 units (168 apartments and 54 townhomes), 36 of which will be affordable family rental units (26 apartments and 10 townhomes).

In an ordinance adopted July 23, 2018 (Ordinance 2018-21) the subject property was rezoned to the AH-1 Affordable Housing Zone, and on January 10, 2019, the Planning Board voted to approve the proposed

development. The Township will apply the 36 family-rental affordable units produced from this site to its Third Round obligation. The project has been approved and is almost fully constructed and occupied.

Nissim

The Nissim property is located in the northern section of the Township, consisting of 22.3 total acres on Block 1.01, Lot 3 of the official Township tax map. The site has access from Route 206. An inclusionary development is proposed for the Nissim property that will consist of 272 total units with a mandatory affordable set-aside. The mandatory set-aside will result in 40 affordable, family rental units. The Township will apply the 40 units to its Third Round obligation. A Memorandum of Understanding was executed between the Township and Nissim on August 18, 2018, and a redevelopers agreement was executed on September 10, 2018.

The Nissim property is a component of the Redevelopment Area that consists of Block 1.01, Lots 3-9, and 20. The area was designated as an “area in need of redevelopment” by the Township Committee in 2003. The Redevelopment Plan was adopted on April 24, 2018 and includes two land use districts: the Affordable Housing District and the Commercial District. The Commercial District will comprise the portion of the site that fronts directly on Route 206. The Affordable Housing District will be accessed by an existing roadway off Route 206 and will be located behind (to the west) of the Commercial District. This project has been fully constructed and occupied.

VOA II

The VOA II site (Block 140.1, Lots 1.02, 2.01) has frontage along the east side of Route 130 across from the Bordentown Waterfront Community development. The VOA is proposing the construction of a 65-unit family rental 100% affordable project using 9% Low Income Tax Credits. VOA is a non-profit that has developed numerous low-income tax credit projects, including the recently completed VOA I project in Bordentown. The project is fully constructed and is hosting a ribbon cutting ceremony in early June. It is anticipated that residents will begin occupying the building soon.

Team Campus Phase II, LLC

Team Campus Phase II, LLC is the owner of a vacant parcel located at Block 58 Lot 37 on the Township's Tax Map, along Route 130. Subsequent to the Township executing the settlement agreement with FSHC, the Township and Team Campus Phase II, LLC began negotiations regarding the potential to construct age-restricted affordable housing on the subject property. The Township and Team Campus Phase II, LLC entered into a settlement agreement, dated October 9, 2018, that details the terms for development of the property. Pursuant to the settlement agreement, the subject property would be rezoned to permit development of 92 total age-restricted units, 19 of which will be affordable age-restricted units. Each affordable unit shall be developed in accordance with the Uniform Housing Affordability Controls, N.J.A.C.

5:80-26.1 et seq. ("UHAC") and will be deed restricted for a period of at least 30 years from initial occupancy. The 19 age-restricted units will be applied to the Township's Third Round.

The project has been constructed and issued Temporary Certificates of Occupancy.

KJohnson Urban Renewal LLC (KJUR)

KJohnson Urban Renewal LLC (KJUR) is the owner of a parcel located at Block 57 Lot 6 on the Township's Tax Map, along Route 130. Subsequent to the Township executing the settlement agreement with FSHC, KJUR expressed interest to develop the property with a mixed-use inclusionary development. The Township entered into negotiations with KJUR in an effort to develop mutually agreeable rezoning for the subject property. As a result, the Township and KJUR entered into an agreement to rezone the property to permit the construction of up to 130 residential units in a mixed-use context, with a required 20% affordable set-aside, yielding up to 26 family affordable rental units. The Township and JKUR executed a settlement agreement on March 11, 2019. Each affordable unit shall be developed in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") and will be deed restricted for a period of at least 30 years from initial occupancy. The 26 units from the KJUR site will be applied to the Township's Third Round.

The subject property is part of the Agway (Growmark)/Yates Redevelopment Area. The Redevelopment Area was designated as an "area in need of redevelopment" in 2003 and a Redevelopment Plan was adopted in October 2007. The redevelopment Area consists of Block 57, Lots 1.02, 1.06, and 6 (the subject property). The overall purpose of the Redevelopment Plan is to provide mechanisms that support the revitalization of the former copper-foil manufacturing plant, old warehouses and grain silos. Since the Redevelopment Plan was adopted, a majority of unconstrained portion of the Area has been developed with medical buildings, office space, and recreational facilities, all under the organization known as Team 85 Fitness & Wellness.

The proposed inclusionary development at Lot 6 is located on the northern side of the Redevelopment Area, abutting the train tracks and the adjacent property. This section of the Area is currently developed with old grain silos. The area designated for development is approximately 5 acres and is proposed to consist of two residential buildings and one mixed-use building. Access to the buildings will be through the existing developed site.

Subsequently, on August 26, 2021, the Township of Bordentown and KJUR entered into a settlement agreement in which KJUR agreed to produce 139 additional units at the Team Campus I site, with the Township agreeing that 21 of the additional units, or 15%, would be set aside for affordable housing. These additional 21 units were not claimed in the Township's Original Round 3 Plan and associated amendments

but are now being counted towards the Township's Third Round obligation. The project has been approved and is currently under construction.

Existing Supportive and Special Needs Housing

The Township will apply 16 credits from four existing supportive and special needs facilities to its Third Round obligation.

Oaks Integrated Care – 3 Berkshire Court

Oaks Integrated Care operates two facilities within the Township. One is located at 3 Berkshire Court, Block 92.06 Lot 22.035 on the Township's tax map, and is a supportive two-bedroom shared housing facility that contains two bedrooms, occupied by very low-income households.

Oaks Integrated Care - 12 Lancaster Court

The second facility Oaks Integrated Care operates is located at 12 Lancaster Court, Block 92.05 Lot 22.191 on the Township's tax map. This facility is a supportive shared housing facility Care that contains two bedrooms, occupied by very low-income households.

5 Independence Drive

The facility at 5 Independence Drive, Block 101 Lot 13 on the Township's tax map, is a licensed group home that contains five bedrooms, serving those with traumatic brain injuries. The facility is operated by Mentor ABI.

141 Old York Road

The facility at 141 Old York Road, Block 93 Lot 1.02 of the Township's tax map, is a licensed group home operated by Catholic Charities, Diocese of Trenton. The facility contains 3 bedrooms, occupied by very low-income households, and 4 bedrooms that are occupied by low-income households.

Habitat for Humanity - Block 66 Lots 12.02, 13 and 14

On June 24, 2019, the Township passed Ordinance 2019-10 approving the purchase of Block 66 Lots 13 and 14 (179 and 181 Crosswicks Road) for affordable housing for \$250,000, provided from the Township's Affordable Housing Trust Fund. An additional \$50,000 from the Trust Fund will be utilized to demolish the existing structures. It is anticipated Habitat for Humanity will be the "developer" of the two sites, which will produce a minimum of four affordable units. This project has since been taken on by Habitat for Humanity and has been approved and resulted in the construction of ten affordable housing units. Temporary Certificates of Occupancy were issued on August 15, 2024.

PRESENT NEED / REHABILITATION OBLIGATION

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality's indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region's present need that is redistributed throughout the housing region. Under the Second Round rules, evidence for deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92, Appendix A).

The Third Round Rules (N.J.A.C. 5:97-1.1 et seq.) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97, Appendix B). This reduction in the number of criteria was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

The Township intends to address its 95-unit Fourth Round Rehabilitation Obligation through its continued partnership with Burlington County's rehabilitation programs. These programs are funded through the Community Development Block Grant (CDBG) and the Home Investment Partnership Program (HOME). The CDBG program is available to homeowners, and the HOME program is available to both rental and owner projects. The Township may also utilize monies from the Township's Affordable Housing Trust Fund to assist with the County's rehabilitation program in order to address its present need for income eligible households.

ROUND 4 OBLIGATION (1999-2025)

On January 21, 2025, the Township adopted Resolution 2025-33, accepting their Fourth Round Prospective Need obligation of 159. On October 20, 2024, the New Jersey Department of Community Affairs ("DCA") released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2.

The amended Fair Housing Act affirms that the DCA report is not binding on any municipality and that "a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2...by resolution..." The January 21, 2025 resolution adopted by the Township determined a Rehabilitation Obligation of 95 and a Prospective Need of 159.

| Summary of Bordentown's Fourth Round of 159 | |
|--|------------|
| Surplus from Round 3 | 10 |
| Extension of Affordability Controls – <i>Bradford Pointe</i> | 168 |
| Total Units | 178 |
| Rental Bonus Credits | |
| <i>Bradford Pointe</i> | 39 |
| Total Bonus Credits | 39 |
| THIRD ROUND RDP COMPLIANCE TOTAL | 217 |
| TOTAL FOURTH ROUND SURPLUS | 58 |
| Summary of Additional Proposed Mechanisms | |
| Municipal 100% Affordable Project | 25 |

As outlined the following section, the Township proposes to meet its entire Fourth Round obligation.

Extension of Affordability Controls

Bradford Pointe

As previously discussed under the Prior Round Section, the Bradford Pointe apartments are located on Bradford Court on the western edge of the Township on Block 139, Lot 11 of the Township's official tax map. The development was approved in 2001 and constructed in 2002 to satisfy the conditions of the August 16, 2000 Judgment of Compliance and Repose ("2000 JOR"), issued by the Honorable Ronald Bookbinder. Bradford Pointe received Low Income Tax Credit (LITC) financing through HMFA and contains 168 family affordable rental units. Pursuant to the Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy dated May 17, 2001, located in the Burlington County Deed Book 5878, Pages 439-446, the Property is currently deed restricted for an extended use period of at least thirty (30) years, with the potential for the affordability controls to remain for 45 years, should Developer not exercise their right to opt out of the restriction following the 29th year of controls. In accordance with the Memorandum of Understanding (Appendix E) between the Township of Bordentown and Bordentown Affordable Urban Renewal Partners, L.P., dated March 2025, the developer has committed to 1) not exercise the opt out provision as detailed in the Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy; and 2) to enter into a new deed restriction, beginning in 2046, for an additional twenty (20) years of affordability controls with the Township to ensure it is creditworthy under the Mount Laurel doctrine.

The New FHA provides: [t]he agency, in consultation with the department, shall establish requirements and controls to ensure the maintenance of housing assisted under P.L.1985, c.222 (C.52:27D-301 et al.) as affordable to low- and moderate-income households for a period of not less than 40 years for newly created rental units, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no

less than 20 years as long as the original and extended terms, in combination, total at least 60 years. Any 100 percent affordable rental property shall have a right to extinguish a deed restriction regardless of original length, beginning 30 years following the start of the deed restriction, provided a refinancing or rehabilitation, or both, for the purpose of preservation is commenced and that a new deed restriction of at least 30 years is provided. A municipality shall be eligible to receive credits for all preserved units pursuant to this subsection, as long as the original and extended terms total at least 60 years, and this credit may be obtained at the time of preservation as per N.J.S.A. 52:27D-321(f).

The proposed deed restriction will now be for 65 years as the original 30 year controls end in 2031. The Township is contributing monies from the Affordable Housing Trust Fund to support the extension of controls and bring units up to code. As a result of the extension of affordability controls, the Township is able to take credit for the 168 units, along with 39 bonus credits.

Municipal 100% Affordable Project

The Township is committed to providing 25 affordable units through a 100% affordable municipally supported project in coordination with Volunteers of America, an entity that the Township has worked with in the past to develop affordable housing.

USE OF SURPLUS CREDITS

The anticipated 58 surplus credits generated would be applied to any future obligation that the Township may have.

SPENDING PLAN

The Township will prepare a Spending Plan in accordance with the provisions of the amended FHA. A municipality may not spend or commit to spend any affordable housing development fees, 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.

SUMMARY OF FAIR SHARE COMPLIANCE

| Summary of Bordentown Township's Obligations | | | | |
|---|------------|----------|-----|----------|
| | Total | Very Low | Low | Moderate |
| Fourth Round Present Need Obligation | 95 | | | |
| Partnership with Burlington County | 95 | - | - | - |
| Prior Round Obligation | 211 | - | - | - |
| Bradford Pointe (constructed prior to 7/1/2008) | 168 | - | 168 | - |

Township of Bordentown
Fourth Round Housing Element and Fair Share Plan

May 2025

| | | | | |
|---|------------|----|-------------|-----------------|
| <i>Rental Bonus</i> | 43 | - | - | - |
| TOTAL PRIOR ROUND | 211 | - | - | - |
| Third Round Obligation | 425 | | | |
| Bradford Pointe Prior Round Surplus | 10 | - | 10 | - |
| <i>Rental Bonus</i> | 10 | - | - | - |
| BWC | 18 | 2 | At least 7 | No more than 9 |
| VOA-I | 69 | 7 | 23 | 39 |
| <i>Rental Bonus</i> | 5 | - | - | - |
| Zeiger | 36 | 5 | 13 | 18 |
| <i>Rental Bonus</i> | 36 | - | - | - |
| Nissim | 40 | 9 | 11 | 20 |
| <i>Rental Bonus</i> | 40 | - | - | - |
| VOA-II | 65 | 8 | At least 24 | No more than 32 |
| <i>Rental Bonus</i> | 2 | - | - | - |
| Kevin Johnson – Team Campus Phase II (senior) | 19 | 2 | At least 8 | No more than 9 |
| Kevin Johnson (family) | 26 | 4 | 9 | 13 |
| Additional Kevin Johnson (family) | 21 | - | - | - |
| Supportive and Special Needs Housing | 14 | 14 | - | - |
| <i>Rental Bonus</i> | 14 | - | - | - |
| Habitat for Humanity - Block 66 Lots 13 and 14 | 10 | - | - | - |
| TOTAL THIRD ROUND | 435 | - | - | - |
| Fourth Round Obligation | 159 | | | |
| Surplus from Third Round | 10 | - | - | - |
| Extension of Affordability Controls Bradford Pointe – existing development | 168 | - | - | - |
| <i>Rental Bonus</i> | 39 | - | - | - |
| TOTAL FOURTH ROUND | 217 | - | - | - |
| TOTAL FOURTH ROUND SURPLUS | 58 | - | - | - |

**Appendix A: Township of Bordentown Resolution 2025-33 – Committing
to Fourth Round Present and Prospective Need**

EXHIBIT 1

TOWNSHIP OF BORDENTOWN
RESOLUTION #2025-33RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF BORDENTOWN
COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED
AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 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 July 2, 2015, the Township of Bordentown (hereinafter “Bordentown” or the “Township”) 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 (hereinafter “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, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

WHEREAS, this means that the regional need equates to 40% of regional household growth; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

WHEREAS, inclusionary zoning most typically requires a 15% or 20% set aside; and

WHEREAS, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

WHEREAS, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

WHEREAS, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 95 units and a Prospective Need or New Construction Obligation of 159 units; and

WHEREAS, this resolution satisfies the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of A4 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 A4; and

WHEREAS, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar 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 Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 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 light of the above, the Mayor and Committee finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

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

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

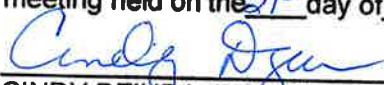
WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

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

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025, by the Committee of the Township of Bordentown, Burlington County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Committee hereby commit to the DCA Round 4 Present Need Obligation of 95 units and the Round 4 Prospective Need Obligation of 159 units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) All rights to take any contrary position in the event of a third-party challenge to the obligations.
3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution, attaching this resolution.
4. The Township hereby directs its Affordable Housing Counsel to (a) file this Resolution with the “Program” pursuant to the requirements on A4.
5. This resolution shall take effect immediately, according to law.

I, Cindy Dziura, Clerk of the Township of Bordentown, hereby certify that the above is a true copy of a resolution duly authorized by the Township Committee at a meeting held on the 21st day of January, 2025.


 CINDY DZIURA, RMCMR, Township Clerk

**Appendix B: Order Fixing Municipal Obligations for Present Need and
Prospective Need for the Fourth Round Housing Cycle**

PREPARED BY THE COURT

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP OF
BORDENTOWN, BURLINGTON
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
BURLINGTON COUNTY
DOCKET NO. BUR-L-159-25

Civil Action
Mt. Laurel Program

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED” AND
“PROSPECTIVE NEED” FOR THE FOURTH
ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 22, 2025 (“DJ Complaint”) by the Petitioner, Township of Bordentown (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled “*Affordable Housing Obligations for 2025-2035 (Fourth Round)*”,¹ therein setting forth the “present need” and prospective need” obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “**present**

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

need” obligation of the Petitioner has been calculated and reported as **ninety-five (95)** affordable units, and its **“prospective need”** obligation of the Petitioner has been calculated and reported as **one-hundred-fifty-nine (159)** affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

AND THE COURT, having determined that no “interested party” has filed a “challenge” to the Petitioner’s DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the “present need” and “prospective need” affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA’s Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 8 day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as **ninety-five (95)** affordable units for the Fourth Round housing cycle.
2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as **one-hundred-fifty-nine (159)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay..

IT IS FURTHER ORDERED, that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this Docket No. #BUR-L-159-25, and as provided for and in accordance with Section III.B of Directive #14-24; and

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner’s counsel and the Program Chair upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:

A handwritten signature in black ink, appearing to read "T. Cook", is written over a horizontal line.

HON. TERRENCE R. COOK, A.J.S.C.

(X) Uncontested.

**Appendix C: Third Round Conditional Order of Judgment of Compliance
and Repose, dated August 27, 2020**

FILED WITH THE COURT

AUGUST 27, 2020

JEANNE T. COVERT, A.J.S.C.

SURENIAN, EDWARDS & NOLAN LLC

707 Union Avenue, Suite 301

Brielle, New Jersey 08730

(732) 612-3100

Attorneys for Declaratory Plaintiff, the Township of Bordentown

By: Jeffrey R. Surenian (Attorney ID: 024231983)

Michael J. Edwards (Attorney ID: 032112012)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
BORDENTOWN, COUNTY OF
BURLINGTON**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BURLINGTON COUNTY**

DOCKET NO.: **BUR-L-1579-15**

Civil Case
(*Mount Laurel II*)

**FINAL ORDER OF JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court by Surenian Edwards & Nolan LLC, on behalf of declaratory plaintiff, Township of Bordentown (hereinafter “Township” or “Bordentown”) via a Declaratory Judgment Complaint (“DJ Action”) filed on July 2, 2015 to approve the Township’s Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having granted the Township immunity from Mount Laurel lawsuits from the time of the filing of the Township’s Declaratory Judgment action (hereinafter “DJ Action”), which is still in full force and effect; and the Court having appointed Mary Beth Lonergan, P.P., A.I.C.P. as the Special Mount Laurel Court Master (“Court Master”); and Fair Share Housing Center (“FSHC”) having also participated in the Township’s DJ Action as an “interested party”, and not as a formal Intervenor; and FSHC’s expert, David Kinsey, Ph.D., P.P., F.A.I.C.P., having issued an expert report that calculated fair share obligations for all of the municipalities in the state; and the Township having hired Econsult Solutions, Inc., which produced its own expert report calculating fair share obligations for all municipalities in the state; and the Township’s professionals and Kevin Walsh, Esq. of

FSHC having entered into a Settlement Agreement on June 26, 2017 (hereinafter the “FSHC Settlement Agreement”); and said FSHC Settlement Agreement having set agreed-upon fair share obligations and how the Township would satisfy same; and the FSHC Settlement Agreement having been approved during a Fairness Hearing held on June 18, 2018, which was memorialized by an Order entered by the Court on June 29, 2018; and the Township having subsequently entered into an amendment to the FSHC Settlement Agreement, dated June 11, 2019 (Exhibit P-5); and the Township having adopted its Housing Element and Fair Share Plan (“HEFSP”) in August of 2019; and the Court having set a joint Fairness and Compliance Hearing (“Hearing”) for October 16, 2019 to evaluate the amended agreement and the HEFSP; and the Township’s Notice having set a date of October 2, 2019 as the deadline to submit written objections to the approval of the Township’s Fair Share Plan to be submitted to the Court, the Court Master and counsel of record; and the Township’s professionals having prepared a Fair Share Plan (Exhibit P-1), and all supporting documentation in accordance with the FSHC Settlement Agreement and the recommendations of the Court Master; and the Fair Share Plan having then been adopted by the Township’s Planning Board on August 8, 2019 (Exhibit P-2) and endorsed by the Township Council on August 12, 2019 (Exhibit P-3); and the Township having noticed a Joint Fairness and Compliance Hearing for October 16, 2019; and counsel for the Township having prepared a Notice Certification of Michael J. Edwards, Esq. (Exhibit P-8), to document that proper notice of the Joint Fairness and Compliance Hearing had been given; and the Township having set a deadline of October 2, 2019 to receive written objections to the Fair Share Plan; and no written objections having been received by the deadline; and the Court Master having submitted a Report, dated October 9, 2019, to the Court (Exhibit P-7) in which she recommended approval of the Township’s Fair Share Plan; and a written summary of proposed objections having been received by the parties after the deadline provided in the Notice and after the issuance of the Master’s Report on or about October 11, 2019; and oral objections having been raised by Mark Bergman (“Bergman”) through his

attorney, Bruce I. Afran, Esq.; and the Township having filed written responses to the Bergman objections on November 6, 2019; and a continuation of the Joint Fairness and Compliance Hearing having been held on November 15, 2019 and November 19, 2019; and the Court having reviewed Exhibits P-1 to P-14 that were submitted to the Court on August 29, 2019 to be placed on file as referenced below; and the Court having also reviewed the written submissions of the parties and the Master's Report and having heard the testimony of the Court's Special Master, Mary Beth Lonergan, P.P., A.I.C.P. and the Township's Planner, Susan Gruel, P.P. and comments of counsel; and the Court fully addressed the Bergman objections on the record; and the Court having entered a Conditional Judgment of Compliance and Repose on December 10, 2019 and the Court having set deadlines for the completion of the conditions set forth in the Court Master's Report; and the scheduled Compliance Hearing and associated conditions deadline having been rescheduled to August 31, 2020; and the Court having reviewed the Certification of Michael J. Edwards, Esq., dated August 26, 2020, which includes copies of the documents showing that the conditions of the Court Master's report have been satisfied; and the Court having also reviewed and considered the Special Master's Report, dated August 27, 2020, which evaluates the status of conditions; and good cause having been shown;

August

It is hereby ordered on this 27th day of ~~September~~, 2020, as follows:

1. The Township of Bordentown's Fair Share Plan as amended and dated August 2020 is hereby approved and the Township is granted a Final Judgment of Compliance and Repose as to its Rehabilitation Share, its Prior Round Obligation (1987-1999), and its Third Round Obligation (1999-2025), pursuant to the Court-approved Settlement Agreement (June 26, 2017) as Amended and entered into between the Township and FSHC on June 10, 2019, the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"),

applicable Council on Affordable Housing (hereinafter “COAH”) substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court’s Mount Laurel IV decision.

2. The Township’s Judgment of Compliance and Repose shall remain in effect for ten years beginning on July 2, 2015 and ending on July 2, 2025, and during this ten-year period the Township and its Planning Board shall have repose from all Mount Laurel lawsuits, including, but not limited to, Builders’ Remedy and exclusionary zoning lawsuits, other than actions brought to enforce the terms of the Settlement Agreement or the Court’s orders as articulated in Paragraph 8 of this Order.

3. As per the Court-approved Settlement Agreement between the Township and FSHC, and as established in the Township’s Fair Share Plan, the Township’s Rehabilitation Share is 11, the Township’s Prior Round Obligation (1987-1999) is 211, and the Township’s Third Round Obligation (1999-2025) is 425.

4. **Satisfaction of the Rehabilitation Obligation:** The Township shall satisfy its 11-unit Rehabilitation obligation through continued participation in the Burlington County Rehabilitation program. The rental rehabilitation program requirement shall be waived.

5. **Satisfaction of the Prior Round Obligation:** The Township has satisfied its 211 Prior Round obligation with 168 constructed family rental affordable units and 53 rental bonus credits to be applied to the prior round at Bradford Pointe, which yield a surplus of 10 family rental units plus bonuses to be applied to the Township’s Round 3 obligation as described in paragraph 7 of this Order.

6. **Satisfaction of the Round 3 Obligation:** The Township shall satisfy its Round 3 obligation as follows:

| <u>Project Name</u> | <u>Description</u> | <u>Type</u> | <u>Units</u> | <u>Rental Bonus Credit</u> |
|----------------------------|--|--------------------|---------------------|-----------------------------------|
| Surplus Credits (Round 2) | Residual Credits resulting from Bradford Point | Family Rental | 10 | 10 |

| | | | | |
|------------------------------|--|--------------------------------------|----|---------|
| VOA - 1 | Completed - Special needs units eligible for five (5) rental bonuses | Senior Rental (64)/Special Needs (5) | 69 | 5 |
| BWC Residual Credits | Entire Project located at Block 140 – Lots 5-16, 19 and Block 141, Lot 4. 92.7 Net Acres | Family or Senior Rental | 18 | |
| Zieger | Block 138.01, Lots 41-43. 19 Net Acres (46.9 total). The Project will be 227 units (168 apartments, 54 Townhome footprints), 36 of which will be affordable. | Family Rental | 36 | 36 |
| Nissim | Block 1.01, Lot 3. 17.4 net acres (22.3 total). The proposed project will consist of roughly 272 total units, 40 of which will be affordable and over 13% of which will be affordable to very low-income families | Family Rental | 40 | 40 |
| Kevin Johnson Senior Project | Block 58, Lot 37. The Inclusionary Project will consist of 92 total age-restricted units, of which 20% (19 units) will be affordable to low, very low and moderate-income households. Of 19 affordable units, 10 will be reserved for low income units. Of the 10 low-income units, 3 will be made available to very low-income households. No more than 9 units shall be moderate-income. | Senior Inclusionary | 19 | cap |
| Kevin Johnson Family Project | Route 130 and designated as Block 57 Lots 6 on the Tax Map of the Township of Bordentown. Property in a mixed used project, or up to 130 residential units, with a 20% set aside for family affordable rental units (the “Family Inclusionary Development” or “Inclusionary Development”) and Non-Residential Space. | Family Rentals | 26 | 16, cap |
| Group Home (Bedrooms) | | Special Needs | 14 | 0 cap |
| Habitat for Humanity (Block | | Family | 10 | NA |

| | | | | |
|--|--|---------------|------------|-----|
| 66, Lots 13 and 14) | | | | |
| Market to Affordable or other agreed upon compliance mechanism | | Family Rental | 11 | cap |
| VOA - 2 | | Family Rental | 65 | cap |
| Subtotal | | | 318 | |
| Bonus | | | 107 | |
| Total | | | 425 | |

7. The conditions of the Township's Conditional Order of Judgment of Compliance and Repose, entered by the Court on December 10, 2019 have been satisfied. With respect to group home crediting documentation, the Township shall continue to diligently pursue. With regard to the group home crediting documentation, the Township shall a) continue efforts to attempt to obtain all relevant documents; b) report annually on the status of these group homes as part of its required annual monitoring reports; and c) to take any and all measures necessary to insure that the bedrooms continue to service low- and moderate-income households for the duration of the Round 3.

8. The Township of Bordentown, the Governing Body of the Township Bordentown and the Planning Board of the Township of Bordentown are hereby granted a final Judgment of Compliance and Repose and shall have repose from all Mount Laurel lawsuits, including, but not limited to, Builders' Remedy lawsuits, except for actions brought to enforce the terms of the FSHC Settlement Agreement and Amendment.

9. Per the FSHC Settlement Agreement, the Township agrees to comply with the 13% Very Low-Income requirement. To the extent feasible, the Township will agree to distribute those units in each project and among different bedroom mixes as is normally prescribed for low-income units by the Uniform Housing Affordability Controls.

10. As a continuing obligation and condition of this Judgment of Compliance and Repose, the Township shall comply with all the monitoring and reporting requirements identified in the Settlement Agreement.

11. The Court retains jurisdiction over this matter solely for purposes of enforcement of this Judgment of Compliance and Repose and the Settlement agreement and Amendment between the Township and Fair Share Housing Center.

12. Counsel for the Township shall provide copies of this Order to the Court Master and Counsel of Record within seven (7) days of receipt.

/s/ Jeanne T. Covert
HON. JEANNE T. COVERT, A.J.S.C.

DOCUMENTS ENTERED INTO EVIDENCE AT HEARING

Plaintiff

| | |
|--|-----|
| Housing Element and Fair Share Plan, dated July 18, 2017 | P-1 |
| Planning Board Resolution Adopting HEFSP, dated August 8, 2019 | P-2 |
| Committee Resolution Endorsing HEFSP, dated August 12, 2019 | P-3 |
| Settlement Agreement with Fair Share Housing Center, dated July 18, 2017 | P-4 |
| Amendment to the Settlement Agreement, dated June 10, 2019 | P-5 |
| Resolution Authorizing Amended Settlement Agreement, dated June 10, 2019 | P-6 |
| Court Master's Report, dated October 9, 2019 | P-7 |
| Notice Certification of Michael J. Edwards, Esq., dated October 3, 2019..... | P-8 |
| MTA Analysis Report of Susan Gruel, dated October 15, 2019..... | P-9 |

| | |
|---|------|
| Utility Availability Letter, dated October 10, 2019 | P-10 |
| Committee Resolution 2019-223 of Intent to Bond. | P-11 |
| Planning Board Resolution 2019-17 Extending BWC Approvals. | P-12 |
| New Jersey Fair Housing Act Section 310..... | P-13 |
| Committee Resolution 2018-253-21 Nissim Redevelopment Agreement dated 9/10/18 | P-14 |

NEW EXHIBITS NOT IN EVIDENCE

| | |
|---|------------|
| Certification of Michael J. Edwards, Esq. , dated August 26, 2020..... | N/A |
|---|------------|

Defendant

| | |
|---|------|
| Firm Biography of Clarke Caton Hintz (“CCH”). | D-1 |
| Allendale Borough HEFSP prepared by CCH, dated June 28, 2018. | D-1a |
| Cranbury Township HESFP prepared by CCH, dated April 7, 2016. | D-1b |
| Florence Township HEFSP prepared by CCH, dated May, 2018..... | D-1c |
| Ho-Ho-Kus Borough HEFSP prepared by CCH, dated July 7, 2017..... | D-1d |
| Montgomery Township Amended HEFSP prepared by CCH, dated July 5, 2017. | D-1e |
| South Brunswick Township Amended HEFSP prepared by CCH, dated July 11, 2018 | D-1f |
| Court Master Fairness Hearing Report for the Twp of Bordentown, dated April 13, 2018..... | D-2 |

**Appendix D: Third Round Amended Settlement Agreement with Fair Share
Housing Center, dated June 11, 2019**

AGREEMENT TO RESOLVE ISSUES BETWEEN THE TOWNSHIP OF BORDENTOWN AND FAIR SHARE HOUSING CENTER CONCERNING THE TOWNSHIP'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE TOWNSHIP SHALL SATISFY SAME.

In the Matter of the Township of Bordentown, County of Burlington, Docket No. BUR-L-1579-16

AMENDMENT

This Amendment, dated June 11, 2019 ("Amendment"), to the Settlement Agreement, dated June 26, 2017 (the "Settlement Agreement") is made by and between:

TOWNSHIP OF BORDENTOWN, a municipal corporation of the State of New Jersey, County of Burlington having an address at One Municipal Drive, Bordentown, New Jersey 08505 (hereinafter the "Township" or "Bordentown");

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC") (collectively, FSHC and the Township shall be referred to as the "Parties");

WHEREAS, the Parties entered into a Settlement Agreement in June of 2017, which established the Township's obligations as well as its proposed compliance techniques which will serve as the foundation for the Township's Housing Element and Fair Share Plan;

WHEREAS, in or around April of 2018, the Township was contacted by KJohnson Enterprises, LLC ("KJ") seeking to construct affordable housing in a senior inclusionary project at a site identified on the Township's Tax Map as Block 58, Lot 37;

WHEREAS, the Township has adopted zoning to permit a development of up to 92 senior units, of which 19 (20%) will be affordable senior units (the "Senior Project");

WHEREAS, subsequently, KJ again approached the Township regarding the prospect of additional affordable housing in a proposed family rental inclusionary project located at a site identified on the Township's tax map as Block 57, Lot 6.

WHEREAS, the Parties agreed to permit a mixed use inclusionary project, which will produce up to 130 rental units, of which 26 will be affordable along with commercial uses (the "Family Project").

WHEREAS, the Township seeks to modify its Settlement Agreement with FSHC to account for the 19 affordable senior units associated with the Senior Project and for the 26 units associated with the Family Project

WHEREAS, as a result, the Township seeks to reduce the number of market-to-affordable ("MTA") units (or other compliance mechanisms constructed in lieu of MTA units) in its settlement from 59 to 14 units;

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree to amend the Settlement Agreement as follows:

A. Section 8 of the Settlement Agreement is hereby amended and restated in its entirety to read as follows:

8. The Township has a Round 3 settlement number of 425 units, which shall be satisfied as follows:

| <u>Project Name</u> | <u>Description</u> | <u>Type</u> | <u>Units</u> | <u>Rental Bonus Credit</u> |
|---------------------------|---|--------------------------------------|--------------|----------------------------|
| Surplus Credits (Round 2) | Residual Credits resulting from Bradford Point | Family Rental | 10 | 10 |
| VOA - 1 | | Senior Rental (64)/Special Needs (5) | 69 | 5 |
| BWC Residual Credits | Entire Project located at Block 140 – Lots 5-16, 19 and Block 141, Lot 4. 92.7 Net Acres | Family or Senior Rental | 18 | |
| Zieger | Block 138.01, Lots 41-43. 19 Net Acres (46.9 total). The Project will be 227 units (168 apartments, 54 Townhome footprints), 36 of which will be affordable. | Family Rental | 36 | 36 |
| Nissam | Block 1.01, Lot 3. 17.4 net acres (22.3 total). The proposed project will consist of roughly 230 total units, 40 of which will be affordable and over 13% of which will be affordable to very low income families | Family Rental | 40 | 40 |
| Kevin Johnson | Block 58, Lot 37. The | Senior | 19 | |

| | | | | |
|--|--|----------------|------------|----|
| Senior Project | Inclusionary Project will consist of 92 total age-restricted units, of which 20% (19 units) will be affordable to low, very low and moderate-income households. Of 19 affordable units, 10 will be reserved for low income units. Of the 10 low-income units, 3 will be made available to very low income households. No more than 9 units shall be moderate-income. | Inclusionary | | |
| Kevin Johnson Family Project | Route 130 and designated as Block 57 Lots 6 on the Tax Map of the Township of Bordentown. Property in a mixed used project, or up to 130 residential units, with a 20% set aside for family affordable rental units (the "Family Inclusionary Development" or "Inclusionary Development") and Non-Residential Space. | Family Rentals | 26 | NA |
| Group Home (Bedrooms) | | Special Needs | 20 | 16 |
| Market to Affordable or other agreed upon compliance mechanism | | Family Rental | 14 | |
| VOA - 2 | | Family Rental | 66 | |
| Subtotal | | | 318 | |
| Bonus | | | 107 | |
| Total | | | 425 | |

- a) Nissam has agreed to provide at least two units in excess of its total obligation to provide very low income units. These will be very low income family units such that the Township will provide a total of 13% of all post-2008 new affordable housing units (13% of 308 units) as very low income. The Township and Nissam have entered into a Settlement Agreement for this Project and the redevelopment plan associated with it has been adopted by the Township.
- b) BWC's total affordable housing obligation is 15% of its final approvals. At the time of that agreement, that obligation was 101 units. 15% of its total approvals, however, ends up being 87 units, not 101 units. 69 of those units have been

satisfied through the development of 69 affordable units at VOA1. The remaining 18 units required to be produced as part of BWC remain the obligation of BWC.

- c) The Township is in the process of providing crediting information on existing group home. The Township has identified 12 qualifying bedrooms to date and anticipates it has at least a total of 20 creditworthy existing group home bedrooms. In the event there are less than 20 creditworthy existing group homes, the Township will provide for the shortfall by creating additional group home bedrooms, as further addressed in this agreement. At least 30 days prior to the compliance hearing in this matter, the Township will provide all necessary documentation to the Special Master and FSHC regarding existing group homes and provide a detailed plan for the creation of additional units, if needed, in accordance with the terms of this agreement.
- d) The Township and Zieger have entered into a Settlement Agreement and the Zieger Zoning Ordinance has been adopted by the Township.
- e) KJ and the Township have entered into a Developer's Agreement and have, pursuant to that Agreement, adopted the requisite zoning for the production of 19 age-restricted affordable housing units located at vacant real property located on Route 130 and designated as Block 58, Lots 37 on the Tax Map of the Township of Bordentown (the "Property"). The Inclusionary Project will consist of 92 total age-restricted units, of which 20% (19 units) will be affordable to low, very low and moderate-income households. The affordable units will comply with UHAC requirements, Fair Housing Act requirements and COAH's prior round regulations – Very low-income shall be defined pursuant to the Section 304(m) of the FHA. 19 affordable units, 10 will be reserved for low income units. Of the 10 low-income units, 3 will be made available to very low income households. No more than 9 units shall be moderate-income.
- f) KJ and the Township have entered into a Developer's Agreement for the production of 26 family rental affordable housing units located at real property located on Route 130 and designated as Block 57, Lot 6 on the Tax Map of the Township of Bordentown (the "Property"). The Inclusionary Project will consist of up to 130 total family rental units, of which 20% (26 units) will be affordable to low, very low and moderate-income households. The affordable units will comply with UHAC requirements, Fair Housing Act requirements and COAH's prior round regulations. Very low-income shall be defined pursuant to the Section 304(m) of the FHA. Of 26 affordable units, 13 will be reserved for low income units. Of the 13 low-income units, 4 will be made available to very low income households. No more than 13 units shall be moderate-income.
- g) Market-to-Affordable: With respect to the Market to Affordable units, the Township shall complete at least five units by July 1, 2022; at least 12 total units by 2023; and shall complete all 14 units by the end of the year 2024.

- h) The Parties agree that the Township is exempt from the requirements of 8.g above and the production of MTA units in the event that the Township identifies and generates 14 credits with any combination of supportive housing units or newly constructed municipally-sponsored affordable housing through Habitat for Humanity or other non-profit entity. In either event, the Township is required to report on the MTA program or chosen alternative compliance technique(s) at the July 1, 2020 midpoint as defined by Section 19 of the June 26, 2017 FSHC Settlement Agreement. Regardless of which mechanism is identified and utilized, the Township agrees to comply with all relevant COAH regulations and standards for the given mechanism, including N.J.A.C. 5:93-5.8 (Alternative living arrangements) and N.J.A.C. 5:93-5.5 (Municipally sponsored construction).
- B. Section 13 of the FSHC Settlement Agreement shall be supplemented as follows: Income limits for all units that are part of the HEFSP 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 Township 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 Township is located within (i.e. Region 5) 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 Township'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, updated for 2019 and available at <http://ahpnj.org/resources/income-limits-rental-increases>, are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2019, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by

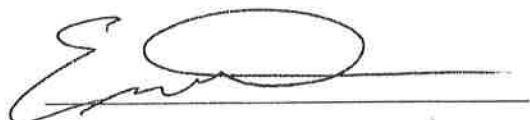
the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.


- d. The parties agree to request the Court at the compliance hearing in this matter to enter an order implementing this paragraph of this Agreement.

C. Finally, nothing in this Amendment shall impact the validity of all remaining provisions in the June 2017 FSHC Settlement Agreement.

Witness/Attest:

FAIR SHARE HOUSING CENTER:



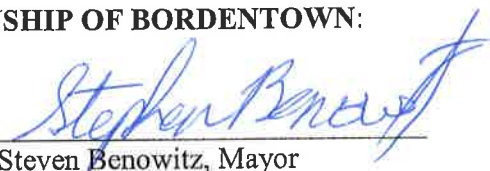
By: 
 Kevin D. Walsh, Esq.
 On Behalf of Fair Share Housing Center

Dated: 5/29/2019

Witness/Attest:

TOWNSHIP OF BORDENTOWN:



By: 
 Steven Benowitz, Mayor
 On Behalf of the Township of Bordentown

Dated: 6/11/19

Appendix E: Bradford Pointe Extension of Controls

- **Executed MOU**
- **Resolution 2025-79 Approving MOU**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made this _____ day of March, 2025, by and between the Township of Bordentown ("Township") and Bordentown Affordable Urban Renewal Partners, L.P. ("Developer").

General Terms

1. The Developer owns the property located at 800-A Bradford Court, Bordentown Township, New Jersey, being designated as Block 139, Lot 11, on the Tax Assessment Map of the Township of Bordentown (the "Property").
2. The Property is currently developed with a municipally sponsored, 168-unit, 100% affordable housing project named "Bradford Pointe." Bradford Pointe was relied upon by the Township to help satisfy its Mount Laurel affordable housing obligations for the Prior Round (1987-1999), with surplus credits being carried into the Third Round (1999-2025).
3. Pursuant to the Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy dated May 17, 2001, located in the Burlington County Deed Book 5878, Pages 439-446, the Property is currently deed restricted for an extended use period of at least thirty (30) years, with the potential for the affordability controls to remain for 45 years, should Developer not exercise their right to opt out of the restriction following the 29th year of controls. Subject to Section 42(h)(6)(E)(i)(II) of the Federal Tax Reform Act of 1986, P.L. 99-514, the Developer could attempt to opt out of the controls beginning on May 17, 2030.
4. The Township and the Developer mutually seek to extend the affordability controls associated with the Property to create Fourth Round (2025-2035) affordable housing credits.
5. Developer agrees to the following: 1) not exercise the opt out provision as detailed in the Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy; and 2) to enter into a new deed restriction, beginning in 2046, for an additional twenty (20) years of affordability controls with the Township to ensure it is creditworthy under the Mount Laurel doctrine.
6. In exchange for the extension of the affordability controls, the Township agrees to the following: 1) An extension of the PILOT for at least 30 years or, if legally permissible, the life of the affordability controls, whichever is longer; and 2) a lump sum payment of \$4.95 million (\$4,950,000) from the Township.
7. Pursuant to N.J.A.C. 5:97-6.14(a)(3), 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.
8. A deed restriction, in a form acceptable to the Township, shall be provided to the Developer within ten (10) days of the Court's approval of this MOU and any other Agreement upon which this MOU shall be relied upon. The deed restriction shall be recorded within 30 days

once the form of the deed is agreed upon. The Township shall tender payment at least two business days prior to recording the deed restriction with the County by direct transfer to Developer or by transfer to an attorney trust account maintained by Developer's legal counsel.

9. For purposes of determining the compliance of Developer and/or future owners of the Property with the requirements of the deed restriction, the Township and Developer shall rely upon determinations made by the New Jersey Housing and Mortgage Finance Agency or its successors or assigns (together, "NJHMFA") as to whether Developer is in compliance with the tenant income and other requirements for tenants at or below 50% of Area Median Income, and further agree as follows: 1) Consistent with current NJHMFA policies, twenty percent (20%) of the tenant files may be examined for compliance once every three years; 2) no more than three (3) apartments at the Property may be reserved for employee housing, with such apartments and the employees not being subject to the low-income requirements; and 3) the conclusions of NJHMFA regarding a tenant's compliance shall be conclusive.

10. The execution by Developer of this MOU, the deed restriction, and other legal documents shall be contingent upon the prior written consent of Ocean First Bank, the Property's current first mortgage lienholder, or its successors and/or assigns.

11. The Township and Developer represent to each other that this MOU has been authorized by appropriate resolution adopted by the parties hereto.

12. This MOU may be executed in several counterparts, each of which shall be deemed original and such counterparts shall together constitute but one and the same Agreement. The execution of this MOU by any of the parties may be evidenced by email or facsimile transmission of such parties' signature and such signature shall be deemed to constitute the original signatures of such party hereto.

ATTEST:

Cynthia Ryan

TOWNSHIP OF BORDENTOWN

[Signature]

ATTEST:

AMERICAN BORDENTOWN, INC., ITS GENERAL PARTNER

Michael [Signature]

By:

Franklin B. Hartz
Name: Franklin B. Hartz
Title: Vice President of GP

TOWNSHIP OF BORDENTOWN
RESOLUTION #2025-79

AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH
BORDENTOWN AFFORDABLE URBAN RENEWAL PARTNERS, L.P.

WHEREAS, the Township has a demonstrated history of voluntary compliance with its affordable housing obligations under the Mount Laurel doctrine as evidenced by its Round 3 record; and

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

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "A4" or "Amended FHA"), which amended how municipalities comply with their affordable housing obligations under the Mount Laurel doctrine; and

WHEREAS, the Amended FHA required the Township pass a binding resolution to determine its Fourth Round (2025-2035) affordable housing number and file a declaratory judgment ("DJ") action with the Superior Court of New Jersey, Burlington County; and

WHEREAS, in compliance with the Amended FHA, the Township passed resolution 2025-33 on January 21, 2025, and filed a DJ complaint on January 22, 2025, bearing Docket No. BUR-L-159-25; and

WHEREAS, the Township committed to a Fourth Round Present Need Obligation of 95 units and the Round 4 Prospective Need Obligation of 159 units; and

WHEREAS, pursuant to the Amended FHA, interested parties had until February 28, 2025, to challenge the Township's Round 4 number; and

WHEREAS, the Township received no such objections, and pursuant to the Amended FHA had its Fourth Round affordable housing obligation solidified at a Present Need Obligation of 95 units and the Round 4 Prospective Need Obligation of 159 units; and

WHEREAS, pursuant to the Amended FHA, the Township must adopt a Housing Element and Fair Share Plan outlining its compliance with its Fourth Round affordable housing obligations by June 30, 2025, and file it with the Court; and

WHEREAS, in anticipation of that deadline, the Township undertook negotiations with Bordentown Affordable Urban Renewal Partners, L.P., the owner and operator of the Bradford Pointe Apartments site within the Township, which is a 100% multifamily affordable housing development, for extensions of controls credits in furtherance of the Township's compliance with its Fourth Round obligations; and


WHEREAS, the Township and Bordentown Affordable Urban Renewal Partners, L.P., were able to negotiate for the extensions of controls on these units, detailed in a memorandum of understanding ("MOU"); and

WHEREAS, the Township seeks to authorize the execution of the MOU in furtherance of its affordable housing obligations under the Mount Laurel doctrine; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey as follows:

1. The Mayor and/or his designee, and the Township Clerk, are hereby authorized to execute the Memorandum of Understanding with Bordentown Affordable Urban Renewal Partners, L.P., attached as **Exhibit A**, subject to de minimis changes from counsel.
2. The appropriate Township officials and professionals are hereby authorized to take all actions necessary to carry out and complete the terms of the Memorandum of Understanding, including but not limited to filing the Memorandum of Understanding with the Court.
3. A certified copy of the within Resolution shall be forwarded to Eileen Fahey, Esq., Michael Edwards, Esq., and Susan Gruel, Planner.

I, Cindy Dziura, Clerk of the Township of Bordentown, hereby certify that the above is a true copy of a resolution duly authorized by the Township Committee at a meeting held on the 31 day of March, 2025.


CINDY DZIURA, RMC/CMR, Township Clerk

Appendix F: Habitat for Humanity

- **Temporary Certificates of Occupancy (Block 66, Lots 14.02-14.11)**
 - **Deed Restrictions**



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.02 Qualification Code: _____
Work Site Location: 79 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY OF SOUTH CENTRAL NJ
Address: 530 ROUTE 38 EAST

Telephone: MAPLE SHADE NJ 08052

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 12/31/2024 or will be subject to fine or order to vacate:

SITE WORK

**CERTIFICATE
IDENTIFICATION**

Date Issued: 07/11/2024
Control #: 22048
Permit #: 20230113

Home Warranty No: NJ147963

Type of Warranty Plan: ☐ State ☒ Private

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 12/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & INSTALL BACKFLOW PREVENTER TO SPRINKLER
SYSTEM

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.03 Qualification Code: _____
Work Site Location: 77 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOUTH CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

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☐ **CERTIFICATE OF APPROVAL**

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☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 12/31/2024 or will be subject to fine or order to vacate:

SITE WORK PUNCHLIST

**CERTIFICATE
IDENTIFICATION**

Date Issued: 05/07/2024
Control #: 22046
Permit #: 20230117

Home Warranty No: NJ147962

Type of Warranty Plan: ☐ State ☒ Private

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 12/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

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☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.04 Qualification Code: _____

Work Site Location: 75 THORNTOWN LANE

BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOU CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldrs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

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☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

SEE ATTACHED

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/06/2024
Control #: 22040
Permit #: 20230115

Home Warranty No: NJ147456

Type of Warranty Plan: ☐ State ☐ Private

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.05 Qualification Code: _____

Work Site Location: 73 THORNTOWN LANE

BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldrs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

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☐ **CERTIFICATE OF APPROVAL**

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☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

SEE ATTACHED

CERTIFICATE IDENTIFICATION

Date Issued: 02/06/2024
Control #: 22038
Permit #: 20230114

Home Warranty No: NJ146922

Type of Warranty Plan: ☐ State ☐ Private

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.06 Qualification Code: _____

Work Site Location: 71 THORNTOWN LANE

BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOU CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldrs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

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☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

SITE WORK

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/05/2024
Control #: 22044
Permit #: 202301116

Home Warranty No: _____

Type of Warranty Plan: _____

Use Group: _____

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ [Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.07 Qualification Code: _____
Work Site Location: 69 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOOU CENTRAL NJ
Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldrs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

SITE WORK

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/05/2024
Control #: 22042
Permit #: 20230112

Home Warranty No: _____

Type of Warranty Plan: ☐ State ☐ Private

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot: 14.08 Qualification Code: _____
Work Site Location: 67 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOUTH CENTRAL NJ
Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____
Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.
Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

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☐ CERTIFICATE OF APPROVAL

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☒ TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

EXTERIOR SITEWORK CONDITIONS

CERTIFICATE IDENTIFICATION

Date Issued: 02/05/2024
Control #: 21892
Permit #: 20230069

Home Warranty No: _____

Type of Warranty Plan: ☐ State ☐ Private
Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALL FOUNDATION - MODULAR HOME INSPECTED IN FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17

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☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

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☐ CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ ☐ Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.09 Qualification Code: _____
Work Site Location: 65 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOU CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

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☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

EXTERIOR SITEWORK CONDITIONS

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/05/2024
Control #: 21890
Permit #: 20230068

Home Warranty No: _____

Type of Warranty Plan: _____

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW DUPLEX MODULAR HOME SUPERIOR WALL FOUNDATION - MODULAR HOME INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ [] Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.10 Qualification Code: _____

Work Site Location: 63 THORNTOWN LANE

BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOU CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

EXTERIOR SITEWORK CONDITIONS

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/05/2024
Control #: 21888
Permit #: 20230067

Home Warranty No: _____

Type of Warranty Plan: _____

Use Group: _____

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW 1/2 A DUPLEX MODULAR HOME
SUPERIOR WALLS FOUNDATION - MODULAR INSPECTED AT FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR HOME, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ [] Check No.: _____

Collected by: _____



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 66 Lot : 14.11 Qualification Code: _____
Work Site Location: 61 THORNTOWN LANE
BORDENTOWN

Owner in Fee: HABITAT FOR HUMANITY SOUTH CENTRAL NJ

Address: 530 ROUTE 38 EAST

MAPLE SHADE NJ 08052

Telephone: _____

Agent/Contractor: PHOENIX MODULAR DEVELOPMENT, LLC.

Address: 4 CENTENNIAL AVENUE

CRANFORD NJ 07016

Telephone: 732 887-0169

Lic. No./ Bldgs. Reg.No.: 53471 Federal Emp. No.: 83-4067994

Social Security No.: _____

☐ **CERTIFICATE OF OCCUPANCY**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **CERTIFICATE OF APPROVAL**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ **TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE**

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 05/31/2024 or will be subject to fine or order to vacate:

EXTERIOR SITEWORK CONDITIONS

**CERTIFICATE
IDENTIFICATION**

Date Issued: 02/05/2024
Control #: 21885
Permit #: 20230066

Home Warranty No: _____

Type of Warranty Plan: _____

Use Group: R-5

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 05/31/2024

Description of Work/Use: CONSTRUCT NEW DUPLEX MODULAR HOME SUPERIOR
WALL FOUNDATION - MODULAR INSPECTED BY FACTORY
Update Desc. of Wk/Use: HVAC FOR NEW MODULAR DUPLEX, INSTALL WATER
SOURCE TO FIRE RISER & BACKFLOW PREVENTER

☐ **CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **CERTIFICATE OF COMPLIANCE**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Fees: \$ 75.00

Paid/ [] Check No.: _____

Collected by: _____



Burlington County Document Summary Sheet

| | | | | |
|--|--|-----------------------------|----------------------------|---------|
| BURLINGTON COUNTY CLERK 50 RANCOCAS RD MOUNT HOLLY NJ 08060 1317 | Transaction Identification Number | | 6829476 | 8328865 |
| | Recorded Document to be Returned by Submitter to: ACW ABSTRACT, LLC 10000 LINCOLN E DR STE 201 MARLTON, NJ 08053 | | | |
| Official Use Only | Submission Date (mm/dd/yyyy) | | 09/14/2023 | |
| | No. of Pages (excluding Summary Sheet) | | 12 | |
| | Recording Fee (excluding transfer tax) | | \$155.00 | |
| | Realty Transfer Tax | | \$0.00 | |
| | Total Amount | | \$155.00 | |
| | Document Type | DECLARATION OF RESTRICTIONS | | |
| | Electronic Recordation Level | | L2 - Level 2 (With Images) | |
| | Municipal Codes | | BORDENTOWN TWP 4 | |
| | | 756655 | | |

Additional Information (Official Use Only)

*** DO NOT REMOVE THIS PAGE.**
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF BURLINGTON COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.



Burlington County Document Summary Sheet

**DECLARATION
OF
RESTRICTIONS**

| | | | | | |
|-----------------------|--|-----------------------|-----------------------|---------------------------|---------------------|
| Type | DECLARATION OF RESTRICTIONS | | | | |
| Consideration | | | | | |
| Submitted By | SIMPLIFILE, LLC. (SIMPLIFILE) | | | | |
| Document Date | 08/28/2023 | | | | |
| Reference Info | | | | | |
| Book ID | Book | Beginning Page | Instrument No. | Recorded/File Date | |
| | | | | | |
| GRANTOR | Name | | | Address | |
| | HABITAT FOR HUMANITY OF SOUTH CENTRAL NEW JERSEY INC | | | | |
| GRANTEE | Name | | | Address | |
| | BORDENTOWN RESIDENTIAL DEVELOPMENT | | | | |
| Parcel Info | | | | | |
| Property Type | Tax Dist. | Block | Lot | Qualifier | Municipality |
| | 4 | 66 | 14.06 | | 4 |
| | 4 | 66 | 14.07 | | 4 |
| | 4 | 66 | 14.03 | | 4 |
| | 4 | 66 | 14.09 | | 4 |
| | 4 | 66 | 14.02 | | 4 |
| | 4 | 66 | 14.08 | | 4 |
| | 4 | 66 | 14.04 | | 4 |
| | 4 | 66 | 14.10 | | 4 |
| | 4 | 66 | 14.05 | | 4 |
| | 4 | 66 | 14.11 | | 4 |

*** DO NOT REMOVE THIS PAGE.**

**COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF BURLINGTON COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.**

Record and return to:
 New Jersey Housing and Mortgage Finance Agency
 637 South Clinton Avenue
 P.O. Box 18550
 Trenton, New Jersey 08650-2085
 Attention: HAS

HOUSING AFFORDABILITY SERVICE
 NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY
 637 South Clinton Avenue
 P.O. Box 18550
 Trenton, NJ 08650-2085

RESTRICTIVE COVENANT REQUIRED BY SECTION 5:80-26.5(d)

Declaration Of Covenants, Conditions And Restrictions Implementing Affordable Housing Controls On State Regulated Property

For New Units

Fair Housing Act Required Covenants Restricting Use, Conveyance And Mortgage Debt

THIS DECLARATION is made this 8/28/2023, by **HABITAT FOR HUMANITY OF SOUTH CENTRAL NEW JERSEY INC., a NEW JERSEY CORPORATION**, having its principal address at **530 ROUTE 38 EAST, MAPLE SHADE, NJ 08052** (hereinafter referred to as "Developer").

WHEREAS, Developer is the owner of 10 units, which are situated within **BORDENTOWN RESIDENTIAL DEVELOPMENT** a (condominium or residential development) consisting of a total of 10 dwelling units more fully described on Schedule A attached hereto and made a part hereof (hereinafter referred to as the "Affordable Units") located in the Municipality of **BORDENTOWN**, County of **BURLINGTON**, State of New Jersey; and

WHEREAS, municipalities within the State of New Jersey are required by the Fair Housing Act (P.L. 1985, c. 222) (hereinafter the "Act") to provide for their fair share of housing that is affordable to households with low or moderate incomes in accordance with the provisions of the Act; and

WHEREAS, the Act requires that municipalities insure that such designated housing remains affordable to low and moderate income households;

WHEREAS, pursuant to the Act, the Affordable Units described in Exhibit A attached to this Agreement have been designated as low and moderate income housing as defined by the Act; and

WHEREAS, the purpose of this Declaration is to insure that the described Affordable Units remain affordable to low and moderate-income eligible households for that period of time described in Section I of this Declaration.

NOW, THEREFORE, it is the intent of this Declaration to insure that the affordability controls are recorded on each of the affordable units so as to bind the owners of the Affordable Units of the covenants, conditions and restrictions which they shall be required to comply and to notify all future purchasers of the affordable units that the housing unit is encumbered with affordability controls.

Article 1. Affordable Housing Covenants

The sale and use of each Affordable Unit subject to this Declaration is governed by regulations governing controls on affordability, which are found in New Jersey Administrative Code at Title 5, chapter 93, subchapter 9 (N.J.A.C. 5:93-9.1, *et seq.*), and chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*) (the "Regulations"). Consistent with the Regulations, the following covenants (the "Covenants") shall run with the land, for each respective Affordable Unit, for the period of time commencing upon the earlier of

(a) the date hereof or (b) the prior commencement of the "Control Period", as that term is defined in the Regulations, and terminating upon the expiration of the Control Period as provided in the Regulations.

- A. The Affordable Unit may be conveyed only to a household who has been approved in advance and in writing by the Housing Affordability Service of the New Jersey Housing And Mortgage Finance Agency, or other administrative agent appointed under the Regulations (hereinafter, collectively, the "Administrative Agent").
- B. No sale of the Affordable Unit shall be lawful, unless approved in advance and in writing by the Administrative Agent, and no sale shall be for a consideration greater than maximum permitted price ("Maximum Resale Price", or "MRP") as determined by the Administrative Agent.
- C. No refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt (collectively, "Debt") secured by the Affordable Unit, may be incurred except as approved in advance and in writing by the Administrative Agent. At no time shall the Administrative Agent approve any such Debt, if incurring the Debt would make the total of all such Debt exceed Ninety-Five Percent (95%) of the applicable MRP.
- D. The owner of the Affordable Unit shall at all times maintain the Affordable Unit as his or her principal place of residence.
- E. Except as set forth in F, below, at no time shall the owner of the Affordable Unit lease or rent the Affordable Unit to any person or persons, except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent.
- F. If the Affordable Unit is a two-family home, the owner shall lease the rental unit only to income-certified low-income households approved in writing by the Administrative Agent, shall charge rent no greater than the maximum permitted rent as determined by the Administrative Agent, and shall submit for written approval of the Administrative Agent copies of all proposed leases prior to having them signed by any proposed tenant.
- G. No improvements may be made to the Affordable Unit that would affect its bedroom configuration, and in any event, no improvement made to the Affordable Unit will be taken into consideration to increase the MRP, except for improvements approved in advance and in writing by the Administrative Agent.
- H. The affordable housing covenants, declarations and restrictions implemented by this Declaration and by incorporation, N.J.A.C. 5:80-26.1 *et seq.*, shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to the Affordable Unit so long as the Affordable Unit remains subject to the affordability controls being implemented by this Declaration.
- I. In accordance with N.J.A.C. 5:80-26.5, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years.

Article 2. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing. Accordingly, and as set forth in N.J.A.C. 5:80-26.10A(b):

- A. In the event of a threatened breach of any of the Covenants by the Grantee, or any successor in interest or other owner of the Affordable Unit, the Administrative Agent shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry

on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

Article 3. ACKNOWLEDGEMENT

The Developer acknowledges receipt of a true copy of this Declaration of Covenants, Restrictions and Conditions, at no charge to the State.

IN WITNESS WHEREOF, the Developer(s) has executed this Declaration of Covenants, Restrictions and Conditions for the purposes stated herein.

ATTEST:

**Habitat for Humanity of South Central New Jersey Inc., a
New Jersey Corporation**

Lori Leonard
Signature of (Developer)

Lori Leonard, CEO

STATE OF NEW JERSEY)

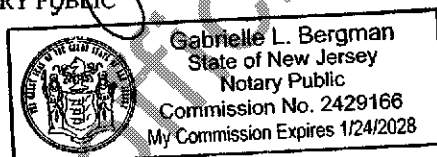
) ss:

COUNTY OF Burlington

BE IT REMEMBERED, that on this the 28 day of August, 2023 the subscriber Lori Leonard, CEO appeared personally before me and who, being duly sworn by me, depose and made proof to my satisfaction (i) that he/she is the Developer named in the foregoing Declaration of Covenants, Restrictions and Conditions and (ii) and that he/she has executed said Declaration of Covenants, Restrictions and Conditions with respect to the Property and for the purposes described and set forth therein.

Sworn to and subscribed before me, Gabrielle L. Bergman on the date set forth above.

NOTARY PUBLIC



WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905****LEGAL DESCRIPTION****As to Block 66, Lot 14.02:**

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.02 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.01 and 14.02, said beginning point also be located North 43 degrees 02 minutes 11 seconds East a distance of 28.98 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 25.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.02 and 14.03, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence along the division line between Block 66, Lots 14.01 and 14.02 the following three (3) courses
- (3) South 43 degrees 02 minutes 11 seconds West a distance of 6.19 feet for a corner in the same; thence
- (4) North 76 degrees 48 minutes 36 seconds West a distance of 39.12 feet to a point for a corner in the same; thence
- (5) North 46 degrees 57 minutes 43 seconds West a distance of 107.07 feet to the Point and Place of BEGINNING.

Containing within said lot 3,289.42 +/- S.F. (0.076 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 79 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66, Lot 14.03:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.03 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
NJRB 3-09 (09-01-2019)

SCHEDULE A**(continued)**File No. **ACW-1905**

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lot 14.02 and 14.03, said beginning point also be located North 43 degrees 02 minutes 11 seconds East a distance of 54.65 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.03 and 14.04,, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.03, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.02 and 14.03, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of **BEGINNING**.

Containing within said Lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 77 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66 Lot 14.04:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.04 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.03 and 14.04, said beginning point also be located North 43 degrees 02 minutes 11 seconds East a distance of 78.32 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street, AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

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CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
Page 5 of 12 (WLTIC Edition (07/25/19))

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A**(continued)**File No. **ACW-1905**

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.04 and 14.05, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.04, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.03 and 14.04, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the point and place of BEGINNING.

Containing within said lot 3, 337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 75 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66 Lot 14.05:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.05 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same division line between Block 66, Lots 14.04 and 14.05; said beginning point also being located North 43 degrees 02 minutes 11 seconds East a distance of 101.99 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.05 and 14.06, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to appoint for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.05, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
Page 6 of 12 (WLTIC Edition (07/25/19))

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905**

- (4) Along the division line between the aforementioned Lots 14.01 and 14.05, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING.

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 73 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66, Lot 14.06:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.06 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.05 and 14.06, said beginning point also being located North 43 degrees 02 minutes 11 seconds East a distance of 125.66 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.06 and 14.07, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.06, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.05 and 14.06, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING.

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 71 Thorntown Road, Township of Bordentown, New Jersey

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
 Page 7 of 12 (WLTIC Edition (07/25/19))

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905****As To Block 66 Lot 14.07:**

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.07 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.06 and 14.07, said beginning point also being located North 43 degrees 02 minutes 11 seconds East a distance of 149.33 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.07 and 14.08, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.07, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.06 and 14.07, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 69 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66 Lot 14.08:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.08 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

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CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
 Page 8 of 12 (WLTIC Edition (07/25/19))

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905**

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.07 and 14.08, said beginning point also be located North 43 degrees 02 minutes 11 seconds East, a distance of 173.00 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.08 and 14.09, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.08, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.07 and 14.08, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the point and place of beginning.

Containing within said Lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 67 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66, Lot 14.09:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.09 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.08 and 14.09, said beginning point also be located North 43 degrees 02 minutes 11 seconds East a distance of 196.67 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905**

- (2) Along the division line between Block 66, Lots 14.09 and 14.10, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lots 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.09, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.08 and 14.09, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING.

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

For informational purposes only: Commonly known as 65 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66 Lot 14.10:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.10 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.09 and 14.10, said beginning point also be located North 43 degrees 02 minutes 11 seconds East a distance of 220.34 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.10 and 14.11, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of Block 66, Lot 14.01; thence
- (3) Along the division line between Block 66, Lots 14.01 and 14.10, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence

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WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
 NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905**

- (4) Along the division line between the aforementioned Lots 14.09 and 14.10, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING.

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less

For informational purposes only: Commonly known as 63 Thorntown Road, Township of Bordentown, New Jersey

As to Block 66 Lot 14.11:

ALL that certain tract, piece or parcel of land situate in the Township of Bordentown, County of Burlington, State of New Jersey, said parcel being Block 66, Lot 14.11 as shown on plan entitled "Final Plat Major Subdivision, Block 66 Lots 12.02, 13 & 14, Tax Map Sheet 16, Land Situate in Bordentown Township, Burlington County, New Jersey," prepared by Stout & Caldwell Engineers, LLC of Cinnaminson, New Jersey, dated 08/08/21 and last revised to 04/05/22, said parcel being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly right-of-way line of Thorntown Lane (49.50 feet wide as estimated on said referenced plan), said point being located at a point of intersection of the same with the division line between Block 66, Lots 14.10 and 14.11, said beginning point also being located North 43 degrees 02 minutes 11 seconds East a distance of 244.01 feet from a monument set (or to be set) at the northerly end of a tangent connecting said line of Thorntown Lane with the northerly right-of-way line of Bordentown-Chesterfield Road (AKA Crosswicks Street; AKA County Route 528, 49.50 feet wide), and from said beginning point extending; thence

- (1) Along said line of Thorntown Lane North 43 degrees 02 minutes 11 seconds East, a distance of 23.67 feet to a point for a corner in the same; thence
- (2) Along the division line between Block 66, Lots 14.01 and 14.11, and perpendicular to the last course above, South 46 degrees 57 minutes 49 seconds East, a distance of 141.00 feet to a point for a corner in the line of the same; thence
- (3) Along the same, and parallel to Thorntown Lane, South 43 degrees 02 minutes 11 seconds West a distance of 23.67 feet to a point for a corner in the same; thence
- (4) Along the division line between the aforementioned Lots 14.10 and 14.11, and perpendicular to Thorntown Lane, North 46 degrees 57 minutes 49 seconds West a distance of 141.00 feet to the Point and Place of BEGINNING.

Containing within said lot 3,337.47 +/- S.F. (0.077 acres) of land, be it the same, more or less.

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CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
 Page 11 of 12 (WLTIC Edition (07/25/19))

WESTCOR LAND TITLE INSURANCE COMPANY

ALTA Commitment (ALTA Adopted 08-01-2016; Tech. Corrections 04-02-2018)
NJRB 3-09 (09-01-2019)

SCHEDULE A

(continued)

File No. **ACW-1905**

For informational purposes only: Commonly known as 61 Thorntown Road, Township of Bordentown, New Jersey

FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot(s) 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.08, 14.09, 14.10, and 14.11 in Block 66 on the Township of Bordentown Tax Map.

Unofficial Document

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CM-32S / NJRB 3-09 ALTA Commitment for Title Insurance (ALTA 08-01-2016; Tech. Corrections 04-02-2018) NJRB 09-01-19) - Schedules
Page 12 of 12 (WLTIC Edition (07/25/19))

Appendix H: Team Campus II

- **Temporary Certificates of Occupancy**
 - **Deed Restrictions**



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
MUNICIPALITY _____



CERTIFICATE

| | | |
|-------------|-----------|------------|
| CERT. NO. | BD-052-51 | |
| DATE ISSUED | 11-15-85 | |
| Block | 92 | Lot 22-035 |
| Subdivision | | |

IDENTIFICATION

Owner George Field Assoc Agent _____
 Address 47 Georgetown Rd Address Same
Borden Town
 Tel. () 298-2200 Tel. () _____
 Work Site Address 3 Berkshire Ct. Lic. No. _____
 Federal Emp. No. _____

PAYMENTS

Fees Remitted \$ _____
☐ Check No. _____
☐ Cash _____
☐ Other _____
 Collected By: _____
 Date: _____

CERTIFICATE OF OCCUPANCY/APPROVAL

- A. ☒ CERTIFICATE OF OCCUPANCY ☐ CERTIFICATE OF APPROVAL

This serves notice that said building, structure, or equipment has been constructed or installed in accordance with the New Jersey Uniform Construction Code, and is approved for use and/or occupancy.

- B. ☐ CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

- C. ☐ TEMPORARY CERTIFICATE OF OCCUPANCY

If this is a Temporary Certificate of Occupancy the following conditions must be met no later than _____, 19____ or the owner will be subject to a fine or order to vacate:

D. DESCRIPTION OF WORK:

USE GROUP R-3 FIRE GRADING _____
 MAXIMUM LIVE LOAD _____ MAXIMUM OCCUPANCY LOAD _____
 SPECIFIC USE One Family Dwelling

FINAL COST OF CONSTRUCTION: \$

33,972-

Murray Maketansky
CONSTRUCTION OFFICIAL



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
MUNICIPALITY Twsp. of
Bordentown



CERTIFICATE

| | |
|---|-----------------------------|
| CERT. NO. | <u>13 D - 1921-26</u> |
| DATE ISSUED | <u>6/16/87</u> |
| Block | <u>92</u> Lot <u>22.191</u> |
| Subdivision <u>Williamsburg Village</u> | |

IDENTIFICATION

Owner Georgefield Assoc., Inc. Agent SAME
Address 47 Georgetown Rd. Address _____
Bordentown, NJ 08505
Tel. (609) 298-2200 Tel. (_____) _____
Work Site Address 12 Lancaster Ct. Lic. No. _____
Federal Emp. No. _____

PAYMENTS

Fees Remitted \$ _____
☐ Check No. _____
☐ Cash _____
☐ Other _____
Collected By: _____
Date: _____

CERTIFICATE OF OCCUPANCY/APPROVAL

A. ☒ CERTIFICATE OF OCCUPANCY

☐ CERTIFICATE OF APPROVAL

This serves notice that said building, structure, or equipment has been constructed or installed in accordance with the New Jersey Uniform Construction Code, and is approved for use and/or occupancy.

B. ☐ CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

C. ☐ TEMPORARY CERTIFICATE OF OCCUPANCY


If this is a Temporary Certificate of Occupancy the following conditions must be met no later than _____, 19____ or the owner will be subject to a fine or order to vacate:

D. DESCRIPTION OF WORK:

USE GROUP R-3 FIRE GRADING _____
MAXIMUM LIVE LOAD _____ MAXIMUM OCCUPANCY LOAD _____
SPECIFIC USE One Family Dwelling

FINAL COST OF CONSTRUCTION: \$ 41,509.00

[Signature]
CONSTRUCTION OFFICIAL

| | | | |
|---|--|--|---------|
| RECORDING INFORMATION SHEET | | 50 RANCOCAS RD, MT. HOLLY, NJ 08060 | |
| INSTRUMENT NUMBER: 5726930 | DOCUMENT TYPE: DECLARATION OF RESTRICTIONS | | |
| <div style="text-align: center;">JOANNE SCHWARTZ BURLINGTON COUNTY</div> <div style="text-align: center;">RECEIPT NUMBER 8850518 RECORDED ON February 10, 2022 11:35 AM INSTRUMENT NUMBER 5726930 BOOK: OR13593 PAGE: 3787</div> | Document Charge Type | DECLARATION OF RESTRICTIONS | |
| | Return Address <i>(for recorded documents)</i> LLC SIMPLIFILE 4844 NORTH 300 WEST PROVO UT 84604 | | |
| | No. Of Pages <i>(Excluding Recording Information and/or Summary Sheet)</i> | | 4 |
| | Consideration Amount | | \$0.00 |
| | Recording Fee | | \$75.00 |
| | Realty Transfer Fee | | \$0.00 |
| | Total Amount Paid | | \$75.00 |
| | Municipality | BORDENTOWN TWP | |
| | Parcel Information | Block: 58 | |
| | | Lot: 37 | |
| First Party Name | | PIAZZA & ASSOC INC | |
| Second Party Name | | TEAM CAMPUS SENIOR LUXURY APARTMENTS | |
| Additional Information (Official Use Only) | | | |
| | | | |
|  <small>5726930</small> | | | |
| Ctrl Id: 6076655 Recording Clerk: dcoco | | | |
| ***** DO NOT REMOVE THIS PAGE. ***** COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF BURLINGTON COUNTY FILING RECORD ***** RETAIN THIS PAGE FOR FUTURE REFERENCE. ***** | | | |



Burlington County Document Summary Sheet

| | | | | |
|--|--|-----------------------------|----------------------------|---------|
| BURLINGTON COUNTY CLERK 50 RANCOCAS RD MOUNT HOLLY NJ 08060 1317 | Transaction Identification Number | | 5855138 | 7016122 |
| | Recorded Document to be Returned by Submitter to: TITLE EVOLUTION, LLC 230 FARNSWORTH AVE BORDENTOWN, NJ 08505 | | | |
| Official Use Only | Submission Date (mm/dd/yyyy) | | 01/20/2022 | |
| | No. of Pages (excluding Summary Sheet) | | 4 | |
| | Recording Fee (excluding transfer tax) | | \$75.00 | |
| | Realty Transfer Tax | | \$0.00 | |
| | Total Amount | | \$75.00 | |
| | Document Type | DECLARATION OF RESTRICTIONS | | |
| | Electronic Recordation Level | | L2 - Level 2 (With Images) | |
| | Municipal Codes | | BORDENTOWN TWP 4 | |
| 627856 | | | | |

Additional Information (Official Use Only)

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Burlington County Document Summary Sheet

| | | | | | | |
|--|-----------------------|---|-----------------------|-----------------------|---|---------------------|
| DECLARATION OF RESTRICTIONS | Type | DECLARATION OF RESTRICTIONS | | | | |
| | Consideration | | | | | |
| | Submitted By | SIMPLIFILE, LLC. (SIMPLIFILE) | | | | |
| | Document Date | 10/18/2021 | | | | |
| | Reference Info | | | | | |
| | Book ID | Book | Beginning Page | Instrument No. | Recorded/File Date | |
| | | | | | | |
| | GRANTOR | Name | | | Address | |
| | | PIAZZA ASSOCIATES INC | | | 216 ROCKINGHAM ROW, PRINCETON, NJ 08540 | |
| | GRANTEE | Name | | | Address | |
| | | TEAM CAMPUS SENIOR LUXURY APARTMENTS LLC | | | 9500 K JOHNSON BOULEVARD, BORDENTOWN, NJ 08505 | |
| | Parcel Info | | | | | |
| | Property Type | Tax Dist. | Block | Lot | Qualifier | Municipality |
| | | 4 | 58 | 37 | | 4 |

*** DO NOT REMOVE THIS PAGE.**

**COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF BURLINGTON COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.**


 PREPARED BY:
 David Silver, Esq

Deed Restriction

DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY WITH RESTRICTIONS ON RESALE AND REFINANCING

To Rental Property
 With Covenants Restricting Rentals, Conveyance and Improvements
 And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the 18th day of October, 2021, by and between the Piazza & Associates, Inc. ("Administrative Agent"), or its successor, acting on behalf of Bordentown Township, with offices 216 Rockingham Row, Princeton, NJ 08540 a New Jersey Corporation and Team Campus Senior Luxury Apartments, LLC, having offices at 9500 K Johnson Boulevard, Bordentown, NJ 08505 the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Bordentown Township, County of Burlington, State of New Jersey, and described more specifically as Block No. 58 Lot No. 37, and known by the street address:

700 K Johnson Boulevard North, Bordentown, NJ 08505

More specifically designated as:

| <u>Unit Address</u> | <u>Bedroom Number</u> | <u>Affordability Type</u> |
|---------------------|-----------------------|---------------------------|
| Apt. 107 | Bedroom – 2 | Moderate Income |
| Apt. 207 | Bedroom – 2 | Moderate Income |
| Apt. 208 | Bedroom – 2 | Low-Income |
| Apt. 209 | Bedroom – 2 | Very Low Income |

| | | |
|----------|-------------|-----------------|
| Apt. 307 | Bedroom – 2 | Moderate Income |
| Apt. 308 | Bedroom - 2 | Low-Income |
| Apt. 309 | Bedroom – 2 | Very-Low Income |
| Apt. 407 | Bedroom – 2 | Moderate-Income |
| Apt. 408 | Bedroom – 2 | Moderate-Income |
| Apt. 409 | Bedroom – 2 | Low-Income |

(List specific affordable units by address or apartment number.)

Article 3. Affordable Housing Covenants

The following covenants (the “Covenants”) shall run with the land for the period of time (the “Control Period”), determined separately with respect for each dwelling unit, commencing upon the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the “Control Period,” until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years, as may be extended by the municipality; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*, the “Uniform Controls”).
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
 - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
 - D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.

- E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

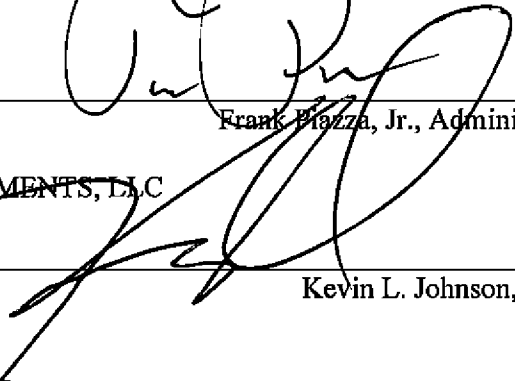
- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

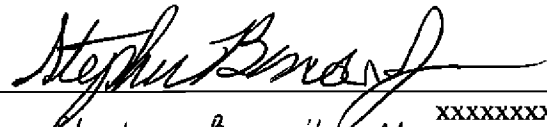
PIAZZA & ASSOCIATES, INC.

BY: 
Frank Piazza, Jr., Administrative Agent

TEAM CAMPUS SENIOR LUXURY APARTMENTS, LLC

BY: 
Kevin L. Johnson, Sole Member
Title

APPROVED BY BORDENTOWN TOWNSHIP

BY: 
Stephen Benowitz, Mayor
XXXXXXXXXXXXXXXXX
Title

ACKNOWLEDGEMENTS

CORPORATE ACKNOWLEDGEMENT

STATE OF NEW JERSEY, COUNTY OF Morris SS:

I CERTIFY that on September 29, 2021, Frank Piazza, Jr., personally came before me and stated

to my satisfaction that this person:

- (a) was the maker of the attached instrument;
- (b) was authorized to and did execute this instrument as President of Piazza & Associates, Inc., the entity named in this instrument; and
- (c) executed this instrument as the act of the entity named in the instrument.

Denise A. Keenan
NOTARY PUBLIC

DENISE A. KEENAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2384728
My Commission Expires 04/16/2024

CORPORATE ACKNOWLEDGEMENT

STATE OF NEW JERSEY, COUNTY OF BURLINGTON SS:

I CERTIFY that on October 18, 2021, KEVIN L. JOHNSON personally came before me and stated to my satisfaction that this person:

- (a) was the maker of the attached instrument;
- (b) was authorized to and did execute this instrument as Sole Member of the entity named in this instrument; and
- (c) executed this instrument as the act of the entity named in the instrument.

Maureen A. Halloran
NOTARY PUBLIC

MAUREEN A. HALLORAN
Commission # 2400404
Notary Public State of New Jersey
My Commission Expires
September 15, 2025

MUNICIPAL ACKNOWLEDGEMENT

On this the 18th day of October, 2021 before me came Stephen Benowitz known and known to me to be Mayor of Bordentown Township, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein

Maria S. Carrington
NOTARY PUBLIC

MARIA S. CARRINGTON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/31/2024



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 58 Lot : 37 Qualification Code: _____
Work Site Location: 700 KEVIN JOHNSON BLVD N
BORDENTOWN

Owner in Fee: TEAM CAMPUS SENIOR LUXURY APARTMENTS
Address: 9500 K JOHNSON BLVD
BORDENTOWN NJ 08505

Telephone: (60 9-2980
Agent/Contractor: K. JOHNSON DEVELOPMENT GROUP
Address: 9500 K. JOHNSON BLVD
BORDENTOWN NJ 08505

Telephone: 609 298-0085
Lic. No./ Bldgs. Reg.No.: _____ Federal Emp. No.: 81-5016708
Social Security No.: _____

☐ CERTIFICATE OF OCCUPANCY

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ CERTIFICATE OF APPROVAL

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 01/31/2025 or will be subject to fine or order to vacate:

CONDITIONS - SEE FRED TUREK PUNCHLIST FOR COMPLETION OF SITE

CERTIFICATE IDENTIFICATION

Date Issued: 02/01/2024
Control #: 19713
Permit #: 20200430

Home Warranty No: _____
Type of Warranty Plan: ☐ State ☐ Private
Use Group: R-2

Maximum Live Load: _____
Construction Classification: _____
Maximum Occupancy Load: _____

Certificate Exp Date: 01/31/2025

Description of Work/Use: CONSTRUCT 4 STORY RESIDENTIAL HOUSING UNITS
Update Desc. of Wk/Use: PAST FOOTING & FOUNDATION - 4 STORY RESIDENTIAL
BUILDING - 41 UNITS, INSTALL HVAC FOR 4 STORY RESIDENTIAL BUILDING,
INSTALL ALARM SYSTEM FOR 4 STORY RESIDENTIAL BUILDING, LIGHTS IN
HALLWAY, ELEVATOR

☐ CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work
☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

Fees: \$ 0.00

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Paid ☒ Check No.: 232715

Collected by: MS



TOWNSHIP OF BORDENTOWN
1 MUNICIPAL DR.
BORDENTOWN, NJ 08505
609-2982800

Block: 58 Lot : 37 Qualification Code: _____
Work Site Location: 600 KEVIN JOHNSON BLVD N
BORDENTOWN

Owner in Fee: TEAM CAMPUS SENIOR LUXURY APTS
Address: 9500 K JOHNSON BLVD

Telephone: BORDENTOWN NJ 08505

Agent/Contractor: (60 9-2980
K. JOHNSON DEVELOPMENT GROUP

Address: 9500 K. JOHNSON BLVD
BORDENTOWN NJ 08505

Telephone: 609 298-0085

Lic. No./ Bldgs. Reg.No.: _____ Federal Emp. No.: 81-5016708

Social Security No.: _____

☐ CERTIFICATE OF OCCUPANCY

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ CERTIFICATE OF APPROVAL

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☒ TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than 01/31/2025 or will be subject to fine or order to vacate:

ENGINEERING & SITE WORK SEE FRED TUREK PUNCH LIST

CERTIFICATE IDENTIFICATION

Date Issued: 02/01/2024
Control #: 19712
Permit #: 20200429

Home Warranty No: _____

Type of Warranty Plan: ☐ State ☐ Private

Use Group: R-2

Maximum Live Load: _____

Construction Classification: _____

Maximum Occupancy Load: _____

Certificate Exp Date: 01/31/2025

Description of Work/Use: CONSTRUCT 4 STORY RESIDENTIAL BLDG - 41 UNITS
Update Desc. of Wk/Use: PAST FOOTING & FOUNDATION - 4 STORY RESIDENTIAL BLDG - 41 UNITS, FIRE ALARM SYSTEM, BLDG 600 - HVAC EQUIPMENT, INSTALL (516) SPRINKLER HEADS & (2) STANDPIPES, INSTALL ALARM SYSTEM FOR FIRE WATCH, LIGHTS IN HALLWAY, ELEVATOR

☐ CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

☐ Total removal of lead-based paint hazards in scope of work

☐ Partial or limited time period(____ years); see file

CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

Fees: \$ 0.00

BOB SALMONS Construction Official

U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

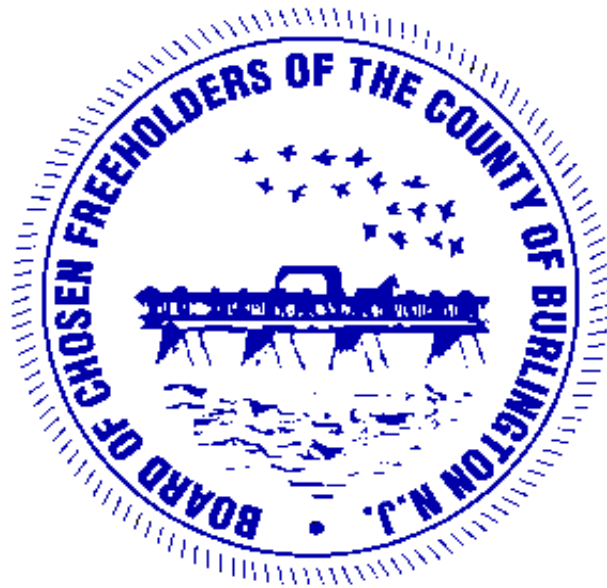
Paid ☒ Check No.: 232816

Collected by: MS

Appendix I: Burlington County Home Investments Partnerships Program Developer's Guide

HOME INVESTMENT PARTNERSHIPS PROGRAM

DEVELOPER'S GUIDE



**BURLINGTON COUNTY
BOARD OF CHOSEN FREEHOLDERS**

**BURLINGTON COUNTY DEPARTMENT OF
HUMAN SERVICES,
COMMUNITY DEVELOPMENT AND HOUSING**

**BURLINGTON COUNTY'S "HOME" PROGRAM
(HOME INVESTMENT PARTNERSHIPS PROGRAM)
DEVELOPER'S GUIDE**

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| PART II. | HOME LOAN APPLICATION AND PRO FORMA WORKSHEET INSTRUCTIONS |
| PART III. | HOME LOAN APPLICATION PROCESS INFORMATION |
| PART IV. | DEFINITION OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs) |
| PART V. | GROUP HOME AND SINGLE-ROOM OCCUPANCY UNIT INFORMATION |
| PART VI. | DOCUMENTATION FOR SUBMISSION WITH HOME LOAN APPLICATION AND PRO FORMA WORKSHEETS |

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

PART I. GENERAL INFORMATION AND PROGRAM OVERVIEW

INTRODUCTION

The purpose of this Guide is to introduce Burlington County's "HOME" Program in a quick reference format. The format is primarily designed to assist affordable housing developers and sponsors in assessing the appropriateness of applying for HOME funds. Only the program's principal features are described here and HOME loan applicants are advised to become acquainted with detailed requirements of the HOME program as set forth in the Regulations at 24 CFR Parts 91 and 92, new HOME Final Rule published July 24, 2013 with an effective date of August 23, 2013.

HOME Program Purpose

The purpose of the Burlington County HOME Program is to:

- Expand the supply of affordable, decent, safe and sanitary housing for very low and low-income residents;
- Preserve and improve the existing residential areas through rehabilitation of existing housing;
- Strengthen public-private partnerships to further affordable housing development;
- Promote the development of Community Housing Development Organizations (CHDOs) and their role as affordable housing developers and sponsors.
- Provide gap financing that will make housing development feasible with costs affordable to low-income residents.

APPROPRIATION PLAN

Funding Availability

Burlington County HOME funds are available for rehabilitation of existing residential properties, conversion of buildings to residential use or new construction in accordance with HOME Program guidelines.

Organizations Eligible to Apply

Public or private entities who are housing developers, sponsors or owners and that have project management control capacity are eligible to apply for HOME funds. Refer to the "Selection Criteria and Priorities" section in Part I. for additional information. Examples of eligible entities include:

- Community Housing Development Organizations (CHDO's) - see Part IV. for CHDO definition
- Not-for-profit organizations
- Housing authorities
- Municipalities
- For-profit organizations

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

Timing Requirements

1. All funds, including CHDO set-aside HOME funds, for a given program year must be committed (executed HOME Loan Agreement between the County and the housing developer) for specific housing projects within two (2) years or twenty-four (24) months of receipt of the County's allotment (e.g. 2015 Program Year funds must be committed by July 1, 2017). If this deadline is not met, HUD can reduce or recapture the uncommitted HOME funds. [HOME statute and 2013 HOME Final Rule 24 CFR Part 92.500(d)(1)(i)]
2. All funds, except CHDO set-aside HOME funds, from a given program year must be expended within four (4) years of receipt of the County's allotment (e.g. 2015 Program Year funds must be expended by July 1, 2019). [24 CFR Part 92.205(e)(2)]
3. CHDO set-aside HOME funds must be expended within five (5) years of County's fund allocation. [24 CFR Part 92.500(d)(i) and (iii)]
4. HOME projects must be completed within four (4) years of commitment (executed HOME Loan Agreement). If this deadline is not met, all HOME funds drawn will need to be repaid. [24 CFR Part 92.205(e)(2) and Part 92.2]
5. Construction work must commence within twelve (12) months of executed HOME Loan Agreement and a partial withdrawal of project HOME funds must occur or the project commitment will be cancelled and the HOME funds repaid to HUD. These regulations apply to both new construction (with or without acquisition) and rehabilitation projects. For projects requiring property or housing acquisition, title transfer must occur within six (6) months of acquisition. [24 CFR Part 92.503(b)(2) and (3) and Part 92.2]
6. Construction work must be completed within eighteen (18) months from the date of execution of a HOME Loan Agreement.
7. **Rental Projects** – Lease up of all HOME-assisted units must be completed within six (6) months of "project completion" (24 CFR Part 92.252) (refer to definition of "Project Completion" below).

Note: Lease up time frame should be noted in the Project's Development Schedule and Marketing Plan. If HOME-assisted units are not leased within six (6) months of project completion, Burlington County must notify HUD regarding current marketing efforts. If units are not leased within eighteen (18) months of project completion, HUD will require that Burlington County repay HOME funds for the unoccupied/vacant units. [24 CFR Part 92.252]

Definition: "Project Completion" (24 CFR Part 92.2):

Project completion occurs when construction work has been performed, certificate of occupancy has been issued, title transfer has occurred, final drawdown of HOME funds has been disbursed for the project, project completion and beneficiary (tenant) information for all HOME-assisted units has been entered into the disbursement and information system established by HUD.

8. **HOME Ownership Projects** – 2013 HOME Final Rule states that a qualified/eligible homebuyer must have a ratified sales contract within nine (9) months of construction completion. If the deadline is not met, the project must be either converted into a HOME

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

rental unit or repayment of the full HOME investment is made to HUD. [24 CFR Part 92.254(a)(3)]

9. **FOR ALL HOME Projects** - A ten percent (10%) HOLD back of project HOME funds will be held by the County until all tenant/home buyer information is provided to the County by completion of the County's report form (Exhibit D) and submitted to the County for tenant/home buyer approval.
10. The County must enter all project completion information into the disbursement and information system established by HUD within one-hundred twenty (120) days of the final project drawdown/disbursement for all activity types. [24 CFR Part 92.502(d)]

HOME ACTIVITIES

Eligible Activities

HOME funds may be used for rehabilitation, conversion of non-residential buildings to residential, reconstruction and new construction of non-luxury housing.

Eligible Uses of Improved Properties

1. Rental of units to low-income families or individuals.
2. Sale to low-income homebuyers.

Eligible Project Costs (24 CFR Part 92.206)

Burlington County HOME funds may pay for the following costs in association with an eligible activity:

Development Hard Costs

Actual cost of constructing or rehabilitating housing.

Rehabilitation

1. Correction of substandard conditions (most importantly health and safety deficiencies);
2. Essential improvements including energy related improvements/repairs;
3. Accessibility improvements to permit use by persons with special needs;
4. Lead-based paint hazard abatement;
5. Repair or replacement of major housing systems in danger of failure.

New Construction

6. Actual costs of construction to meet state and municipal codes, ordinances, zoning requirements, HUD requirements and the Federal Model Energy Code.

Rehabilitation and New Construction

7. Acquisition of real property;

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

8. Demolition of existing structures;
9. Site improvements in keeping with surrounding, standard properties;
10. Utility connections, including off-site connections.

Acquisition Costs

Costs of acquiring improved or unimproved real property, including acquisition by homebuyers.

Related Soft Costs

Other reasonable and necessary costs incurred by the owner associated with financing and/or development of new construction, rehabilitation or acquisition of housing assisted with HOME funds. These costs **may** include:

1. Pre-development and/or development costs for architectural, engineering or related professional services to prepare plans, drawings, specifications or work write-ups;
2. Costs to process and settle financing: origination fees, credit reports, fees for title evidence, recordation and filing of legal documents, building permits, attorneys fees, appraisal fees, cost estimates, builders or developers fees;
3. Project audit costs;
4. Affirmative marketing and fair housing information services to prospective tenants and homebuyers;
5. Relocation expenses for displaced persons, families, businesses or organizations, where assistance is required by program regulations or determined appropriate by program administrators. County may only reimburse these expenses if incurred up to twenty-four (24) months prior to County's commitment of HOME funds (executed HOME Loan Agreement).
6. Cost of funding initial operating deficit reserve to cover project operating expenses, scheduled payments to replacement reserve and debt service shortfalls for a period not to exceed 18 months;
7. Impact fees for both new construction and rehabilitation projects;
8. Environmental review costs and release of funds directly related to project per 24 CFR Part 58;
9. Training for first-time home buyers if the individuals become the owners of one of the projects' HOME-assisted units.

Community Housing Development Organization (CHDO) Costs

Eligible and allowable costs of project-specific assistance are set forth in 24 CFR Part 92.301(a)(2). These costs **may** include:

- Project feasibility (initial feasibility study);
- Consulting fees;
- Preliminary financial application costs;
- Legal fees;
- Architectural and engineering fees;
- Development team engagement;
- Property acquisition option;
- Site control;
- Title clearance.

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

Ineligible Project Costs (not reimburseable with HOME Funds) in accordance with HUD Regulations at 24 CFR Part 92 and/or Burlington County policy

1. HOME funds will not be used to refinance existing debt in any manner or form or to create capital by transferring properties between related or interrelated organizations or corporate affiliates;
2. HOME funds will not be used for Tenant Based Rental Assistance (TBRA) activities;
3. Costs will not be reimbursed if found to be excessive or unnecessary to the creation of decent, safe, sanitary and affordable housing units;
4. HOME funds will not be used for activities that do not result in the creation of new affordable housing opportunities;
5. HOME funds will not be used for any other activities prohibited by Federal Regulations at 24 CFR Part 92.

Burlington County may establish more stringent criteria than required by HUD in order to reflect the County's priorities.

Program Benefit/Income Targeting

All HOME funds must benefit low-income households at or below eighty percent (80%) of the area median income as published by HUD.

Not less than ninety percent (90%) of the units in rental projects must benefit low-income households at or below sixty percent (60%) of the area median income as published by HUD.

In rental projects with five (5) or more units, at least twenty percent (20%) of the units must be occupied by very low-income households at or below fifty percent (50%) of the area median income as published by HUD. These units are Low HOME rent units. [24 CFR Part 92.252(b)]

The remaining HOME-assisted units in each rental project may be occupied by low-income families at or below eighty percent (80%) of area median income as published by HUD. These are High HOME rent units.

The annual gross income of the household in each rental unit must be certified as eligible prior to occupancy and recertified annually. In accordance with HOME program regulations, 24 CFR Part 92.203(b)(1), Burlington County defines "annual income" as provided for under the Section 8 Housing Assistance Payments programs in 24 CFR Part 5, for Burlington County. The annual gross household income of homebuyers must be certified as eligible within the requirements set forth in 24 CFR Part 92.203 for Burlington County at the time they are purchasing the unit. Income limits are established by the United States Department of Housing and Urban Development (HUD) for Burlington County and published annually. The current income limit guidelines are located on the County's website under Human Services → Community Development and Housing → HOME Investment Partnerships Program.

Affordability

All HOME-assisted units must qualify as affordable housing and remain affordable for a specified period. Affordability will be assured by a deed restriction and annual monitoring. To qualify as affordable, units must meet the guidelines for RENTAL HOUSING or HOME OWNERSHIP HOUSING PROJECTS as outlined below.

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

Accessibility

To the greatest extent possible, all units must be accessible for persons with mobility impairments. Those not fully accessible must be designed to be easily adaptable. To the greatest extent possible, those units not able to be made fully accessible or easily adaptable must be at least visit-able by persons with mobility impairments. Please refer to 24 CFR Part 92.251(a)(2)(i) for additional information regarding new construction projects and 24 CFR Part 92.251(b)(1)(iv) for rehabilitation projects.

RENTAL HOUSING PROJECTS

Rent Limits

HOME-assisted rental units must be occupied by low-income households (at or below 80% of the area median income) and must have rents that do not exceed High HOME rent limits. In projects where there are five (5) or more units, however, at least twenty percent (20%) of the units must be occupied by very low-income families **[at or below fifty percent (50%) of the area median income] at rents that do not exceed Low HOME rent limits.** HUD will provide High and Low HOME rent limits charts annually for Burlington County. HUD's HOME rent limits include both rent and utility allowance so any utility allowance paid by the tenant should be subtracted from the HUD rent limit so the tenant's rent payment can be determined. The current High and Low HOME rent limits and monthly utility allowances are available on Burlington County's website under Human Services → Community Development and Housing → HOME Investment Partnerships Program.

Periods of Affordability

The minimum period of affordability for rehabilitation, acquisition of existing rental housing or homeownership assistance is determined by the amount of HOME funds invested per unit. New construction or acquisition of newly constructed housing carries a minimum affordability period of 20 years. [24 CFR Part 92.252(e) and Part 92.254(a)(4)] **The length of the affordability period is negotiated at the time of loan commitment.*

| Rental Housing Activity | Minimum Period of Affordability |
|--|--|
| Rehabilitation or acquisition of existing housing per unit amount of HOME funds: Under \$15,000 | 5 years |
| Rehabilitation or acquisition of existing housing per unit amount of HOME funds: \$15,000 - \$40,000 | 10 years |
| Rehabilitation or acquisition of existing housing per unit amount of HOME funds: Over \$40,000 or rehabilitation involving refinancing | 15 years |
| New construction or acquisition of newly constructed housing | 20 years |

Useful Life of Major Systems

A Capital Needs Assessment is required for rehabilitation projects with twenty-six (26) or more total units per HUD's regulations [24 CFR Part 92.251(b)(ii) and (ix)]. Burlington County's policy requires a Capital Needs Assessment for **all** projects including new construction as well as rehabilitation projects. For rental housing, if the remaining useful life of one or more major system is less than the affordability period, adequate replacement reserves must be established to repair or replace systems as needed. (24 CFR Part 92.251(b)(1)(ii)).

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

Rents

The County must review rents charged to tenants residing in HOME-assisted housing units for compliance and approve/deny the rents annually. (24 CFR Part 92.252 (f)(2).

HOMEOWNERSHIP HOUSING PROJECTS

Purchase Price

The purchase price of a homebuyer unit is considered affordable when the monthly cost (principal, interest, taxes and insurance) does not exceed thirty-eight percent (38%) of the household's gross monthly income at the time of purchase. For the First-Time Homebuyer Program, a unit is considered affordable when the homebuyer can obtain a fixed-rate, conventional, FHA or RDA mortgage with reasonable terms and conditions at an interest rate of not more than one-percent (1%) above the published weekly average for the State of New Jersey.

Properties developed for purchase must:

1. Have an estimated appraisal value after improvement that does not exceed the **HOME Homeownership Value Limits** established by HUD for Burlington County. [24 CFR Part 92.254(a)(2)(iii)] [The current HOME Homeownership Value Limits are located on the County's website under Human Services → Community Development and Housing → HOME Investment Partnerships Program → *Appendix D*]; and
2. Have an initial purchase price that is affordable and does not exceed the *lesser* of the HOME Homeownership Value Limit or the total project cost (minus project specific grants, if any); and
3. Be initially sold to a family who:
 - a) Qualifies as low income at the time of purchase; and
 - b) Will use the property as its principal residence.
4. A ratified sales contract with an eligible homebuyer must be in place within nine (9) months of construction or rehabilitation completion. If not, the project must be converted to rental housing and rented to an eligible tenant. [24 CFR Part 92.254(a)(3)]
5. Rehabilitated homeownership housing projects require that each of the major systems have a remaining useful life of at least five (5) years upon project completion. [24 CFR Part 254(b)(1)(ii)]
6. Remain affordable for a minimum period determined by the amount of HOME fund Investment per unit based on the following chart:

BURLINGTON COUNTY'S "HOME" PROGRAM (HOME INVESTMENT PARTNERSHIPS PROGRAM) DEVELOPER'S GUIDE

| Homeownership Assistance Housing Activity | Minimum Period of Affordability |
|---|---------------------------------|
| Homeownership assistance per unit amount of HOME funds: Under \$15,000 | 5 years |
| Homeownership assistance per unit amount of HOME funds: \$15,000 - \$40,000 | 10 years |
| Homeownership assistance per unit amount of HOME funds: Over \$40,000 or rehabilitation involving refinancing | 15 years |

**The length of the affordability period is negotiated at the time of loan commitment.*

7. Subsequent Purchases:

- a) Requirements regarding subsequent purchases (resale provisions) are listed at 24 CFR Part 92.254(a)(5)(i) for all properties in which direct homebuyer assistance has not been provided through either the County's First-Time Homebuyer Program or by lowering the purchase price from Fair Market Value to an affordable price.
- b) Requirements regarding subsequent purchases (recapture provisions) are listed at 24 CFR Part 92.254(a)(5)(ii) for all properties in which direct homebuyer assistance has been provided through either the County's First-Time Homebuyer Program or by a discounted purchase price from Fair Market Value to an affordable price.

BURLINGTON COUNTY'S RECAPTURE/RESALE POLICY

Recapture

Recapture provisions established by Burlington County follow guidance provided by HUD recapture requirements at 24 CFR Part 92.254(a)(5)(ii). The HOME recapture provisions permit the original homebuyer to sell the HOME-assisted property to any willing buyer during the affordability period while enabling the County to recapture all of the HOME-assistance/subsidy directly provided to the original homebuyer. Direct homebuyer subsidy includes down payment and closing cost assistance as well as any assistance that reduced the purchase price from Fair Market Value to an affordable price. The following provisions will be enforced for all HOME-assisted homebuyer units:

1. *First-Time Homebuyer Program* – Burlington County's First-Time Homebuyer Program provides both closing costs (up to \$4,000) and down payment assistance (up to \$5,000). The recapture provision is enforced for the total loan amount during the affordability period and is reflected in recorded documents. Once the affordability period has been satisfied, the closing cost assistance is forgiven. The total amount of the down payment assistance remains subject to the recapture provision upon sale of the home.
2. *HOME Developer Program* – Developer HOME-assisted units that are sold to a qualified homebuyer are subject to enforcement of the recapture provision when the original homebuyer receives either a subsidy created by a discounted sales price from the Fair Market Value and/or direct down payment assistance and/or closing cost assistance as offered through Burlington County's First-Time Homebuyer Program.

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The homebuyer shall sign a recorded deed restriction and/or any other documents required by the County's legal counsel to ensure he/she understands the obligations and responsibilities upon sale of the HOME-assisted property. The affordability period is included in the deed restriction and the length of affordability is determined by the type of housing activity and the HOME assistance per unit. Under recapture, there is no requirement that the HOME-assisted homebuyer sell the unit to another low-income homebuyer.

Upon sale of the property prior to satisfying the affordability period, the Recapture provision will be enforced as follows:

- a. Owner investment returned first recapture. When the homeowner's mortgage lien has priority over the County's HOME loan lien, proceeds of the sale would pay the lien in full and any documented capital improvements and original down payment would be paid to the homeowner.
- b. The HOME loan will be repaid based on the remaining net proceeds from the sale of the home. The amount recaptured cannot exceed the net proceeds. If there are no remaining net proceeds, the HOME loan will not be repaid to the County. The HOME loan will then be forgiven.
- c. Upon receipt of the recaptured HOME funds, if any, the affordability restrictions are lifted and HOME program requirements are no longer applicable.
- d. Excess funds from the sale of the home will remain with the homeowner.
- e. If the HOME-assisted unit is subject to foreclosure and no net proceeds from the sale of the property result, HOME program guidelines are met.
- f. Upon satisfaction of the affordability period, the HOME loan may then be forgiven and the affordability deed restriction is released and any other recorded documents are discharged. The owner of the property is then eligible to sell the property at a Fair Market price.

Resale

The Resale option established by Burlington County follows guidance provided by HUD resale regulations at 24 CFR Part 92.254(a)(5)(i) and is enforced under the following circumstance:

1. Developer HOME-assisted units to be sold to a qualified homebuyer are subject to enforcement of resale provisions when the qualified homebuyer has not received any direct HOME subsidy.

If HOME assistance was only used to develop the unit, and the unit is sold at Fair Market Value, the resale provision(s) must be used.

The Resale provision ensures that the HOME-assisted property remains affordable for the entire affordability period which is enforced by an affordability deed restriction. Should the current homeowner desire to sell the property during the affordability period, the resale provision states:

- (a) The property must be sold as a principal residence to another low-income qualified homebuyer approved by the County. The County's approval of a new homebuyer

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ensures that the property remains affordable to income-qualified buyers for the entire affordability period.

In addition the following Resale provisions apply:

- (b) The original homebuyer receives fair return on investment.
- (c) The property is sold at an affordable price for qualified low-income buyers.

At the end of the affordability period, and at the request of the homeowner, the HOME loan may be forgiven and the affordability deed restriction will be released and any other recorded documents will be discharged. Prior to forgiving the HOME loan and releasing/discharging the recorded documents, and in accordance with the provisions of the HOME Loan Agreement, the Burlington County Board of Chosen Freeholders may elect to enforce an additional affordability period in order to maintain the property in Burlington County's affordable housing inventory.

The Recapture and Resale provisions pertain to the homebuyer of the HOME-assisted property only. The County's legal counsel will prepare documents for execution by the homebuyer at the time of the sale/purchase of the HOME-assisted property. The developer will be responsible for providing the County with documentation regarding the qualified new homebuyer for County approval, prior to execution of final sale of a HOME-assisted property.

The following Resale provisions will be enforced for all HOME-assisted rental units:

1. Rental properties assisted with HOME funds must remain affordable for the entire length of the affordability period. This provision is enforced with a deed restriction placed on the property. If the property is sold prior to satisfying the affordability period, the affordability restriction remains.
2. At the end of the affordability period, and at the request of the property owner, the HOME loan may be forgiven and the affordability deed restriction will be released and any other recorded documents will be discharged. Prior to forgiving the HOME loan and releasing/discharging any of the recorded documents, and in accordance with the provisions of the HOME Loan Agreement, the Burlington County Board of Chosen Freeholders may elect to enforce an additional affordability period in order to maintain the property in Burlington County's affordable housing inventory.

HOME INVESTMENT

Form of Loan Assistance

RENTAL HOUSING – *Not-for-Profit Organizations*

Investment of HOME funds will be in the form of a secured, zero-percent (0%) interest loan with repayment deferred during the required affordability period. The County reserves the right to forego repayment at the end of the affordability period. It is the borrowers' responsibility to provide a written request to the County to forego repayment at the end of the affordability period.

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RENTAL HOUSING – For-profit Organizations

Investment of HOME funds will be in the form of a secured loan. Simple interest in the amount of one-percent (1%) of the principal amount of the loan shall be forwarded to the County on an annual basis. No periodic payments will be required on the principal amount. At the end of the affordability period, the principal of the loan shall become due and payable in full.

The County reserves the right to forego repayment of the loan at the end of the affordability period. It is the borrowers' responsibility to provide a written request to the County to forego repayment of the loan.

HOMEOWNERSHIP HOUSING (Not-For-Profit or For-Profit Organizations)

A deed restriction will be placed on any HOME-assisted property to enforce continued affordability for the required period.

Maximum HOME Investment

The amount of HOME funds invested in a project may not exceed the *lesser* of:

- a) The amount of HOME funds, in combination with other Federal assistance, determined to be necessary to provide affordable housing; or
- b) The maximum per-unit subsidy investment established by HUD for Burlington County [24 CFR Part 92.250(a)]. Current information is available on Burlington County's website under Human Services → Community Development and Housing → HOME Investment Partnerships Program → *Appendix E* HOME Maximum Per-Unit Subsidy Limits.

Minimum HOME Investment

The minimum HOME investment in a rental housing or homeownership project is \$1,000 multiplied by the number of HOME-assisted units in the project. [24 CFR Part 92.205(c)]

PROPERTY REQUIREMENTS

Property Standards

Before occupancy, housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in existence at the time of project completion. [24 CFR Part 92.251]

The housing must meet the accessibility requirements in the regulations referenced in 24 CFR Part 5.105(a) and Part 8 which implement the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Newly constructed housing must meet the current editions of the Model Energy Code published by the Council of American Building Officials.

In addition, projects receiving HOME funding are subject to lead-based paint hazard reduction regulations promulgated pursuant to sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and appearing within title 24 of the Code of Federal Regulations as part 35 (24 CFR Part 35).

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Property Location

Until June 30, 2018, HOME-funded projects will not be located in North Hanover Township. As of July 1, 2018, HOME-funded projects may be located in any Burlington County municipality.

The project may be located on one site or on several scattered sites.

OTHER FEDERAL RULES

The following subjects are of importance in assessing possible use of HOME funds. HOME and HUD regulation references have been provided for more complete information.

Religious Organizations [24 CFR Part 92.257]

Additional HUD program information is available at 24 CFR Part 5.109 and Part 92.257.

- a. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in the HOME program. Neither the federal government nor a state or local government receiving funds under HOME programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.
- b. Organizations that are directly funded under the HOME program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the assistance funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the assistance funded under this part, and participation must be voluntary for the beneficiaries of the assistance provided.
- c. A religious organization that participates in the HOME program will retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct HOME funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities, without removing religious art, icons, scriptures, or other religious symbols. In addition, a HOME-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.
- d. An organization that participates in the HOME program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.
- e. HOME funds may not be used for the acquisition, construction or rehabilitation of structures to the extent that those structures are used for inherently religious activities. HOME funds may be used for the acquisition, construction or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, HOME funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to HOME funds in this part. Sanctuaries, chapels, or other rooms that a HOME-funded religious congregation uses as its principal place of worship, however, are ineligible

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for HOME-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (24 CFR Parts 84 and 85).

- f. If a state or local government voluntarily contributes its own funds to supplement federally funded activities, the state or local government has the option to segregate the federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

Equal Opportunity and Fair Housing [24 CFR Part 92.350]/Affirmative Marketing [24 CFR Part 92.351]

All funded applicants will be required to have approved written minority outreach and affirmative marketing plans.

Burlington County's HOME Investment Partnerships Program for Affordable Housing Developers has adopted the New Jersey Council on Affordable Housing's (COAH) guidelines for affirmatively marketing affordable housing units in rental and homebuyer projects with **five (5) or more** HOME-assisted housing units:

Uniform Housing Affordability Controls [N.J.A.C. 5:80-26.1 et seq.]

Originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713.

Affirmative Marketing [N.J.A.C. 5:80-26.15 and 24 CFR Part 92.351]

Listed below is information that is primarily focused on the affirmative marketing plan. Refer to the regulation for complete information regarding the affirmative marketing process.

N.J.A.C. 5:80-26.15:

(e) The affirmative marketing plan shall provide the following information:

1. The name and address of the project;
2. The number of units, including the number of sales and/or rental units;
3. The price of sales and/or rental units;
4. The name of the sales agent and/or rental manager.
5. A description of the random selection method that will be used to select occupants of affordable housing.
6. Disclosure of required application fees.

(f) The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In developing the plan, the administrative agent shall consider the use of language translations. The plan shall include the following:

1. The names of specific newspapers of general circulation within the housing region;
2. The names of specific radio and television stations broadcasting throughout the housing region;
3. The names of other publications circulated within the housing region, such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters;
4. The names of employers throughout the housing region that will be contacted to post advertisements and distribute flyers regarding available affordable housing;

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5. The names of specific community and regional organizations that will aid in soliciting low and moderate income applicants. Such organizations may include non-profit, religious, governmental, fraternal, civic, and other organizations; and
 6. Other advertising and outreach efforts to groups that is least likely to be reached by commercial media efforts.
- (g) The affirmative marketing process for available affordable units shall begin at least four (4) months prior to expected occupancy. In implementing the marketing program, the administrative agent shall undertake all of the following strategies:
1. Publication of one advertisement in a newspaper listed under N.J.A.C. 5:80-26.15(f)1;
 2. Broadcast of one advertisement by a radio or television station listed above under N.J.A.C. 5:80-26.15(f) 2; and
 3. At least one additional regional marketing strategy using one of the sources listed above under (f) 3 through 6 above.

Displacement/Relocation [24 CFR Part 92.353]

All reasonable steps should be taken to minimize the displacement of persons, businesses and organizations as a result of a project assisted with HOME funds. County policy prohibits assisting housing activities anticipated to result in permanent, involuntary displacement. Temporary relocation is an eligible HOME project cost when undertaken as required by the regulations.

Labor [24 CFR Part 92.354]

All HOME-funded projects consisting of twelve (12) or more HOME-assisted units must comply with Federal Labor Standards and Davis-Bacon Act prevailing wages for the area.

Lead-Based Paint [24 CFR Part 92.355]

Testing of lead-based paint is required. Lead-based paint hazards abatement is required if the HOME investment is equal to or greater than \$25,000.

Flood Insurance

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Area (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). A property located in a SFHA cannot be assisted unless the municipality is participating in the NFIP.

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs)

A CHDO is a specific type of non-profit organization that is unique to the HOME program as defined at 24 CFR Part 92.2 of the HOME Final Rule. Many non-profit organizations may share common characteristics with CHDOs, however, not all non-profits qualify as CHDOs under the HOME program.

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Only non-profit organizations that have been qualified and certified by Burlington County as CHDOs can receive funds from Burlington County's fifteen percent (15%) set-aside requirement to fund activities developed, owned or sponsored by CHDOs. The County must re-qualify an organization as a CHDO each time the CHDO receives additional HOME funds. Detailed definition of the CHDO roles can be found in HUD HOME regulation 24 CFR Part 92.300.

Burlington County has prioritized the funding of CHDOs and first option for use of the available funds for housing development will be given to CHDOs. CHDOs may undertake any of the program's eligible activities and may also qualify for special project start-up loans.

A CHDO that serves as a developer of rental housing must be in sole charge of all aspects of the development of the property and must own the housing during development and throughout the affordability period [24 CFR Part 92.300(a)(3)].

To qualify for the selection priority set for CHDOs, or to be considered for a special project start-up loan, an organization must meet the definition of CHDO described in the regulations under 24 CFR Part 92.2 and Part 92.300(a) summarized in Part IV of this Guide.

Project Start-Up Loans

No more than ten percent (10%) of the funds committed to CHDOs for ready-to-go projects can be available for project start-up loans. Therefore, start-up activities will be considered only if:

1. There is adequate funding available after other projects are selected; and
2. The project proposed for start-up funding will meet a priority stated in the selection criteria; and
3. There are no other resources available for the requested start-up expenses.

There are two types of project-specific loans: technical assistance and site control loans and seed money loans. The loans are further described below.

Project-Specific Technical Assistance and Site Control Loans

Loans to assess feasibility and gain site control for a specific project may cover the following expenses: initial feasibility study, consulting fees, cost of preliminary applications, legal fees, architectural fees, engineering fees, engagement of a development team, option to acquire property, site control and title clearance. General operating expenses of the CHDO are not allowable costs. [24 CFR Part 92.301(a)(2)]

Project-Specific Seed Money Loans

Loans to cover customary and reasonable pre-construction costs for a specific project may include: cost of obtaining firm construction loan commitments, architectural plans and specifications, zoning approvals, engineering studies and legal fees. To be eligible for this type of loan, the CHDO must have site control, a preliminary financial commitment and a capable development team. [24 CFR Part 92.301(b)(1) and Part 92.301(b)(2)]

Repayment

Project start-up and seed money loans must be repaid to the HOME Program from construction loan proceeds or other project income and terms will be determined on an individual project basis. [24 CFR Part 92.301(3)]

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APPLICANT/PROJECT SELECTION CRITERIA AND PRIORITIES

The following criteria and priorities will be applied to determine selection of applicants and projects:

General Criteria

The application is complete and the proposed project, as described in the application, clearly meets all HOME Program requirements; and

The proposed project is clearly financially feasible and the proposal does not request more HOME funding than necessary to create non-luxury housing that is affordable to very low and low-income households; and

The proposal clearly demonstrates that the project will be ready for a HOME funding commitment and can be completed within the timing requirements for the program year; and

The proposal has received a municipal acknowledgment; and

Based on the experience demonstrated in the proposal and a track record of successful similar accomplishments, the applicant has the capacity to assure:

- project development (design, financial packaging, construction) in accordance with program requirements; and
- long term property management and maintenance; and on-going control over occupancy for rental properties; or
- compliance with the Fair Housing Act.

Rental housing projects will be selected to fulfill the income benefit requirements:

- For initial rent-up, ninety percent (90%) of funded units will assist households within sixty percent (60%) of area median income as published by HUD.
- For the life of the project, twenty percent (20%) of rental units funded will be occupied by households at or below fifty percent (50%) of area median income as published by HUD.

Projects that will result in permanent displacement of any family, individual, business, non-profit organization or farm, or their personal property, from the property **will not** be selected for funding.

Priorities

Priorities may be amended from time to time to reflect Burlington County's housing objectives and goals, however, the following priorities are generally in effect:

Priority will be given to viable projects to be developed, sponsored or owned by Community Housing Development Organizations (CHDOs) with demonstrated capacity and fiscal soundness.

Priority will be given to viable projects developed, sponsored or owned by public or private non-profit organizations.

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Priority will be given to projects that provide housing and, where appropriate, supportive services or physical accommodations for very low-income renters who are:

- large families with children (3+ bedroom units)
- persons with special needs (handicap modified property);
- frail elderly (modified property, supportive services), or
- families that are homeless (supportive services).

Priority will be given to properties that are vacant at the time the application is submitted or where assistance will not necessitate relocation.

Priority will be given to projects most ready to start; and that create new (additional) affordable housing units; and for which the developer has site control.

Notwithstanding the above, any qualified project that is coupled with or otherwise brings in a HOME-matching contribution will be selected for funding before projects with no associated matching contribution. Refer to "Match" Contribution below for additional information.

"MATCH" CONTRIBUTION

Burlington County, as a participating jurisdiction, is required under the HOME regulations to provide "match" contributions to HOME funds. "Match" contributions equal to twenty-five percent (25%) of HOME funds expended for projects are required. The County may take credit for "match" contributions obtained through projects assisted by the Burlington County HOME Program or through other housing projects that comply with the HOME Program's definitions for affordability. Priority will be given to proposals that carry eligible "match" contributions. Refer to 24 CFR Part 92.220 for additional matching contribution details.

Forms of Contribution

Eligible:

1. Cash contributions from non-federal sources; funds must be contributed permanently to the County's HOME program;
2. Grant equivalent of below-market interest rate loan to project not repayable to the County;
3. Forebearance of fees – state and local taxes, charges or fees; waiver or abatement of taxes, charges or fees customarily imposed by public or private institutions associated with the ownership, transfer or development of real estate;
4. Appraised value of donated land or real property; appraisal prior to development minus debt burden, lien or other encumbrance(s);
5. On-site and off-site infrastructure improvements required for HOME-assisted project and completed no earlier than twelve (12) months before HOME funds are committed to project;
6. A portion of loans made from proceeds from multi-family affordable housing and single-family project bond financing validly issued by a state or local government and;
7. The reasonable value (or rental value) of donated site-preparation, construction materials, donated
8. Value of donated or voluntary labor or professional services;

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9. "Sweat" equity provided to a homeownership project;
10. Direct costs of supportive services (required to facilitate independent living or as part of a self-sufficiency program) to families residing in HOME-assisted units; and
11. Direct cost of homebuyer counseling services provided to families that acquire properties with HOME funds.

Ineligible:

1. Funds or resources derived from any federal sources;
2. Interest rate subsidy attributable to federal tax-exemption on financing or value attributed to Federal tax credits;
3. Owner equity or investment in a project; and
4. Cash or other forms of contributions from applicants for or recipients of HOME assistance or contracts, or investors who own, are working on, or are proposing to apply for, assistance for a HOME-assisted project.

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PART II HOME LOAN APPLICATION AND PRO FORMA WORKSHEET INSTRUCTIONS

GENERAL INSTRUCTIONS

The HOME Loan Application can be found on the County's website www.co.burlington.nj.us → Departments → Human Services → Community Development & Housing → HOME Investment Partnerships Program. There are two types of Home Loan Applications:

1. Homeownership Projects
2. Rental Projects

Completion of the HOME Loan Application and Pro Forma Worksheets are required in order to request HOME funding for eligible costs of rehabilitation, acquisition and/or conversion of existing properties which will be either rented or sold, at affordable rates, to low-income families and/or individuals. Applicants will find it necessary to be familiar with and refer to the General Information in Part I and the Federal Rules and Regulations - 24 CFR Part 92 in Part IV when completing the HOME LOAN Application forms.

If additional space is necessary to provide required information when completing the HOME Loan Application and Pro Forma Worksheets, attach as many additional pages as required. Indicate the related worksheet and item number on the attachments.

The HOME Loan Application and Pro Forma Worksheets must be completed for all Rental and Homeownership Projects. Where requested information is not applicable to the proposed project, indicate "not applicable" at the relevant item. Where information is applicable, but not available, indicate this at the relevant item and explain why information is not available and when information will be available.

Any questions regarding the HOME Investment Partnerships Program or completion of the HOME Loan Application and Pro Forma Worksheets may be referred to:

Karen Trommelen, Division Head, Community Development and Housing
OR

Mary Lou Mascarin, HOME Program
Phone: (609) 265-5072

Mail or deliver completed HOME Loan Application, Pro Forma Worksheets and required documents for loan consideration to:

Mailing Address:

Karen Trommelen, Division Head
Community Development & Housing
County of Burlington
P.O. Box 6000
Mount Holly, NJ 08060-6000

Delivery Address (do NOT send mailings here):

Karen Trommelen, Division Head
Community Development & Housing
County of Burlington
Human Services Facility
795 Woodlane Road
Westampton, NJ 08060

In addition, email an electronic copy of the HOME Loan Application and Pro Forma Worksheets to: Mary Lou Mascarin at mmascarin@co.burlington.nj.us

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PART III HOME LOAN APPLICATION PROCESS INFORMATION

Please review the following information regarding Burlington County's HOME Investment Partnerships Program.

1. Burlington County and the County's HOME Project Review Committee reserve the right, without limitation, to recommend or reject any and all applications for HOME funding assistance that it believes to be in the best interest of the County.
2. Applicant must submit all information and documents required to complete a thorough underwriting review and due diligence process of the prospective project. The applicant may be required to submit additional financial, historical, legal data that the County may deem necessary at a later date.
3. All loans recommended by the County's HOME Project Review Committee are subject to approval by the Burlington County Board of Chosen Freeholders and the approval and release of HOME loan funds by the U.S. Department of Housing and Urban Development. Release of HOME loan fund disbursements will be subject to the applicant's compliance with all requirements listed in the HOME Loan Agreement document executed by all parties.
4. Implementation of any project funded in full or in part with HOME loan funds may not commence without full execution of project-specific HOME Loan Agreement, Mortgage Note and Deed Restriction documents with the County.
5. Burlington County will not be responsible for any project costs incurred prior to full execution of a HOME Loan Agreement.
6. Due to changing regulatory, environmental, and funding issues and concerns, Burlington County reserves the right to request a new/revised application after one year of initial submission date.
7. Burlington County must approve all contractors prior to execution of any contract to be funded in full or in part with HOME loan funds. Submit copies of the selected contractor's current license(s) and evidence of insurance (such as Builders' Risk Insurance Policy including General Liability Insurance and Workers' Compensation insurance) along with your HOME loan application submission.

Note: Before closing on a HOME loan, the Burlington County Board of Chosen Freeholders must be named as an Additional Insured or Additional Loss Payee and Certificate Holder on all insurance policies.

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PART IV DEFINITION OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs)

A CHDO is a private non-profit, community-based, service organization that has, or plans to have, staff with the ability and capacity to develop affordable housing for the community it serves.

Additional information and regulations affecting CHDOs can be found in 24 CFR Subpart G—Community Housing Development Organizations.

CHDO set-aside HOME funds must be expended within five (5) years of County's fund allocation. [24 CFR Part 92.500(d)(i) and (iii)]

Legal Status

- Organized under state/local laws: CHDOs must be organized under State and local laws.
- No individual benefit: No part of CHDO's earnings (profits) may benefit any member, founder, contributor, or individual.
- Non-profit status: CHDO must have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c)(3) or (4) or Section 905 status of the Internal Revenue Code of 1986.
 - The HOME requirement for a 501(c) tax exemption ruling can be fulfilled by having either a *conditional* or a *final* designation from the IRS.
 - Organizations that have applied for, but not yet received their *conditional* or *final* 501(c) designation, do not meet this requirement.
- Purpose of organization: A provision of decent housing that is affordable to low- and moderate-income persons must be one of the purposes stated in the charter, articles of incorporation, by-laws or resolutions.
- Clearly defined service area: CHDOs need not represent a single neighborhood. Geographic areas vary slightly for urban and rural area CHDOs. In addition to serving a defined service area, the non-profit organization must also meet the other requirements of being a CHDO.
 - For urban areas: a service area "community" includes a neighborhood(s), city, county or metropolitan area.
 - For rural areas: a service area "community" includes a neighborhood(s), town, village, county or multi-county area (but not the entire State).

NOTE: When applying to the Burlington County HOME Investment Partnerships Program for project funding, an existing CHDO must provide CHDO recertification papers from the State of New Jersey.

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Organizational Structure

In order for a CHDO to respond to a community's needs, the CHDO must create a board of directors that will provide community control over the CHDO. The governing board composition must be as follows:

- Low-income community representation: At least one-third (1/3) of the board must include representatives of the low-income community [where fifty-one percent (51%) or more of neighborhood residents are low-income]. Representatives may include:
 - Residents of low-income neighborhoods in the community; and/or
 - Low-income residents of the community; and/or
 - Elected representatives of low-income neighborhood organizations (i.e., civic associations, church groups, block groups, etc.)
- Public-sector limits: No more than one-third (1/3) of the board may be representatives of the public sector. The public section includes individuals who are elected or appointed public officials of the County or State, public employees of the County or State and individuals appointed by a public official. Board members appointed by public officials cannot select other members of the board.
- Remaining representation: The remaining balance of the board is unrestricted and may include human and social service providers, lenders, individuals with philanthropic resources/connections or individuals with professional expertise.
- Low-income input: The CHDO must provide a formal process for low-income program beneficiaries to advise the organization on design, location of sites, development and management of affordable housing.

Relationship to Public Bodies or Instrumentalities

- CHDOs may not be public bodies or instrumentalities of public bodies. Examples of instrumentalities of public bodies include public housing authorities (PHAs), urban renewal agencies, redevelopment authorities and downtown development authorities.

Sponsored CHDOs

- Additional requirements and board limitations may apply to CHDOs that are sponsored by other non-profit organizations, charities, religious organizations, for-profit corporations and government entities.
- Local or State government cannot qualify as a CHDO, but may sponsor or charter the creation (file papers of incorporation for) of CHDOs.
 - NOTE: Government sponsored/chartered non-profits that wish to be considered CHDOs are subject to all the other rules for CHDOs including the restrictions on the composition of the board.

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Relationship to For-Profit Entities

- CHDOs may not be controlled by, or under the direction of, for-profit individuals or entities seeking profit from the organization.
- CHDOs may be sponsored or organized by a for-profit if:
 - The primary purpose of the for-profit is not development or management of housing; a builder, developer, or real estate management firm may not spin off a CHDO;
 - The for-profit entity appoints no more than one-third (1/3) of the CHDO's governing board and the board members appointed by the for-profit do not appoint the remaining two-thirds (2/3) of board members; and
 - The CHDO is free to contract for goods and services from any vendor(s) it selects.
- Officers or employees of the parent organization are prohibited from serving as officers or employees of the CHDO.

Capacity, Experience and and Fiscal Soundness

- CHDO Capacity: Demonstrated capacity to carry out HOME-assisted activities either with:
 - experienced "CHDO key staff" who have successfully demonstrated development experience in projects of the same size, scope and level of complexity as the activities for which HOME funds are being requested; or
 - inexperienced "CHDO key staff" but will utilize contracted individuals or consulting firms who have planning and development experience similar to projects being assisted with HOME funds and can train CHDO key staff.
 - "Key CHDO staff" may be either a full-time or part-time employee or a contracted employee. Key staff cannot include municipal, county or state employees or consultants who will not train CHDO key staff.

Note: HUD defines "CHDO key staff" as paid employees who are responsible for the day-to-day operations of the CHDO. Staff does not include volunteers, board members or consultants. **Exception:** Consultants may be utilized during the first year as a CHDO only to demonstrate capacity.
- CHDO Experience: Has a history of serving the community within which housing to be assisted with HOME funds is to be located. **A CHDO must be able to show one (1) year of experience serving the community prior to the date the CHDO receives HOME funds.** The year of service does not have to be directly related to housing.
 - Newly created CHDOs formed by local churches, service organizations, or neighborhood groups can show service to the community if the parent organization has provided service to the community for at least one (1) year.

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- Fiscal Soundness and Financial Standards: Conforms to the financial accountability standards of 24 CFR Part 84.21 "Standards for Financial Management Systems."
 - Must demonstrate financial stability confirming stable and adequate funding for operations.
 - Sufficient capital to sustain the CHDO's housing efforts and operating needs is required.
 - Demonstrate compliance with past and current performance.
 - Financial soundness, good business planning, strong market/customer knowledge, technical expertise and strong leadership and staffing are critical to a CHDO's capacity to undertake and complete projects within twelve (12) months of the executed HOME Loan Agreement.

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PART V GROUP HOME AND SINGLE-ROOM OCCUPANCY UNIT INFORMATION

Description of a GROUP HOME:

One unit with separate bedroom(s) and shared living, kitchen, dining, and/or sanitary facilities; occupied by two or more single persons or families. NOT student housing.

All tenants, excluding live-in service providers, must be low-income.

Rent:

Maximum rent is based on the appropriate Fair Market Rate (FMR) (based on the number of bedrooms excluding rooms occupied by live-in service providers) divided by the number of bedrooms excluding rooms occupied by live-in service providers. Each bedroom household pays a proportionate share of the rent. There is no Low HOME Rent requirement.

Description of a SINGLE-ROOM OCCUPANCY UNIT:

Single-room occupancy units (SROs) are single-room dwelling units with either sanitary and/or food preparation area in the unit. If the project is new construction or reconstruction, it may have both. If acquisition or rehabilitation, the unit is not required to have sanitary and food preparation areas. The unit may have common facilities. Not student housing.

SROs must be consistent with local zoning and building code classifications.

All tenants of HOME-assisted units must be low or very low-income.

Rent:

HOME rents include utilities, but do not include food or the costs of supportive services.

If the unit has neither food preparation nor sanitary facilities, or only one, the rent may not exceed seventy-five percent (75%) of the Fair Market Rents (FMR) for a zero-bedroom unit.

If the unit has food and sanitary facilities, High and Low HOME rents apply.

In projects with five (5) or more units, at least twenty percent (20%) of all HOME-assisted units must be occupied by very low-income families at or below fifty percent (50%) of area median income as published by HUD. These units should be charged Low HOME rent. Low HOME rent is defined for SROs as:

- (a) not more than thirty percent (30%) of the occupant's monthly adjusted income, or
- (b) not more than thirty percent (30%) of the gross income of a family at fifty percent (50%) of the area median income, adjusted for family size.

High HOME rent applies to all other units.

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PART VI DOCUMENTATION FOR SUBMISSION WITH HOME LOAN APPLICATION AND PRO FORMA WORKSHEETS

When submitting a Burlington County HOME Investment Partnerships Program application for loan consideration, provide the following documents, as applicable to your project.

***Important Note:* Any project in which the applicant is requesting HOME Investment Partnerships Program funds should not begin until an Environmental Review has been completed and the New Jersey State Historic Preservation Office's (SHPO's) concurrence is received by Burlington County's Community Development and Housing Office. Any physical work or construction activity that begins prior to the completion of an environmental review by Burlington County's Community Development and Housing Office and NJ SHPO's concurrence, may result in HOME Investment Partnerships Program funds being denied.**

1) Application Submission Instructions:

- Mail or deliver one (1) original signed copy of the HOME Loan Application, completed Pro Forma Worksheets and required document attachments listed below to Ms. Karen Trommelen in Burlington County's Community Development and Housing Office (refer to Part II - General Instructions for mailing and delivery address information)
- Email one (1) copy of the HOME Loan Application and completed Pro Forma Worksheets in Excel format to mmascarin@co.burlington.nj.us.

2) Applicant Corporate or Limited Liability Company Board resolution authorizing the submission of the HOME Loan Application for the project and the person authorized to sign all HOME loan documents. Provide a roster of Board members, if applicable.

3) Copy of independently audited business financial statement for one (1) year with one (1) year comparison.

4) A current appraisal of the real property with all improvements dated within twelve (12) months of submission of the HOME Loan Application

NOTE: If the property is already designated as affordable housing, the appraisal must be based on the affordable housing designation.

5) Confirmation of the County's secured-lien position in the real property. (A signed statement is acceptable.)

NOTE: Burlington County holds a secured-lien position for the full amount of its HOME loan within the equity of the real property. All other funding sources must have a full understanding of the County's guideline regarding its secured-lien position in the real property.

6) Submission of two (2) copies of architectural plans and specifications drawn to scale along with two (2) sets of **color** photographs of the project location site(s) is required for all projects requesting the use of HOME funds. Photographs of buildings **must show and label** the front, back, both sides and street scene and provide directional loci. All photographs must be clearly marked to indicate the project. Photographs will be used to

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identify any historic or archeological concerns. *[Two (2) original sets of color photographs are required].*

Note: The Burlington County Department of Human Services, Community Development and Housing Office will submit architectural plans and specifications along with the photographs to New Jersey State Historic Preservation Office (SHPO) for review and approval, prior to approving HOME loan funding.

- 7) For all other project funding sources, copies of fully executed commitment letters to include all terms and conditions, when available. Copies of all fully executed closing documents are required, when available. For all projects receiving low-income housing tax credits (LIHTC), provide documentation on the syndication costs from the organization that will syndicate and sell the offering. **Note:** *Must be provided prior to the County issuing a HOME Preliminary Award Letter.*
- 8) Copy of a Survey of the real property with certification signed by the licensed surveyor.
- 9) Copy of the Deed of the real property confirming applicant's site control.
- 10) Other Evidence of Site Control.
- 11) Municipal Acknowledgement letter confirming its knowledge of the project.
- 12) Description of the Development Team's experience or resumes.
- 13) Letter of interest or commitment from a construction lender.
- 14) **For For-Profit Applicants:**
 - a. Include the County of Burlington HOME Program annual service debt equal to one percent (1%) of the principal loan amount in the Pro Forma cash flow projections for the project's applicable affordability period of 10 years, 15 years or 20 years, as needed.
 - b. Applicant and all for-profit entities holding an ownership interest in the property must complete the County's Certification to Burlington County Board of Chosen Freeholders Concerning Political Contributions for Non-Fair and Open Contracts form (*Appendix G* on HOME program webpage located on County's website).
- 15) **For CHDO applicants:**
 - a. CHDO certification/recertification document from the State of New Jersey (*submit with each HOME application*).
 - b. Resumes of all staff (paid employees) members for assessing CHDO staff capacity.
 - c. List of all staff members' responsibilities for the day-to-day operations of the CHDO and all staff development experience on projects of the same size, scope and level of complexity as the applicant's submitted project.
 - d. If CHDO previously received HOME funds for a project, provide a letter of recommendation by the HOME funding source/entity (other than Burlington County)

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confirming CHDO compliance and adherence to all HOME program regulations and funding source guidelines.

- e. Provide organizational structure listing the composition of the governing board of directors including names and affiliations within the community, public and/or private sectors.
- 16) Phase I Environmental Assessment Report for the proposed project site. **Note:** *ALL Projects are subject to an Environmental Review.*
 - 17) Marketing Analysis/Marketing Study/Needs Assessment. **Note:** *Must be provided prior to the County issuing a HOME Preliminary Award Letter.*
 - 18) Corporation or Limited Liability Company documents filed with the State of New Jersey and By Laws or Management/Operations Agreement for all entities holding an ownership interest in the project. **Note: For Non-Profit entities, a copy of an IRS letter confirming the entity's non-profit status is required.**
 - 19) Certification of Corporate Good Standing.
 - 20) List of Energy Star Rated materials, systems and appliances to be installed in the project.
 - 21) List of all amenities to be installed in the HOME-assisted units.
 - 22) Provide square footage for each bedroom size housing unit.
 - 23) Organizational chart showing all entities holding an ownership interest in the project – name of entity, percentage (%) of interest, non-profit/for-profit status.
 - 24) Tenant Selection Plan.
 - 25) Affirmative Marketing Plan.
 - 26) Conflict of Interest Questionnaire Consent to Disclose (*Appendix F* on HOME program webpage located on County's website).
 - 27) Provide copies of letters/agreements confirming rental subsidies and/or utility subsidies anticipated for the tenants, if applicable. The amount of the anticipated subsidy should be included in the project's Operating Budget and Pro Forma documents.
 - 28) Copy of Lease Agreement to be utilized for the project.
 - 29) Provide copies of letters from partners, service providers and supporters.
 - 30) All HOME projects committed to and closed on or after August 23, 2013, must adhere to the following:
 - a) Non-LIHTC Projects:
 - (1) Utility company estimates specific for the project's units sizes.
 - (2) Third-party agency to provide a utility analysis specific for the project's units sizes.

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b) LIHTC Projects:

- (1) Third-party agency to provide a utility analysis specific for the project's units sizes.

31) Additional documents may be requested on an as needed basis.

Prior to closing the HOME loan, the following items will be required:

- 1) Evidence of Hazard or Commercial Property Insurance on the real property naming the Burlington County Board of Chosen Freeholders as Loss Payee/Mortgagee.
- 2) Certificate of Liability Insurance naming the Burlington County Board of Chosen Freeholders as Additional Insured.
- 3) Certificate of Builder's Risk Insurance naming the Burlington County Board of Chosen Freeholders as Additional Insured/Loss Payee.
- 4) Flood Insurance Certification naming the Burlington County Board of Chosen Freeholders as Certificate Holder, if required due to the location of the real property.
- 5) Commitment of Title Insurance naming the Burlington County Board of Chosen Freeholders as a mortgagee for the total amount of its HOME loan.
- 6) All items listed in the Burlington County HOME Investment Partnerships Program Preliminary Award Letter fully executed by all parties.
- 7) All documents required by Burlington County Legal Counsel.

Appendix J: Additional 21 Units at Kevin Johnson (Family)

- **Settlement Agreement between the Township of Bordentown, Township of Bordentown Planning Board, and K Johnson Urban Renewal, LLC, Team Campus Phase II, LLC, Team Campus 85 Fitness and Wellness, LLC, Team Campus Senior Luxury Apartments, LLC, and Kevin L. Johnson or its affiliates, dated August 27, 2021**
- **Order of Fairness on Mount Laurel Settlement Agreement between K Johnson and Township of Bordentown, dated October 8, 2021**

SURENIAN, EDWARDS & NOLAN, LLC

311 Broadway, Suite A

Point Pleasant Beach, NJ 08742

(732) 612-3100

Attorneys for Declaratory Plaintiff, Township of Bordentown

By: Michael J. Edwards (Attorney ID: 032112012)

TEAM CAMPUS PHASE II, LLC

v.

**TOWNSHIP OF BORDENTOWN
PLANNING BOARD;**

TEAM CAMPUS PHASE II, LLC

v.

**TOWNSHIP OF BORDENTOWN
TOWNSHIP COMMITTEE**

**SUPERIOR COURT OF NEW JERSEY
BURLINGTON COUNTY: LAW DIVISION**

DOCKET NO.: BUR-L-478-21 and
BUR-L-526-21

CIVIL ACTION – MOUNT LAUREL

**ORDER OF FAIRNESS ON
MOUNT LAUREL SETTLEMENT
AGREEMENT BETWEEN K. JOHNSON
AND TOWNSHIP OF BORDENTOWN**

WHEREAS, THIS MATTER, having been opened by Team Campus Phase II, LLC (“Developer”) against the Township of Bordentown Planning Board by way of a complaint in lieu of prerogative writs, which was filed on March 8, 2021 (Docket No. BUR-L-478-21), and Developer having opened a subsequent matter against the Township of Bordentown (“Township” or “Bordentown”) by way of a complaint in lieu of prerogative writs, which was filed on March 11, 2021 (Docket No. BUR-L-526-21); and

WHEREAS, the Township, represented by Michael J. Edwards, Esq. of Surenian, Edwards & Nolan, LLC, and Developer represented by David P. Silber, Esq., of K. Johnson Enterprises, LLC; and

WHEREAS, the Township and Developer having entered into prior agreements in the context of the Township’s declaratory judgment action (Docket No. BUR-L-1579-15), which settlements were incorporated into the Township of Bordentown’s Third Round Housing Element

and Fair Share Plan dated August 2020 and approved by the Court on August 27, 2020 following a compliance hearing; and

WHEREAS, Developer is the owner of property within the Township referred to as Team Campus I (Block 57, Lot 6), Team Campus II (Block 58, Lot 36.01), and the Point (Block 58, Lot 37); and

WHEREAS, Team Campus I (Block 57, Lot 6) is identified in the Mount Laurel settlement between the Township of Bordentown and FSHC, dated June 26, 2017 and amended on June 11, 2019, as creating a realistic opportunity for twenty-six (26) affordable family non-age-restricted rental units through a 20% set-aside on 130 total units; and

WHEREAS, the Point (Block 58, Lot 27) was identified in the Mount Laurel settlement between the Township of Bordentown and FSHC, dated June 26, 2017 and amended on June 11, 2019, as creating a realistic opportunity for nineteen (19) affordable age-restricted rental units through a 20% set-aside on 92 total units; and

WHEREAS, as a result of subsequent litigation and negotiations, the Township and Developer have agreed to increase the number of units permitted on Team Campus I (Block 57, Lot 6) from 130 total units to 269 total units while the same 20% affordable housing set-aside shall apply to the first/base 130 units (for 26 affordable units) and then a 15% affordable set-aside shall apply to the additional 139 total units (for 21 additional affordable units), which results in a total of 47 affordable family non-age-restricted rental units and a total 17.47% affordable housing set-aside; and

WHEREAS, the Township and Developer have also agreed overlay zoning for self-storage at Team Campus II (Block 58, Lot 36.01), which is an inextricably intertwined component of the agreement between the parties; and

WHEREAS, the inclusionary development at the Point (Block 58, Lot 37) shall remain unchanged; and

WHEREAS, the Developer and Township having entered into a settlement agreement on or about August 26, 2021, to detail the above, resolve litigation, and establish an overall affordable housing agreement between the parties, which agreement is attached hereto as **EXHIBIT A** (“Settlement Agreement”); and

WHEREAS, on or about September 15, 2021, the Hon. Jeanne T. Covert, A.J.S.C. entered a consent order between the Developer, Township, and Fair Share Housing Center (“FSHC”), which clarifies some of the affordable housing terms as they relate to Team Campus I (Block 57, Lot 6), which consent order is attached hereto as **Exhibit B** (“Consent Order”); and

WHEREAS, the Township having interest in resolving all such disputes and other potential claims arising from the litigation in all Dockets identified above; and

WHEREAS, the Settlement Agreement and Consent Order being additive and not reducing any mechanism and thus having no impact on the Township’s Judgment of Compliance and Repose in Docket No. BUR-L-1579-15; and

WHEREAS, the Township is not seeking to amend its Third Round Housing Element and Fair Share Plan dated August 2020 and approved by the Court on August 27, 2020 following a compliance hearing (which is currently on appeal under Appellate Division Docket No. A357-20T2); and

WHEREAS, this Court having entered a Case Management Order on August 19, 2021, which scheduled a Fairness Hearing on the Settlement Agreement for October 5, 2021; and

WHEREAS, the Township having duly noticed all interested parties of the Fairness Hearing, which certification of notice and publication was introduced into evidence at the hearing

as Exhibit D-6 and having received no objections to the Settlement Agreement and Consent Order; and

WHEREAS, the Court having also reviewed all of the documents submitted into evidence; having heard fairness analysis testimony from the Special Master Mary Beth Lonergan, PP, AICP; and having heard from Bassam Gergi, Esq, of FSHC; and the Court being satisfied that the Settlement Agreement is fair and reasonable to the region's very low-, low-, and moderate-income households; and for good cause having been shown:

IT IS on this 13th day of October 2021, **ORDERED** as follows:

1. The Township provided sufficient published and actual notice of the Fairness Hearing to the public and all known and potential interested parties in accordance with Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986).

2. Pursuant to the judicial standards set forth in East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), the Settlement Agreement and Consent Order is fair, reasonable, and adequately protects the interests of the region's very low, low- and moderate-income households, and the Court hereby approves the Settlement Agreement and Consent Order, attached hereto as Exhibits A and B.

3. The Parties shall adhere to all other terms and conditions in the Settlement Agreement (Exhibit A) and Consent Order (Exhibit B), and all such terms and conditions are hereby incorporated by reference.

4. Nothing in this Order or the Settlement Agreement and Consent Order shall change or otherwise affect the Township's immunity from all Mount Laurel lawsuits through the end of

Round 3 in July 2025 in accordance with the terms of the Township's final judgment in Docket No. BUR-L-1579-15.

5. Counsel for the Township shall provide a copy of this Order to all counsel of record and the Court Master within 7 days of receipt.


HON. JEANNE T. COVERT, A.J.S.C.

EXHIBITS MARKED INTO EVIDENCE AT FAIRNESS HEARING

Exhibit D-1: Parties' Settlement Agreement (with Exhibits) dated August 26, 2021.

Exhibit D-2: Governing Body Resolution Authorizing Execution of Parties' Settlement Agreement dated August 16, 2021.

Exhibit D-3: Planning Board Resolution Authorizing Execution of Parties' Settlement Agreement dated August 26, 2021.

Exhibit D-4: First Amendment to Financial Agreement with K. Johnson Urban Renewal LLC dated September 15, 2021.

Exhibit D-5: Ordinance Authorizing Execution of First Amendment to Financial Agreement for Team Campus I, adopted September 13, 2021.

Exhibit D-6: Notice Certification of Michael Edwards, Esq. dated October 1, 2021.

Exhibit D-7 Consent Order between the Township, FSHC and KJ, entered by this Court on September 15, 2021.

EXHIBIT A

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") made this ____ day of _____, 2021, by and between:

TOWNSHIP OF BORDENTOWN, a municipal corporation of the State of New Jersey, County of Burlington, having an address at One Municipal Drive, Bordentown, New Jersey 08505 (hereinafter the "**Township**");

and

TOWNSHIP OF BORDENTOWN PLANNING BOARD, a governmental entity appointed by the Township of Bordentown, the State of New Jersey, County of Burlington, having an address at One Municipal Drive, Bordentown, New Jersey 08505 (hereinafter the "**Planning Board**");

and

K JOHNSON URBAN RENEWAL, LLC, TEAM CAMPUS PHASE II, LLC, TEAM CAMPUS 85 FITNESS AND WELLNESS LLC, TEAM CAMPUS SENIOR LUXURY APARTMENTS, LLC, AND KEVIN L. JOHNSON OR ITS AFFILIATES (collectively the "**Developer**") is the owner of real property located within the Township of Bordentown and identified on the Township's tax map as Block 57, Lots 6 ("Team Campus I" or "Property"); Block 58, Lot 36.01 ("Team Campus II"); and Block 58, Lot 37 (the "Point") (collectively the "Properties"); and

Collectively, the Township and the Developer shall be referred to as (the "**Parties**"); and

WHEREAS, in response to the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Bordentown, County of Burlington, Docket No. BUR-L-1620-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan, in addition to related reliefs (the "Compliance Action"); and

WHEREAS, the development rights described in this agreement relative to Team Campus I and Team Campus II are both part of this overall affordable housing settlement agreement; and

WHEREAS, the Parties have entered into prior Agreements relating to affordable housing production at Team Campus I and the Point; and

WHEREAS, the Parties are willing to resolve all outstanding litigation relating to the Properties and all outstanding litigation and disputes relative to the Parties; and

WHEREAS, relative to Team Campus I, Developer's prior agreement, dated March 11, 2019, permitted a total of 130 units of which 26 would be affordable; and

WHEREAS, relative to Team Campus I, Developer now seeks to construct a residential family rental development consisting of a total of up to 269 residential units, which represents a total increase in maximum yield of 139 units (the "Increased Yield"). Developer will set aside for affordable housing the previously agreed upon 26 or up to 20% family rental affordable units. In addition, relative to the Increased Yield, developer agrees to provide up to an additional 21 or 15% affordable family rental units, whichever is lower. Thus, the total project will consist of up to 269 residential units, of which up to 47 or up to 17.47% will be affordable to the region's low-, very low- and moderate-income households. The development is depicted in Exhibit A to this Agreement; and

WHEREAS, relative to Team Campus II, developer seeks to construct a self-storage facility substantially similar to the one depicted in Exhibit B to this agreement and the ability to construct up to 28,000 sq. ft of retail on the eastern portion of the property; and

WHEREAS, this Agreement will not impact any of the terms associated with the Point, including the requisite affordable housing production as described in Para 3.1 of the Point Agreement, dated October 9, 2018; and

WHEREAS, the Township and Developer wish to enter into this Settlement Agreement to memorialize the agreed-upon terms of their Memorandum of Understanding (hereinafter "MOU") executed on June 17, 2021, regarding their bargained-for terms of the inclusionary, residential rental development of the Team Campus I property and the development of retail and self-storage on Team Campus II property, with additional and more specific terms and conditions of said developments to be further negotiated and agreed to in additional agreements, including a formal redevelopment agreement, Amendment to the Financial Agreement and updated Redevelopment Plan associated with the Team Campus I property; and

WHEREAS, the Township and Developer will also enter into a financial agreement subject to further and separate negotiations between the Developer and the Township, subject to Exhibits C and D attached;

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereto, each binding itself, its successors and assigns, do hereby covenant and agree, each with the other, as follows:

DEFINITIONS

i. "Inclusionary component" means the result of subtracting the rehabilitation component, credits (granted pursuant to N.J.A.C. 5:93-3), the impact of the 20 percent cap (pursuant to N.J.A.C. 5:93-2.16) and the impact of the 1000 unit limitation (pursuant to N.J.A.C. 5:93-14) from the pre-credited need, provided the result shall not be less than zero. For a municipality that receives a

vacant land adjustment pursuant to N.J.A.C. 5:93-4, the inclusionary component shall be initially synonymous with the realistic development potential.

ii. "Low income housing" means housing affordable according to federal Department of Housing and Urban Development or the standards included in this chapter for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50 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, and which is subject to affordability controls promulgated by the Council.

iii. "Market rate units" means housing within an inclusionary development, not restricted to low and moderate income households, that may sell at any price determined by a willing seller and a willing buyer.

iv. "Set aside" means the percentage of housing units devoted to low and moderate income households within an inclusionary development.

v. "Very low income housing" means housing affordable according to 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 as defined by the Fair Housing Act for households of the same size within the housing region in which the housing is located.

ARTICLE I-INCLUSIONARY DEVELOPMENT

1.1 Developer shall develop, construct, or otherwise build an inclusionary, residential family rental development at the Team Campus I Property subject to the following conditions:

- a. **Affordable Housing Component** –The residential family rental development shall have an on-site inclusionary component. The development shall consist of a total of up to 269 residential units, which represents a total increase in maximum yield of 139 units (the "Increased Yield"). Developer will set aside for affordable housing the previously agreed upon 26 or up to 20% family rental affordable units. In addition, relative to the Increased Yield, developer agrees to provide up to an additional 21 or 15% affordable family rental units, whichever is lower. Thus, the total project will consist of up to 269 residential units, of which up to 47 or up to 17.47% will be affordable to the region's low-, very low- and moderate-income households. The affordable units shall be available as very low-, low- and moderate-income affordable housing units to qualify as such pursuant to the terms of the applicable Council on Affordable Housing ("COAH") Round Two Substantive Affordable Housing Regulations (N.J.A.C. 5:93-1.1, et seq.), and Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1, et seq.). A maximum of a 47-unit affordable housing yield shall be accomplished by at least 7 very low-income units (as very low income is defined in the Fair Housing Act (30% or less of the region's median income)); 17 low-income units; 23 moderate income units;