

Housing Element and Fair Share Plan

Fourth Round Plan

Township of Florence
Burlington County, New Jersey

May 15, 2025
Adopted May 27, 2025

Clarke Caton Hintz



**FLORENCE TOWNSHIP
PLANNING BOARD**

RESOLUTION NO PB-2025-06

**RESOLUTION OF MEMORIALIZATION
ADOPTING A FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

**Decided: May 27, 2025
Resolution Memorialized: May 27, 2025**

WHEREAS, the Planning Board of the Township of Florence, Burlington County, State of New Jersey (“Planning Board”) previously adopted a Third Round Housing Element and Fair Share Plan (“HEFSP”) on August 28, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-28, the Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-310, and the court-upheld Council on Affordable Housing (“COAH”) regulations at N.J.A.C. 5:93 et seq.;

WHEREAS, pursuant to the NJ Supreme Court’s March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), and pursuant to N.J.S.A. 52:27D-313, the Township filed a Third Round Declaratory Judgment (“DJ”) action seeking to have its Third Round HEFSP found constitutionally compliant;

WHEREAS, the New Jersey Superior Court approved the Township’s 2018 Third Round HEFSP and issued a Third Round Judgment of Compliance and Repose (“JOR”), dated August 23, 2021, which provided the Township Third Round immunity from builder remedy lawsuits through July 1, 2025;

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the FHA at N.J.S.A. 52:27D-301 *et seq.*, (“Amended FHA”);

WHEREAS, in addition to the Amended FHA, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 (“Administrative Directive #14-24”);

WHEREAS, in response to the Amended FHA and the Administrative Directive #14-24, the Township of Florence adopted a binding resolution on January 22, 2025 committing to address the Fourth Round affordable housing obligations set forth in the October 2024 Fourth Round Report of the Department of Community Affairs (“DCA”), which calculated the Township’s Fourth Round Present Need or Rehabilitation Obligation of 42 and the Fourth Round Prospective Need Obligation of 107;

WHEREAS, pursuant to the requirements of the amended FHA and Administrative Directive #14-24, on January 23, 2025, the Township of Florence filed a Fourth Round DJ action (which included its January 22, 2025 adopted binding resolution) with the Superior Court/ Affordable Housing Dispute Resolution Program (“Program”), asking the Court to declare Florence Township’s Fourth Round HEFSP constitutionally compliant, and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (July 1, 2025 to June 30, 2035);

WHEREAS, no objections were filed challenging the Township’s calculations provided for in the Township’s adopted January 22, 2025 binding resolution;

WHEREAS, pursuant to Administrative Directive #14-24, “After the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan “... within 48 hours after adoption or by June 30, 2025, whichever is sooner.”;

WHEREAS, a Superior Court Order, dated April 8, 2025, was issued which affirmed and determined the Township’s Fourth Round Present Need or Rehabilitation Obligation of 42 and the Township’s Fourth Round Prospective Need Obligation of 107;

WHEREAS, the Amended FHA provides that “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m));

WHEREAS, the Township's affordable housing planning consultants Mary Beth Lonergan, PP, AICP, and Eric Harris, MCRP, of Clarke Caton Hintz, PC, have prepared a Fourth Round HEFSP, dated May 15, 2025, that addresses the Township's Fourth Round affordable housing obligations;

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 HEFSP on May 27, 2025;

WHEREAS, the Planning Board has determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Township of Florence's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Fourth Round HEFSP is in the public interest, protects public health and safety and promotes the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Florence, Burlington County, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan on this 27th day of May, 2025.

BE IT FURTHER RESOLVED that the Planning Board of the Township of Florence hereby directs its Planning Board Attorney and Planning Board Secretary to assist the Township Attorney of the Township of Florence to file this adopted resolution and this adopted Fourth Round HEFSP as part of the Township's Fourth Round DJ, Docket #BUR-L-178-25, in Burlington County Superior Court and with the Program within 48 hours after adoption of this Fourth Round HEFSP via ECourts per Directive #14-24.

MOTION TO ADOPT RESOLUTION:

Moved by : Mayor Marter
Seconded by : Mr. Gabriele
In Favor : Marter, Gabriele, Isaacson, Taylor, Pagano

Opposed : None
Abstained : None

FLORENCE TOWNSHIP PLANNING BOARD


Dated: 5/27/25


John Pagano, Chair

CERTIFICATION:

I hereby certify that this is a true copy of the Resolution adopting the Fourth Round Housing Element and Fair Share Plan of the Township of Florence Planning Board, Burlington County, on May 27, 2025.

Dated: May 28, 2025


John Fratinardo, Secretary

Township of Florence

Fourth Round Housing Element and Fair Share Plan

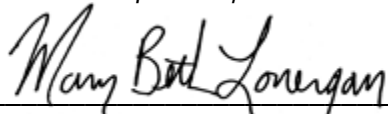
Adopted May 27, 2025

Housing Element and Fair Share Plan Fourth Round Plan

Township of Florence
Burlington County, New Jersey

May 15, 2025
Adopted May 27, 2025

Prepared By:



Mary Beth Lonergan, PP, AICP

New Jersey Professional Planner License 4288

With the assistance of



Eric Harris, MCRP

CLARKE CATON HINTZ, PC

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A signed and sealed original is on file with the Township Clerk

Township of Florence Council

Kristan I. Marter, Mayor
Joseph Frappolli, President of Council
John Fratinardo, Vice President of Council
Talaya Loftin, Council Member
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Robert Wright, Esq., Township Attorney
Mark Lodato, PE, Township Engineer
Patrick VanBernum, PP, AICP, Township Planner

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David C. Frank, Esq., Planning Board Attorney
Hugh J. Dougherty, PE, Planning Board Engineer

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EXECUTIVE SUMMARY

This Fourth Round Housing Element and Fair Share Plan (“HEFSP”) has been prepared for Florence Township, Burlington County in accordance with the New Jersey Fair Housing Act (“FHA”) and the rules of the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 et seq. There are four components to a municipality’s affordable housing obligation: the Fourth Round Present Need or Rehabilitation Share, the Prior Round Prospective Need, the Third Round Gap/Prospective Need, and the Fourth Round Prospective Need. The Township’s affordable housing obligations are as follows:

- Fourth Round Present Need/Rehabilitation Obligation: 42
- Prior Round Prospective Need: 114
- Third Round Gap/Prospective Need: 378
- Fourth Round Prospective Need: 107

Regarding rehabilitation, the Township will continue its participation with Burlington County’s Home Improvement Loan Program and with the local Consortium’s rental-rehabilitation program that was established in 2020, and will provide funding from the affordable housing trust fund necessary to supplement the cost to satisfy its obligation.

The Township has fully satisfied the Prior Round Prospective Need (1987-1999) of 114 through the following mechanisms: 42 (of 103) transferred Regional Contribution Agreement (“RCA”) credits with Pemberton Township; 24 affordable family rental units from Roebling Arms; 14 affordable senior rental units from Roebling Inn; 5 alternative living arrangement housing units; and 29 Prior Round rental bonuses.

The Third Round Gap/ Prospective Need (1999-2025) of 378 will be satisfied through the following mechanisms: 61 (of 103) surplus RCA credits (applied to the pre-July 1, 2008 portion of the Third Round obligation); 85 total 100% affordable rental units (58 affordable family rentals and 20 special needs rentals at the Project Freedom Hornberger Phase I and seven (7) affordable family rentals at 300/320 Alden Avenue); 58 100% affordable senior rental units (53 Duffy/MEND, and five (5) of 36 Project Freedom Roebling/VFW site); 38 inclusionary affordable family rental units (Sassman, and Weiss); one (1) inclusionary affordable family sale unit (Albax/McHugh Court); 17 inclusionary affordable senior sale units (Atlantic/Legacy); seven (7) market to affordable program affordable family rentals; 16 alternative living arrangement bedrooms; and 95 Third Round rental bonuses.

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The Fourth Round Prospective Need (2025-2035) of 107 units will be satisfied through the following mechanisms: 59 affordable rental credits (54 units) through the proposed 100% affordable Project Freedom Hornberger Phase II site; 24 (of 36) 100% affordable senior rental units through the proposed Project Freedom Roebling Senior/VFW site; and 26 Fourth Round bonuses. The Township will apply two (2) surplus credits from the Fourth Round to a future round.

NEW JERSEY AFFORDABLE HOUSING JUDICIAL & LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel¹ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision,² the NJ Supreme Court extended to all municipalities with any “growth area” as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their “fair share” of a calculated regional need for affordable units. Mount Laurel II also introduced a “builder’s remedy” if a municipality was not providing its fair share of affordable housing. A builder’s remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multifamily project on land not zoned to permit such use, so long as a “substantial” percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the FHA.³ The FHA created COAH as an administrative body responsible for oversight of municipalities’ affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

COAH’s First and Second Rounds (1987-1999)

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁴ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or

¹ Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

² Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

³ N.J.S.A. 52:27D-301 et seq.

⁴ N.J.A.C. 5:92-1 et seq.

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“rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH’s Second Round regulations.⁵ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality’s cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality’s obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

COAH’s Third Round and Related Judicial and Legislative Activity, (1999-2025)

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds, then in 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law (“MLUL”). In order to utilize 2000 census data which hadn’t yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH’s first version of the Third Round rules⁶ became effective, and the 15-year Third Round time period (1999 – 2014) was condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH’s Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision⁷ invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules, with COAH issuing revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008) which largely retained the growth share approach.

Just as various parties had challenged COAH’s initial Third Round regulations, parties challenged COAH’s 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.⁸ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH

⁵ N.J.A.C. 5:93-1.1 et seq.

⁶ N.J.A.C. 5:94-1 and 5:95-1

⁷ In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

⁸ In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

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could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision⁹ and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on Fair Share Housing Center's ("FSHC's") Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV.¹⁰ In this decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH "moribund." Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH's substantive certification.

While the NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision¹¹ that found that the period between 1999 and 2015, now known as the "gap period," when no valid affordable housing regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

⁹ In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹⁰ In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015)

¹¹ In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

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Third Round Legislative Activity

In addition to the judicial decisions, the New Jersey Legislature has amended the FHA several times in recent years.

On July 17, 2008, P.L. 2008 c. 46 (referred to as the “Roberts Bill” or “A500”) was enacted, which amended the FHA in a number of ways. Key provisions included the following:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities; previously a municipality could fund the transfer up to 50% of its fair share to a so called “receiving” municipality;
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income; and
- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹²

In July 2020, the State amended the FHA again to require, beginning in November 2020, that all affordable units that are subject to affirmative marketing requirements must also be listed on the state’s Affordable Housing Resource Center website.¹³ All affordable housing Affirmative Marketing Plans are now required to include listing on the State Affordable Housing Resource Center website.

The Fourth Round (2025-2035)

On March 20, 2024, the FHA (and other statutes) was amended again. This amendment, P.L. 2024 c.2:

- Formally abolishes COAH;
- Requires the NJ Department of Community Affairs (“DCA”) to promulgate municipal obligations using an adjusted methodology. These obligations are to be considered advisory, not binding;

¹² In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan, and Implementing Ordinances (2015)

¹³ <https://njhrc.gov>

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- Establishes a timeline within which municipalities need to adopt and submit binding resolutions establishing their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Requires the NJ Housing and Mortgage Finance Agency (“HMFA”) and DCA to update rules and standards governing affordable housing production, trust funds and administration;
- Establishes a Court-based Affordable Housing Dispute Resolution Program (“Program”) that will be responsible for challenges to municipalities’ affordable housing obligation determinations and compliance efforts;
- Establishes a longer control period – 40 years, rather than 30 years – for new affordable rental units;
- Changes the criteria for affordable housing bonuses, making various additional categories of affordable housing eligible for bonuses;
- Establishes a timeline within which municipalities need to take various steps toward adoption of a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary zoning lawsuits;
- Establishes new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

In December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment (“DJ”) filings, etc. As detailed under the section covering requirements of an HEFSP, the Administrative Directive also set requirements for what must be included in a compliant Fourth Round HEFSP.

This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive and all applicable regulations.

FLORENCE TOWNSHIP’S AFFORDABLE HOUSING HISTORY

Florence Township prepared a First Round (1987-1993) HEFSP addressing a 144 new construction affordable housing obligation and 66 rehabilitation need and received First Round substantive certification from COAH on July 1, 1992. Subsequently, the Township prepared a Second Round Plan to address its cumulative (1987-1999) affordable housing obligation including 114 new construction and 57 rehabilitation and received Second Round certification from COAH on April 7, 1999.

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On November 21, 2005, the Township adopted its initial Third Round HEFSP to address the Third Round Fair Share obligation. The Township initially petitioned COAH on December 16, 2005. COAH did not act on the 2005 plan before the Appellate Division's 2007 decision invalidated the first version of COAH's Third Round rules. The Township adopted a 2008 plan to address COAH's revised regulations and COAH granted substantive certification of the Township's 2008 plan on July 8, 2009. The Township adopted an amended Third Round HEFSP in April 2010 to include seven (7) new family affordable sale and rental housing opportunities as well as five (5) new supportive and special needs units.

Pursuant to the NJ Supreme Court's March 10, 2015 decision, Florence Township was deemed to be a 'certified' municipality. On July 8, 2015, the Township filed its Third Round DJ action with the Superior Court and on February 21, 2016, the Township receive continued immunity from the threat of a builder's remedy which the court granted a number of times including through the present time. As a result of mediation through the Superior Court, the Township and FSHC negotiated and executed a settlement on November 22, 2016 and an amended settlement agreement on December 19, 2017 (included as Appendix A).

In 2018, an updated Third Round HEFSP was prepared that conformed to the terms of the amended settlement agreement with FSHC. The Court granted the Township a Conditional Judgment of Repose ("JOR") on October 29, 2018, subject to the fulfilment of several conditions. Having subsequently found that the Township had satisfied all remaining outstanding conditions enumerated in the October 29, 2018 Order, the Court granted a Final and Unconditional Third Round JOR on August 23, 2021, giving the Township immunity and protection from any Mount Laurel builder's remedy actions through July 1, 2025 (Appendix A).

On November 3, 2023, the Court approved a consent order with FSHC approving an amendment to the 2021 Spending Plan, authorizing Florence Township to use trust funds to purchase the former VFW site located at Block 126.02, Lot 1, in preparation for the Township's Fourth Round affordable housing obligation (Appendix A). The order specifically permitted the Township to expend up to \$500,000 on an "emergent affordable housing activity," including acquisition, demolition, and pre-development costs related to the VFW site.

On January 22, 2025, Florence Township adopted a resolution declaring a Fourth Round Present Need of 42 and a Fourth Round Prospective Need of 107, based on calculations performed by DCA. Pursuant to the requirements of the amended FHA and the Administrative Directive #14-24, the Township filed a Fourth Round DJ action with the Program/Superior Court on January 23, 2025. The Honorable Terrance R. Cook, A.J.S.C., approved the Township's Fourth Round obligation in an Order dated April 8, 2025 (all included as Appendix B).

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under the amended FHA as a dwelling, either for sale or rent that is within the financial means of households of very-low, low- or moderate-income as income is measured within each housing region. Florence Township is in COAH's Region 5, which includes the Counties of Burlington, Camden, and Gloucester. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very low-income include those households with annual incomes of 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls ("UHAC") found at N.J.A.C. 5:80-26.1 *et seq.*, the maximum rent for a qualified unit must be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is now defined in the amended FHA and continues to utilize HUD income limits on a regional basis. In the spring of each year HUD releases updated income limits which COAH reallocates to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. See Table 1 for 2024 income limits for Region 5 and Tables 2 and 3 for illustrative sale prices and gross rents from 2024 (the latest figures available). The sample rents and sale prices are illustrative and are gross figures which do not account for the specified utility allowance for rentals.

Table 1. 2024 Income Limits for Region 5

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Moderate	\$64,232	\$73,408	\$82,584	\$91,760	\$99,101
Low	\$40,145	\$45,880	\$51,615	\$57,350	\$61,938
Very Low	\$24,087	\$27,528	\$30,969	\$34,410	\$37,163

Source: Affordable Housing Professionals of New Jersey ("AHPNJ") 2024 Affordable Housing Regional Income Limits

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Table 2. Illustrative 2024 Affordable Rents for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (60%)	\$1,290	\$1,548	\$1,789
Low (50%)	\$1,075	\$1,290	\$1,491
Very Low (30%)	\$645	\$774	\$895

Source: AHPNJ Affordable Housing Regional Income Limits and Rental Calculator

Table 3. Illustrative 2024 Affordable Sales Prices for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70%)	\$154,088	\$187,267	\$218,234
Low (50%)	\$106,689	\$130,389	\$152,508
Very Low (30%)	\$59,291	\$73,510	\$86,782

Source: AHPNJ Affordable Housing Regional Income Limits and Sales Calculator

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*), a municipal master plan must include a housing plan element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28b(3)). Pursuant to the FHA (N.J.S.A. 52:27D-301 *et seq.*), a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the housing element contain at least the following (*emphasis added*):

- 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;*
- 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;*
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;*
- An analysis of the existing and probable future employment characteristics of the municipality;*

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- e. *A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of 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 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 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and*
- h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*
- i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

In addition to FHA requirements, this Fourth Round HEFSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

- 1. *One of the requirements for a final HEFSP is the inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.*

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2. *The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.*
3. *The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.*
4. *The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the FHA and UHAC regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.*

The HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the HEFSP, including:

1. *All zoning amendments (or redevelopment plans, if applicable).*
2. *An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the*

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- affordability controls (at least 30 years, until the municipality takes action to release the controls).*
3. *The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.*
 4. *An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.*
 5. *An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.*
 6. *An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.*
 7. *A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.*
 8. *Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.*
 9. *A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.*

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100 percent affordable housing development will be required to be shovel-ready within two (2) years of the deadlines set forth in the settlement agreement:

1. *The municipality will be required to submit the identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.*

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2. *Additionally, a construction schedule or timetable must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of construction, such that construction can begin within two (2) years of the deadline set forth in the settlement agreement.*

HOUSING CONDITIONS

Florence Township's housing stock consists predominantly of single-family detached units (53.2%) and single-family attached units (31.1%). The stock of single-family detached units makes up a lower portion of the Township's housing stock than that of Burlington County (64.4%) but, is slightly higher than the state as a whole (52.7%). Florence Township has a much higher portion of single family-attached units (31.1%) than the County (14.5%) and New Jersey (10.0%). The Township's renter population comprised only approximately 17.3% of all units, a number much lower than both State and County levels.

Table 4. Housing Units by Number of Units in Structure and Tenure, 2023

Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	2,591	51.7%	52	1.0%	23	0.5%	2,666	53.2%
1, Attached	1,297	25.9%	194	3.9%	68	1.4%	1,559	31.1%
2	0	0.0%	113	2.3%	29	0.6%	142	2.8%
3 or 4	0	0.0%	154	3.1%	23	0.5%	177	3.5%
5 to 9	30	0.6%	222	4.4%	0	0.0%	252	5.0%
10 or more	34	0.7%	119	2.4%	27	0.5%	180	3.6%
Other	18	0.4%	13	0.3%	0	0.0%	31	0.6%
Total	3,970	79.3%	867	17.3%	170	3.4%	5,007	100%

Source: Table B25032 and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

The estimated age of Florence Township's housing stock is shown in Table 5. The median year of construction of all housing units in the Township is 1972 which is older than that of the county (1977) and newer than the State (1969). More than half of the Township's housing stock was built after 1970, though 28.2% of the housing stock was built pre-1939. Renter-occupied units are generally newer than owner-occupied units with a median age of 1973 and 1971, respectively.

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Table 5. Housing Units by Year Built and Tenure, 2023

Year Built	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
2020 or later	0	0.0%	63	1.3%	0	0.0%	63	1.3%
2010 to 2019	206	4.1%	10	0.2%	0	0.0%	216	4.3%
2000 to 2009	562	11.2%	48	1.0%	0	0.0%	610	12.2%
1990 to 1999	553	11.0%	21	0.4%	27	0.5%	601	12.0%
1980 to 1989	283	5.7%	109	2.2%	26	0.5%	418	8.3%
1970 to 1979	523	10.4%	212	4.2%	23	0.5%	758	15.1%
1960 to 1969	106	2.1%	52	1.0%	0	0.0%	158	3.2%
1950 to 1959	445	8.9%	100	2.0%	0	0.0%	545	10.9%
1940 to 1949	216	4.3%	8	0.2%	0	0.0%	224	4.5%
1939 or earlier	1,076	21.5%	244	4.9%	94	1.9%	1,414	28.2%
Total	3,970	79.3%	867	17.3%	170	3.4%	5,007	100%
Median Year Built	1971		1973		(X)		1972	

Sources: Table B25036, Table B25037, and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

As shown in Table 6, 64% of all housing units in Florence Township contain three (3) bedrooms or more. Approximately one-quarter of units in the Township (24.9%) have four or more bedrooms, which is similar to the portion for New Jersey (25.6%) but, less than that of Burlington County (33.3%). In comparison to the County, Florence Township has a similar number of 1- and 2-bedroom units.

Table 6. Number of Bedrooms per Housing Unit, 2023

Bedrooms per Unit	Units	Percent
Efficiency (Studio)	27	0.5%
1 Bedroom	460	9.2%
2 Bedrooms	1,294	25.8%
3 Bedrooms	1,979	39.5%
4 Bedrooms	1,072	21.4%
5+ Bedrooms	175	3.5%
Total	5,007	100%

Source: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

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Between 2013 and 2023, housing values in Florence Township increased by 29.9% (not accounting for inflation, 2013 dollars compared to 2023 dollars). In what may be evidence of the pandemic-induced increase in demand for residential real estate outside of major metropolitan areas, in 2013 only 30.6% of all owner-occupied homes in the Township were valued at \$300,000 or more; by 2023, that had grown to 48.4%. The number of housing units valued from \$500,000 to \$999,999 has grown by 52 units since 2013.

Based on AHPNJ's 2024 illustrative sales numbers, approximately 165 (4.2%) of 2023 housing may be affordable to very low-income households (depending on the number of bedrooms in the unit). Meanwhile, up to 476 (12.0%) of units (exclusive of units that may be affordable to very low-income households) may be affordable to low-income households (depending on the number of bedrooms in the unit), and possibly 466 units (11.7%) may be affordable to moderate income households (excluding those units affordable to low and very low-income households and (depending on the number of bedrooms in the unit). In total, up to approximately 1,106 owner-occupied units, or 27.9% of all units in the Township, may be affordable to low- and moderate-income households (depending on the number of bedrooms in the unit).

Table 7. Value of Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	89	2.2%	98	2.5%
\$50,000 to \$99,999	323	8.1%	67	1.7%
\$100,000 to \$149,999	452	11.3%	476	12.0%
\$150,000 to \$199,999	771	19.2%	466	11.7%
\$200,000 to \$299,999	1,147	28.6%	943	23.8%
\$300,000 to \$499,999	1,068	26.6%	1,725	43.5%
\$500,000 to \$999,999	135	3.4%	187	4.7%
\$1,000,000 or more	26	0.6%	8	0.2%
Total	4,011	100%	3,970	100%
Median Value	\$225,800		\$293,400	

Sources: Table Dpo4, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table Dpo4, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates.

The median rent in Florence Township in 2023 was \$1,348 dollars, compared to \$1,669 across Burlington County. Approximately 54.6% of rental units in the Township rent for between \$1,000 and \$1,499, with 19.3% of gross rents between \$1,500 and \$1,999. Based on AHPNJ's 2024 illustrative rents, 95 units, or 11.0%, may be affordable to very low-income renters, depending on the number of bedrooms being

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rented. Meanwhile, 473 units (54.6% of rental units) may be affordable to low- or moderate-income renters. In total, 568 rental units, or 65.5% of all rental units, may be affordable to low- or moderate-income households depending on the number of bedrooms being rented.

Table 8. Gross Rent by Housing Unit, 2023

Gross Rent	Florence Township		Burlington County	
	Units	Percent	Units	Percent
Less than \$500	0	0.0%	1210	2.8%
\$500 to \$999	95	11.0%	3,431	8.0%
\$1,000 to \$1,499	473	54.6%	11,958	28.0%
\$1,500 to \$1,999	167	19.3%	12,181	28.5%
\$2,000 to \$2,499	84	9.7%	7,886	18.5%
\$2,500 to \$2,999	0	0.0%	3,009	7.0%
\$3,000 or More	35	4.0%	1,766	4.1%
No rent paid	13	1.5%	1,280	3.0%
Total	867	100%	42,721	100%
Median Rent	\$1,348		\$1,669	

Source: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Homeowner rates are lower to account for the additional home maintenance costs associated with ownership. In Florence Township, while only 26.2% of all households in occupied units are expending more than 30% of their income on housing, nearly 50.2% of renter households are paying more than 30%, compared to just 20.9% of homeowner households.

Table 9. Housing Affordability, 2023

Monthly Housing Costs as Percent of Income	Owner-Occupied		Renter-Occupied		All Occupied	
	Units	Percent	Units	Percent	Units	Percent
Less than 20 Percent	2,105	53.0%	155	17.9%	2,260	46.7%
20 to 29 Percent	1004	25.3%	264	30.4%	1,268	26.2%
30 Percent or More	830	20.9%	435	50.2%	1,265	26.2%
Not Computed	31	0.8%	13	1.5%	44	0.9%
Total*	3,970**	77.0%	867***	17.9%	4,837	100%
*Remainder of occupied units have zero or negative income and/or no cash rent.						
** Includes only households with a mortgage						
*** Excludes 234 households labeled as "Not Computed"						

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

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In 2023, there were 56 housing units in Florence Township that were overcrowded (more than 1 person per room) and were in structures that were built before 1950. Seventeen units had incomplete kitchen facilities and no units that had incomplete plumbing facilities. While historically the conditions mentioned in this paragraph have been indicators of housing deficiency, which are used to determine the number of units requiring rehabilitation, in the case of Florence Township it can be clearly seen that housing deficiency should not be considered a dominant factor.

Table 10: Indicators of Housing Deficiency, 2023

Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded and Built pre-1950
Number of Units	0	17	56

Source: Tables B25050, DP04, 2019-2023 American Community Survey Five-Year Estimate

POPULATION CHARACTERISTICS

Florence Township has grown by 19.2% between 2000 and 2020, compared to just 9.1% in Burlington County. The Township grew at more than double the County's pace between 2000 and 2010 (12.7% vs. 6.0%) and again grew at double the County's pace between 2010 and 2020 (5.8% vs. 2.9%).

Table 11. Population Growth, 2000 to 2020

Year	Florence Township	Change since Last Census (%)	Burlington County	Change Since Last Census (%)
1950	7,455	-	135,910	-
1960	8,127	9.0%	224,499	65.2%
1970	8,560	5.3%	323,132	43.9%
1980	9,084	6.1%	362,542	12.2%
1990	10,266	13.0%	395,066	9.0%
2000	10,746	4.7%	423,394	7.2%
2010	12,109	12.7%	448,734	6.0%
2020	12,812	5.8%	461,860	2.9%

Source: U.S. Decennial Censuses 1950-2020

Age cohorts in Florence Township have had significant change since 2013, the largest of which is a 77.3% growth in the number of children under age 5. The cohorts aged 5 to 9, 10 to 14, and 15 to 19, also grew 18.3%, 9.7%, and 19.9%, respectively. This surge in youth combined with a decline of -8.5% of the 55+ population, has led to a drop in the median age in the Township from 42.4 to 40.1 over the past 10 years. Every age

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cohort of adults under 55 has grown since 2013 except the 25 to 34 cohort which has seen a -21.3% decline.

Table 12. Age Distribution, 2013 and 2023

Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
Under 5	622	5.1%	1,103	8.6%	77.3%
5 to 9	683	5.6%	808	6.3%	18.3%
10 to 14	864	7.1%	948	7.4%	9.7%
15 to 19	644	5.3%	772	6.0%	19.9%
20 to 24	489	4.0%	522	4.1%	6.8%
25 to 34	1,562	12.8%	1,229	9.6%	-21.3%
35 to 44	1,682	13.7%	1,944	15.2%	15.6%
45 to 54	1,875	15.3%	1,976	15.4%	5.39%
55 to 59	1,066	8.7%	761	5.9%	-28.6%
60 to 64	1,064	8.7%	516	4.0%	-51.5%
65 to 74	1,002	8.2%	1,477	11.5%	47.4%
75 to 84	501	4.1%	632	4.9%	26.2%
85+	189	1.5%	110	0.9%	-41.8%
Total	12,243	100%	12,798	100%	4.5%
Median Age	42.4 Years		40.1 Years		(X)

Source: Table DP05, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table DP05, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

HOUSEHOLD CHARACTERISTICS

The U.S. Census Bureau defines a household as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. While the total number of households increased from 2013 to 2023 in Florence Township (4,735 to 4,837), the average household size also has grown slightly from 2.58 to 2.64 persons per household.

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Table 13. Household Size of Occupied Units, 2013-2023

Household Size (Persons per Household)	2013		2023	
	Households	Percent	Households	Percent
1 Person	1,101	23.2%	1,354	28.0%
2 Persons	1,846	38.9%	1,655	34.2%
3 Persons	797	16.8%	628	13.0%
4+ Persons	1,001	21.1%	1,200	24.8%
Total	4,745	100%	4,837	100%
Average Household Size	2.58		2.64	

Sources: Table S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

In 2023 there were 4,837 households in Florence Township, with an average of 2.64 persons per household and 3,189 families (65.9%) with an average of 3.23 people per family. 69.5% of all families were married couple families. 16.2% of family households were female-headed without spouse present, and 3.9% of family households were male headed without spouse present. The majority of the heads of both male and female headed households live with their own children under 18 years old. Additionally, 82.2% of the 1,648 non-family households consist of people living alone.

Table 14. Household Composition, 2023

Household Type	Households	Percent of Total
Family households	3,189	65.9%
Married-couple household	2,217	45.8%
With Children Under 18	884	18.3%
Male householder, no spouse present	189	3.9%
With Children Under 18	124	2.6%
Female householder, no spouse present	783	16.2%
With Children Under 18	473	9.8%
Nonfamily households	1,648	34.1%
Householder living alone	1,354	28.0%
Total Households	4,837	100%

Source: Table DP02, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

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When the number of bedrooms in a unit is considered vs. the size of households in Florence Township, there appears to be a mismatch: There are many more small households (two people or fewer; 62.2% of all households) than there are smaller units (one or two bedrooms; 35.5% of all units). This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other locations when seeking smaller-sized housing, or to occupy housing that is larger than their needs. Table 15 provides more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	487	9.7%	1 Person	1,354	28.0%
2 bedrooms	1,294	25.8%	2 Persons	1,655	34.2%
3 bedrooms	1,979	39.5%	3 Persons	628	13.0%
4 or more bedrooms	1,247	24.9%	4+ Persons	1,200	24.8%
Total	5,007	100.0%	Total	4,837	100%

Source: Tables DPo4 and S2501, 2019-2023 American Community Survey Five-Year Estimate

INCOME CHARACTERISTICS

The median household income in Florence Township was \$104,792 in 2023, which was similar to the County median (\$105,271). As one might expect, the income distributions between the Township and the County are also similar. 54.1% of the Township's households earn more than \$100,000, while the same is true for 52.8% of County residents. The Township's poverty rates are slightly higher than those of the County. While the County has family and individual poverty rates of 4.5% and 6.8% respectively, Florence Township has poverty rates of 5.0% and 8.5% respectively.

Table 16. Household Income, by income Bracket 2023

Household Income	Households	Percent
Less than \$10,000	169	3.5%
\$10,000-\$14,999	73	1.5%
\$15,000-\$34,999	266	5.5%
\$35,000-\$49,999	450	9.3%
\$50,000-\$74,999	701	14.5%
\$75,000-\$99,999	561	11.6%
\$100,000-\$149,999	1,122	23.2%

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Household Income	Households	Percent
\$150,000 or more	1,495	30.9%
Total	4,837	100%
Median Income	\$104,792	

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

Table 17. Individual and Family Poverty Rates, 2023

Location	Families	Individuals
Florence Township	5.0%	8.5%
Burlington County	4.5%	6.8%

Source: Table DP03 Selected Economic Characteristics, ACS 20019-2023

EMPLOYMENT CHARACTERISTICS

The largest employment sector for employed Township residents, “Transportation/Warehousing”, employed 57.1% of all workers in Florence Township in 2023. This is consistent with the number of warehouses in the Township due to its proximity to the New Jersey Turnpike. The next largest sectors were “Retail Trade” and “Manufacturing” respectively employing 13.3% and 7.8% of the employed labor force. Table 18, Covered Employment by Sector, 2022, provides the numerical breakdown.

Table 18. Covered Employment by Sector, 2022

Private Sector Category	Count	Percent
Utilities	19	0.2%
Construction	49	0.6%
Manufacturing	602	7.8%
Wholesale Trade	269	3.5%
Retail Trade	1,028	13.3%
Transportation/Warehousing	4,410	57.1%
Information	11	0.1%
Finance/Insurance	29	0.4%
Real Estate	9	0.1%
Professional/Technical	194	2.5%
Management of Enterprises	57	0.7%
Admin/Waste Remediation	387	5.0%
Educational Services	248	3.2%

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Private Sector Category	Count	Percent
Health Care	126	1.6%
Arts and Recreation	14	0.2%
Accommodation and Food Services	89	1.2%
Other Services	45	0.6%
Private Sector Total	7,586	98.3%
Public Administration	132	1.7%
Total Covered Employment	7,718	100%

Source: OnTheMap, Center for Economic Studies, U.S. Census Bureau, 2022.

A municipality's jobs-housing ratio is a rough indicator of the degree to which the municipality has been able to generate sufficient housing to accommodate its workers. A ratio of between 0.75 and 1.5 is generally considered to indicate a healthy balance between the number of jobs in a municipality and the municipality's ability to house all its workers who wish to live there. The ability to house workers locally enables them to spend less time commuting, reduces traffic congestion, and reduces the greenhouse gas emissions associated with commuting by automobile. Based on Tables 4 and 18 above, Florence Township has a jobs-housing ratio of 1.54, which is still considered healthy.

POPULATION, EMPLOYMENT, AND HOUSING PROJECTIONS

The Delaware Valley Regional Planning Commission ("DVRPC"), the Metropolitan Planning Organization ("MPO") that contains Florence Township as well as the remainder of Burlington County, published population and employment projections for the year 2050. The DVRPC projects that the Township's population and employment will increase by 4.6% and 87.7%, respectively, from 2020 to 2050. As Table 19, Population, and Employment Projections, 2020 to 2050 shows, the population rate is on par with that of the County (4.3%) but, the growth of employment is much lower in Burlington County (11.9%).

Table 19. Population and Employment Projections, 2020 to 2050

	Florence Township			Burlington County		
	2020	2050	% Change	2020	2050	% Change
Population	12,812	13,407	4.6%	461,860	481,500	4.3%
Employment	4,560	8,559	87.7%	272,361	304,810	11.9%

Sources: DVRPC Regional, County, and Municipal Population and Employment Forecasts, 2020-2050 pub. June 2022.

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The FHA requires that housing plans include a 10-year projection of new housing units based on the number of certificates of occupancy, development applications approved, probable developments, as well as other indicators deemed appropriate (*N.J.S.A. 52:27D-310.b*). In Florence Township between the years 2013 through 2023, the number of certificates of occupancy issued for residential construction was 21.5 units per year on average, and the number of demolition permits included 3.9 per year on average. As a result, the Township has gained 17.5 net new units per year. Based on trends over the past 10 years, Florence Township could expect to gain approximately 175 housing units by the year 2033. See Table 20, Housing Projections to 2033.

Table 20. Residential COs and Demolition Permits Issued, 2013-2023

Year	Certificates of Occupancy	Demolitions	Net New Dwellings
2013	17	0	17
2014	36	1	35
2015	65	5	60
2016	22	4	18
2017	3	11	-8
2018	0	8	-8
2019	3	1	2
2020	2	7	-5
2021	0	3	-3
2022	5	0	5
2023	83	3	80
Total	236	43	193
Annual Average	21.5	3.9	17.5
Ten Year Projection			175

Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

As part of this housing element, the Township has considered land that is appropriate for the construction of low- and moderate-income housing. Consistent with smart growth planning principles, the Township has chosen to intersperse affordable housing throughout the existing residential neighborhoods in the Township and in proximity to transportation corridors including Route 130 and the Turnpike. These areas of the Township provide the greatest number of employment opportunities, services and access to mass transit, including the New Jersey River Line and NJ Transit bus service.

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In 2023, the Township was approached by a developer regarding zoning revisions to permit a large residential development on an existing farm at the intersection of Bustleton Road and Old York Road (Block 170, Lot 11.01). Ultimately, the Township did not consider this site for potential inclusionary or 100% affordable housing because the site is located in Planning Area 4, is not located within the sanitary sewer service area, and does not have access to public transportation or community amenities.

The Township has proposed two (2) 100% affordable housing developments as part of its Fourth Round Plan: the Project Freedom Hornberger Phase II site (affordable family and supportive rentals) and the Project Freedom Roebling Senior/VFW site (affordable senior rentals). The Township believes these proposed projects represent the best options for affordable housing development within the Township and provide opportunities for the very-low-, low- and moderate-income households to be a part of the community and have access to local schools, public transportation, parks and services.

FAIR SHARE PLAN**Affordable Housing Obligations**

There are four components to a municipality's affordable housing obligation: the Fourth Round Present Need obligation, also known as the "Rehabilitation Share," the Prior Round obligation, the Third Round obligation, and the Fourth Round Prospective Need obligation. The terms "Present Need" and "Rehabilitation Share" are used interchangeably. Present Need resets with each round of affordable housing based on census data as to the number of deficient housing units existing at the beginning of that round that potentially are occupied by low- and moderate-income households. The obligation in the Prior Round, Third Round, and Fourth Round is also known as "Prospective Need" which refers to the provisions of affordable housing including through new construction necessary to address the demand for housing based on regional population growth. Lastly, given the convoluted history of the Third Round from 1999-2025, the Third Round obligation includes both the 'Gap' Need obligation (1999-2015) and the Third Round Prospective Need obligation (2015-2025).

Rehabilitation Obligation (Fourth Round Present Need)

The FHA, as amended by P.L. 2024, c.2, defines *present need* as "the number of substandard existing deficient housing units currently occupied by low- and moderate-income (LMI) households" and *deficient housing unit* as "housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities." The Township's Fourth Round rehabilitation obligation of 42 units was calculated by DCA according to the methodology described in the report titled *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background* and released in October 2024. As part of its Fourth Round DJ filing, the

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Township adopted a resolution in January 2025 adopting the DCA rehabilitation obligation of 42.

Prior Round Obligation

The Prior Round obligation is the cumulative prospective need obligation also known as the ‘new construction’ obligation for the First and Second Rounds (1987 to 1999). Florence Township’s Prior Round Need of 114 was calculated by COAH per N.J.A.C. 5:93 and is reflected in the Township’s Court-approved Third Round settlement agreement with FSHC.

Third Round Obligation

The Third Round obligation includes the “gap” portion of the Third Round (1999-2015) when no valid affordable housing regulations were in force and the Third Round Prospective Need (2015-2025), which included a projection 10 years into the future starting in July 2015. As established by the Township’s Court-approved FSHC Agreement, Florence Township’s Third Round obligation (1999-2025) was agreed upon at 378.

Fourth Round Prospective Obligation

The amended FHA defines *prospective need* as “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality.” The Township’s Fourth Round Prospective Need of 107 was also calculated by DCA according to the methodology described in its October 2024 report and agreed to by the Township in its Fourth Round DJ filing.

MEANS OF ADDRESSING THE PRESENT NEED OBLIGATION

N.J.A.C. 5:93-1.3, defines a dwelling needing rehabilitation as, “...a housing unit with health and safety code violations that require the repair or replacement of a major system”. Per N.J.A.C. 5:97, “Major systems” include weatherization, exterior cladding, window and door replacement, roofing, plumbing (water supply and sanitary), heating, electricity, lead paint abatement and load bearing structural systems.

Florence Township intends to address its rehabilitation obligation of 42 through continued participation in the Burlington County Home Improvement Loan Program and by continuing its participation in a local Consortium operating a local rental rehabilitation program:

- **Burlington County Home Improvement Loan Program.** The program is funded through federal Community Development Block Grants (“CDBG”) and is available to existing homes in Florence Township that are occupied by low- and moderate-income homeowners. According to the County, the program is

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marketed by sending program flyers to local tax offices and to specific targeted areas and neighborhoods of a municipality. Since April 1, 2020, two (2) homes in Florence Township have been rehabilitated with major system repairs/replacements through this program, with an average funding of approximately \$28,000 per unit. Additionally, four (4) more units are in the preliminary stages of the program. Appendix C contains a list of all units in Florence Township that have been rehabilitated through the County program.

- **Local Consortium - Township Rental Rehabilitation Program.** In 2020, Florence Township entered into a shared services rental rehabilitation program with several other municipalities in Burlington County. The program is managed by Community Grants Planning & Housing Inc. (“CGP&H”), an experienced administrative agent. CGP&H prepared a rental rehabilitation program manual in 2020, which was subsequently adopted by Florence Township (documentation included in Appendix C). According to CGP&H, no units in Florence Township have been rehabilitated by the program to date.

Both the Burlington County owner-occupied rehabilitation program and the Township’s rental rehabilitation program adhere to the regulations in N.J.A.C. 5:93-3.4. All new rehabilitated units will meet the applicable Uniform Construction Code requirements. Additionally, all rehabilitated units will be occupied by low- or moderate-income households and upon completion of the rehabilitation, affordability controls will be placed on the property in the form of a lien or deed restriction. All rehabilitations will have a minimum average hard cost of \$10,000.

SATISFACTION OF THE PRIOR ROUND OBLIGATION

As noted above, Florence Township’s Prior Round obligation is 114. COAH’s Second Round rules, contained at N.J.A.C. 5:93, permit affordable housing credits and bonuses to be applied toward affordable housing obligations for the Prior Round. The minimum number of affordable rental units¹⁴ and maximum number of age-restricted affordable units¹⁵ are established using the following formulas:

Minimum Prior Round Rental Obligation = 29 units

- $0.25(114 - 0 \text{ prior cycle credits}) = 28.5$, round up.
- A rental unit available to the general public receives one rental bonus.
- No rental bonus is granted in excess of the Prior Round rental obligation.

Maximum Prior Round Age Restricted Units = 18 units

- $0.25(114 - 0 \text{ prior cycle credits} - 42 \text{ RCAs}) = 18$.

¹⁴ N.J.A.C. 5:93-5.15(a)

¹⁵ N.J.A.C. 5:93-6.1(b)1 - revised per COAH Second Round policy

FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN

Affordable Housing Sites

LOCATION:
Florence Township, Burlington County, NJ

DATE:
May 8, 2025

- Proposed 100% Affordable
- 100% Affordable
- Inclusionary
- Future Scattered Sites



Sources:
• MDC-W Property Tax Parcels, published by NODGIS, accessed March 2025
• Aerial Imagery captured February 2025, published by NearMap.com, accessed March 2025



0 1,000 2,000 Ft

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture



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As summarized in Table 21, Summary of Prior Round Credits/Bonuses, 1987-1999, the Township has fully addressed its 114 Prior Round obligation with RCA credits, completed family and senior rental units and a portion of a completed alternative living arrangement. See the Township-wide aerial map depicting the locations of all Prior Round, Third Round and Fourth Round affordable housing locations on the page above. As approved by COAH in its 1999 Second Round substantive certification, and approved by FSHC and the Court in the Third Round settlement agreement and Third Round Final JOR, respectively, the Township continues to address its Prior Round as follows:

Table 21. Summary of Prior Round Credits/Bonuses, 1987-1999

Florence Township's 114 Prior Round Obligation - Prior Round Compliance Mechanisms	Credits	Bonus	Total
Regional Contribution Agreement – Funds Transferred (42 of 103)	42	0	42
100% Affordable Developments – Completed			
Family affordable rentals - Roebling Arms, MS Assoc.	24	24	48
Senior affordable rentals – Roebling Inn, BCCAP	14	0	14
Alternative Living Arrangements – Completed			
Affordable transitional hsg – 340 Alden Street (2 of 6)	2	2	4
Affordable transitional hsg – 140 Alden Street	2	2	4
Affordable transitional hsg – 717 West Second Street	1	1	2
Total	85	29	114

Regional Contribution Agreement – Funds Transferred

The Township previously transferred funds for a total of 103 RCA units for a First Round RCA to the Township of Pemberton. All funds for the 103 RCA transfer were provided. Appendix D contains a copy of the Township's CFO certification. As set forth in the court-approved Third Round settlement agreement with FSHC as well as in the Township's court-approved Third Round HEFSP, Florence Township is using 42 RCA credits toward the Prior Round obligation and the remaining 61 RCA credits will be used toward the Third Round obligation.

100% Affordable – Completed**Roebling Arms – Family Affordable Rentals (Completed)**

Roebling Arms is an existing 24-unit family affordable rental complex serving the physically disabled located at 1340 Hornberger Avenue (Block 122, Lot 2.03). On March 25, 1997, the Township transferred ownership of this property for \$1.00 to the Multiple Sclerosis Association of America, and the site was issued a certificate of occupancy on November 2, 1998. The Multiple Sclerosis Association of America developed the 24

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handicapped-accessible rental units with funding from the HUD 811 program. There are eight (8) efficiency and sixteen (16) one-bedroom low-income rental units with a 40-year affordability deed restriction. Appendix E contains a copy of the mortgage deed and the certificate of occupancy.

Roebbling Inn – Senior Affordable Rentals (Completed)

Roebbling Inn, located at 32 Riverside Avenue (Block 137, Lot 1) is an existing 100% affordable senior rental complex (14 units) funded through federal Low-Income Housing Tax Credits (“LIHTC’s”) and federal Historic Preservation Tax Credits. Roebbling Inn was completed in December 1997 and is owned and administered by Burlington County Community Action Program (“BCCAP”). The Roebbling Inn senior rental complex contains fourteen (14) one-bedroom, low-income units that are currently subject to a 35-year affordability deed restriction from 1997 to 2032. Appendix F contains copies of the 1997 deed restriction and certificate of occupancy.

As discussed in more detail below under Fourth Round extensions of controls, in 2017, the Township entered into an agreement with BCCAP to provide funding for the rehabilitation of the units, and in exchange, BCCAP agreed to extend the affordability controls for an additional thirty (30) years, for a total restrictive period of 65 years. Pending the final rule adoption governing extensions of controls for the Fourth Round, the Township shall seek Fourth Round credits for the extensions of controls.

Alternative Living Arrangements – Completed**Salt and Light (5 of 9) – Supportive and Special Needs Housing (Completed)**

There are nine (9) existing units of transitional housing in Florence Township that are owned and administered by the Salt and Light company (a.k.a. The Affordable Homes Group), and which were previously managed by Transitional Housing Services, Inc. (“Transitional Housing”). The nine (9) housing units include the following:

- 340 Alden Street (Block 116, Lot 5) – six (6) total units in two (2) buildings: the rear building contains two (2) one-bedroom units, and the front building contains two (2) one-bedroom units and two (2) three-bedroom units. The property was acquired by Transitional Housing in 2003 for permanent transitional housing. In 2005, the Township’s Zoning Board granted approval to build the front structure and rebuild the rear building (previously razed by a fire) with the condition that Salt and Light/Transitional Housing provide a 30-year deed restriction. Salt and Light received a mortgage from HMFA and Burlington County HOME funds, for the four (4) units in the front building. Appendix G contains the deed restriction, zoning board resolution and certificates of occupancy.

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- 140 Alden Street (Block 118, Lot 8) – two (2) one-bedroom units purchased in 1999 for permanent transitional housing. According to Salt and Light, the units are subject to 30-year affordability controls that will end in 2040. Appendix H contains copies of a DCA mortgage agreement, loan documentation from HUD, and certificates of occupancy.
- 717 W. Second Street – Block 16, Lot 10 - one (1) four-bedroom unit initially leased by Transitional Housing in 1996 and then purchased by the organization in May 1999 for permanent transitional housing. This unit is also subject to 30-year affordability controls that will end in 2040, according to Salt and Light. Appendix H also contains a copy of the loan document from HUD and the certificates of occupancy.

Five (5) of the nine (9) units are applied to the Prior Round Obligation – including units at 717 West Second Street (1 unit), 140 Alden Street (2 units) and 340 Alden Street (2 of 6 units). The balance of the units at 340 Alden Street (4 of 6) are applied to the Third Round Obligation.

Prior Round Senior Cap, Rental Component and Rental Bonuses

COAH's Prior Round rules, contained at N.J.A.C. 5:93, require a municipality's obligation to consist of a minimum number of rental units, a maximum number age-restricted units, and maximum number of rental bonuses. As previously noted, Florence Township's Prior Round obligation is required to include at least 29 rental units, no more than 18 age-restricted units, and no more than 29 rental bonuses. The Township has addressed these minimum and maximum requirements, as summarized in Table 22.

Table 22. Prior Round Senior Cap, Rental Component and Rental Bonuses

Mechanism	Rental Units	Age-Restricted Units	Rental Bonuses
Roebling Arms MS	24	-	24
Roebling Inn, BCCAP	14	14	-
340 Alden Street (2 of 6)	2	-	2
140 Alden Street	2	-	2
717 West Second Street	1	-	1
Total Provided	43	14	29
Min/Max Required	29 Min.	18 Max.	29 Max.

SATISFACTION OF THE THIRD ROUND OBLIGATION

The Township's Court-approved Third Round settlement agreements with FSHC established a 378 Third Round Prospective Need. Per COAH's regulations, and as modified by terms set forth in the Third Round FSHC settlements, the Township must address a variety of minimum or maximum credits in satisfying its Third Round obligation as set forth in the following formulas:

Maximum Rental Bonuses = 95 units

$$0.25 \text{ (Third Round obligation)} = 0.25(378) = 94.5, \text{ round up to } 95$$

Minimum Third Round Total Family Units = 111 units

$$0.50 \text{ (Third Round obligation - excess Prior Round RCAs - bonuses)} = 0.50 \\ (378 - 61 - 95) = 111$$

Maximum Third Round Age-Restricted Units = 79 units

$$0.25 \text{ (Third Round obligation - excess Prior Round RCAs)} = 0.25 (378 - 61) = \\ 79.25, \text{ round down to } 79$$

Minimum Third Round Rental Units = 95 units

$$0.25 \text{ (Third Round obligation)} = 0.25(378) = 94.5, \text{ round up to } 95$$

Maximum Third Round Family Rental Units = 48 units

$$0.50 \text{ (Minimum Third Round Rental Units)} = 0.50(29) = 47.5, \text{ round up to } 48$$

Minimum Third Round Very Low-Income Units = 29 units

$$0.13 \text{ (units approved and created after 7/17/2008)} = 0.13(222) = 28.86, \text{ round} \\ \text{up to } 29$$

Minimum Third Round Very Low-Income Family Units = 15 units

$$0.50 \text{ (Minimum Third Round Very Low-Income Units)} = 0.50(29) = 14.5, \\ \text{round up to } 15$$

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As summarized in Table 23, Summary of Third Round Credits/Bonuses, 1999-2025, the Township has fully addressed its Third Round obligation of 378 with a combination of 100% affordable developments, inclusionary sites, residual RCA credits from the Prior Round, market to affordable units, alternative living arrangements, and Third Round rental bonuses.

Table 23. Summary of Third Round Credits/Bonuses, 1999-2025

Florence Township's 378 Third Round Obligation – Third Round Compliance Mechanisms	Credits	Bonus	Total
Surplus Prior Round RCA (61 balance of 103)	61	n/a	61
100% Affordable Development - Completed/Under Construction/Prop.			
Family aff. rentals - S&L, 300/320 Alden (comp.)	7	7	14
Family aff. 58/sp.nd. 20 rentals - PF Hornberger Ph I (under const)	78	64, cap	142
Senior aff. rentals 48/sp. needs 5 - Duffy/MEND (completed)	53	0	53
Senior aff. rentals - PF Roebling Senior/VFW, 5 of 36 (prop)	5	0	5
Inclusionary Development - Completed/Approved			
Family aff. rentals - Sassman Off-Site (completed)	2	2	4
Family aff. rentals - Weiss (approved)	36	cap	36
Family aff. sales - Albax/McHugh (completed)	1	n/a	1
Senior aff. sales - Atlantic/Legacy (completed)	17	n/a	17
Market to Affordable - Completed/Approved			
Family aff. rentals - 220 Foundry (completed)	6	6	12
Family aff. rentals - Salt & Light, 25-5 Florence Tollgate (completed)	1	cap	1
Family aff. sales - S&L, 301 Norman (approved, no credit request now)	0	n/a	0
Alternative Living Arrangements - Completed/Under Construction			
Oaks Integrated/Family Service/Twin Oaks (completed)	9	9	18
Transitional Hsg., Inc., 4 of 6 at 340 Alden, 4 bal. of 9 overall (comp.)	4	4	8
Community Options, 330 East Fourth (completed)	3	3	6
SERV Gr. Home, 440 W. Fourth (replaced w prop. PF seniors, above)	0	0	0
Total	283	95	378

Prior Round Surplus

As previously noted, the Township transferred payments for a total of 103 RCA credits to Pemberton Township. The Township used 42 RCA credits towards the Prior Round and the balance of 61 credits towards the Third Round as approved in the Court's December 21, 2017 Fairness Order and the August 23, 2021 Final JOR.

Municipally Sponsored / 100% Affordable – Completed, Under Construction, Proposed**Project Freedom Hornberger Phase I – Family Affordable/Special Needs Rentals**

In 2021, the Township entered into a development agreement with Project Freedom, an experienced affordable housing developer, agreeing to donate the then-municipally-owned site (Block 121, Lot 4.02) for the development of a 72-unit 100% affordable housing project eligible for a total of 78 credits, consisting of the following:

- 58 affordable family rental units, four (4) of which are mental health (“MH”) independent family units; and
- 14 affordable special needs units (which are eligible for 20 special needs credits as six (6) special needs units are two-bedroom units occupied by two (2) unrelated individuals).

The site comprises approximately 10 acres of land located on the northwest side of the intersection of Route 130 and Hornberger Avenue. The project was financed through a combination of LIHTC’s and a loan award of \$1.5 million from the Federal Home Loan Bank (“FHLB”). Construction commenced in 2023. The site has been issued temporary certificates of occupancy, and completion of the project is anticipated in August 2025.

A deed restriction has been filed for the property that has implemented 45-year affordability controls effective January 13, 2025, and Project Freedom will administer the development. As shown in Table 24, the affordable family rental portion of this project includes ten (10) very low-income units, thirty-two (32) low-income units, and sixteen (16) moderate-income units. The affordable special needs portion of this project includes 20 bedrooms within 14 units, with all 20 bedrooms very low-income. The Township is eligible for 142 total credits and bonuses, including 58 credits from the affordable family rentals, 20 credits from the affordable special needs, and 64 Third Round rental bonuses. Appendix I includes copies of the development agreement with the Township, the deed restriction, and the temporary certificates of occupancy.

**Table 24. Project Freedom Hornberger Phase I
Income Bedroom Distribution, Family Units**

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	4	2	4	10
Low-Income	6	17	9	32
Moderate-Income	0	11	5	16
Total	10	30	18	58

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Salt & Light, 300/320 Alden – Family Affordable Rentals (Completed)

In July 2007, Salt and Light (“S&L”) purchased 300 and 320 Alden Avenue (Block 116, Lot 6) from Homes of Hope and subsequently combined the lots into one. Through an agreement with Florence Township, S&L will continue the affordable housing operations at both properties for seven (7) family affordable rental units, including five (5) units used for transitional housing and two (2) units for permanent tenants. The units received continued certificates of occupancy on June 27, 2007. Pursuant to the Township’s agreement, S&L continues to affirmatively market the units, income qualify applicants and maintain 30-year affordability controls in accordance with COAH rules at N.J.A.C. 5:93-9.2 and UHAC per N.J.A.C. 5:80-26.I. As shown in Table 25, the development maintains a low-/moderate-income split of five (5) very low-income units and two (2) low-income units. There are six (6) one-bedroom units and one three-bedroom unit. The seven (7) affordable family rental units are eligible for seven (7) Third Round rental bonuses pursuant to N.J.A.C. 5:93-5.15. Appendix J includes copies of the development agreement with the Township, the deed restriction, the certificates of occupancy, and deed documenting conveyance of the site.

Table 25. Salt & Light 300/320 Alden Income Bedroom Distribution

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	5	0	0	5
Low-Income	1	0	1	2
Moderate-Income	0	0	0	0
Total	6	0	1	7

Duffy/MEND – Senior Affordable Rentals (Completed)

In 2012, the Duffy School (Block 45/ Lots 8, 13, 14 and 15) was transferred from the Florence Township Board of Education to the Township of Florence for one (\$1) dollar. The Township donated the site to Moorestown Ecumenical Neighborhood Development (“MEND”) to convert the Duffy School into 53 units and to own and administer the senior rental housing on the site. Conifer assisted MEND with the development of the 100% affordable housing complex. Both entities are experienced affordable housing developers. All of the units are one-bedroom units with seven very low-income, 25 low-income and 21 moderate-income rentals. Five (5) of the units are designated for individuals with special needs. Catholic Charities works with MEND to place the special needs individuals within the five (5) special needs units.

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The development was issued a certificate of occupancy on June 1, 2015. Financing for the project was through LIHTC's, Historic Preservation Tax Credits and County HOME loan funding and the Township contributed \$1.45 million. Affordability controls are provided through a 30-year deed restriction placed on the property by HMFA, which requires an extended control period for a total of 45 years through 2059. Pursuant to the Township's agreement, MEND continues to affirmatively market the units, income qualify applicants and maintain the affordability controls. Appendix K includes copies of the agreement between MEND and the Township, deed restriction, certificate of occupancy, and Burlington County HOME loan documentation.

Project Freedom Roebling Senior/VFW – Senior Affordable Rentals (Proposed)

The Township intends to address a small portion of its Third Round and mainly its Fourth Round obligations through a proposed senior 100% affordable, municipally sponsored project in a continued partnership with Project Freedom, an experienced affordable housing developer. The approximately 8.8-acre site is located along the northerly side of Hornberger Avenue and includes the former, vacant VFW property purchased by the Township in 2023 (Block 126.02, Lots 1), an unimproved portion of a parcel owned by the Trinity United Methodist Church (Lot 7), a wooded parcel owned by members of the Dimon family (Lot 5), a paper street right-of-way (11th Avenue) and additional wooded land owned by the Township (Lot 3).

The proposed development includes 36 total affordable senior rental units housed within two (2) three-story buildings (18 units per building). For the purposes of crediting, five (5) senior affordable rental units will be applied to the Third Round, 24 senior credits will be applied to the Fourth Round, and the remaining seven (7) credits will be applied to a future round.. A site suitability analysis and preliminary compliance analysis is included in the section of this plan regarding Fourth Round compliance mechanisms.

Inclusionary Development – Completed/Approved

Sassman Off-Site – Family Affordable Rentals (Completed)

Two (2) affordable family rental units are located at 725 West Second Street (Block 16, Lot 19). The two (2) units are off-site inclusionary units to a mixed-use residential and commercial development located at 1301 Hornberger Avenue (Block 126.02, Lot 1.02) which was approved by the Township Zoning Board in 2007. Development of the 1301 Hornberger Avenue inclusionary project was initiated by Mark Sassman of Central Penn Capital Management, LLC. In 2018, Daniel Mark Properties, LLC, acquired 1301 Hornberger Avenue and requested to relocate the two (2) affordable units off site at 725 West Second Street. The two (2) affordable family rental units are administered by Piazza & Associates ("Piazza"), are subject to 30-year minimum affordability controls, and were issued certificates of occupancy on May 28, 2020. The two (2) units include

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one (1) one-bedroom low-income unit and one (1) one-bedroom moderate-income unit. Appendix L contains copies of the deed restriction, certificates of occupancy.

Weiss – Family Affordable Rentals (Approved)

The Weiss mixed-use, redevelopment site comprises 17.3 acres of land located southwest of the intersection of US Route 130 and Cedar Lane (formally known as Florence-Bustleton Road - County Route 650). The site includes five (5) lots, four (4) of which are owned privately (Block 160.01, Lots 11.01, 11.02 and 24) and one (1) owned by the NJ Department of Transportation (“NJDOT”) (Block 160.01, Lot 4). The proposed development includes commercial uses and an inclusionary 240-unit multi-family residential family rental development of which 36 family affordable rental units will be deed restricted and administered by a Township-approved and experienced affordable housing administrator.

In 2017, the Township entered into a developer’s agreement with Florence Associates, LLC, a related entity of Weiss Properties (“Weiss”) for a mixed-use, inclusionary redevelopment project. The Township adopted the redevelopment plan in 2018, the site was granted site plan approval in 2019 and amended site plan approval in 2021. In 2023, the developer entered into an agreement with NJDOT agreeing to contribute funds for off-site improvements to Route 130. According to the 2021 amended site plan approval, the required affordable housing bedroom distribution will be seven (7) efficiencies or one-bedroom units, 21 two-bedroom units and eight (8) three bedroom and the income distribution of the affordable units will include five (5) very low-income units, fourteen (14) low-income units, and seventeen (17) moderate-income units. Appendix M contains copies of the 2017 development agreement, the Township’s 2018 ordinance adopting the Redevelopment Plan, and the 2021 amended site plan approval.

Table 26 Weiss Income Bedroom Distribution

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	1	3	1	5
Low-Income	3	8	3	14
Moderate-Income	3	10	4	17
Total	7	21	8	36

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Albax/McHugh – Family Affordable Sale (Completed)

The developer (Albax, LLC) of the site (Block 100, Lot 8.10) constructed one (1) three-bedroom affordable for-sale unit (moderate income) out of a total of seven (7) residential units and was issued a certificate of occupancy on October 28, 2015. For the built Third Round affordable unit, Triad is the administrative agent for the Township and will provide long-term administration of the unit in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1. Appendix N contains copies of the deed restriction and the certificate of occupancy.

Atlantic/Legacy – Senior Affordable Sales (Completed)

The developer (Atlantic Equity Olive Street) of the site (Block 147.11, Lots 16-19, 25-28 and 40-48) constructed a total of 112 residential units of which 17 are affordable age-restricted for-sale units, which contain affordability controls through a 30-year deed restriction. The original approved income mix applied to the affordable units was nine (9) low-income units and eight (8) moderate-income units. As approved by COAH in July 2009, the developer was permitted to sell six (6) of the low-income units at a moderate income price due to a determination by COAH that the area was deemed to be a "difficult to sell area". However, COAH required that the next sale of the units be to low-income households. The units were issued certificates of occupancy between 2008 and 2010 and include fourteen (14) three-bedroom units and three (3) two-bedroom units. The Housing Affordability Service ("HAS") under HMFA is the administrative agent for these units in the Township and will provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1. Appendix O contains a sample deed restriction, COAH waiver letter and a list of certificates of occupancy dates for each unit.

Table 27. Atlantic/Legacy Income Bedroom Distribution

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	0	0	0	0
Low-Income	0	1	3	4
Moderate-Income	0	7	6	13
Total	0	8	9	17

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Market to Affordable – Completed/Approved

220 Foundry – Family Affordable Rentals (Completed)

Ventures SME developed the first market to affordable units in the Township through the rehabilitation of a vacant, substandard residential building located at 220 Foundry Street (Block 14, Lot 8) into six (6) affordable family rental housing units. The development received Zoning Board approval on February 28, 2012 (Resolution ZB 2012-10). The Township provided an affordability assistance contribution of \$198,000 (\$33,000 per unit average) pursuant to a developer's agreement dated July 11, 2012, which addresses the minimum average subsidy of \$27,500 required by COAH's rules. A certificate of occupancy was issued on June 4, 2014, and the project has a deed restriction of at least thirty years. Appendix P contains copies of the 2012 developer agreement, deed restriction, and certificates of occupancy.

Piazza is the Township's experienced affordable housing administrative agent for these affordable family rental units. Although COAH's Market to Affordable regulations permit exceptions to UHAC for bedroom distribution, low- and moderate-income unit split and affordability average, 220 Foundry addressed the low-/moderate-income split, affordability average and also provided a very low-income unit at 30% of the regional median income. The low-/moderate-income split by bedroom count at 220 Foundry is as follows: one (1) two-bedroom very low-income unit, two (2) low-income units (one (1) one-bedroom unit and one (1) two-bedroom unit) and three (3) moderate-income units (two (2) one-bedroom units and one (1) two-bedroom unit). The six (6) affordable family rentals are eligible for six (6) Third Round rental bonuses per N.J.A.C. 5:93-5.15.

Table 28. 220 Foundry Income Bedroom Distribution

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	0	1	0	1
Low-Income	1	1	0	2
Moderate-Income	2	1	0	3
Total	3	3	0	6

Salt & Light, 25-5 Florence Tollgate – Family Affordable Rental (Completed)

In 2016, S&L purchased one (1) two-bedroom unit located at 25-5 Florence Tollgate (Block 155.25, Lot 5) within the Florence Tollgate condominium complex with the assistance of \$35,000 from the Township’s affordable housing trust fund. The unit was deed restricted for at least 30 years, issued a continued certificate of occupancy on October 16, 2016, and is administered by S&L under the requirements per N.J.A.C. 5:80- 26.1. The crediting documents for this project are included in Appendix Q.

S&L entered into an agreement with the Township on May 22, 2017 to provide ten (10) market to affordable family rental units dispersed throughout the Township – 25-5 Florence Tollgate is the only one completed to date. Although previously proposed in Florence Township’s 2018 Third Round HEFSP, the remaining nine (9) market to affordable units anticipated to be provided by S&L will no longer be part of the Township’s affordable housing compliance efforts and, specifically, they have been replaced as part of this HEFSP with other Third Round compliance mechanisms summarized in Table 22.

Salt & Light, 301 Norman Ave – Family Affordable Rental (Approved)

S&L received approval (Resolutions Z.B.-2009-04 and 2009-163) to replace an existing structure with an affordable modular three-bedroom single-family detached dwelling at 301 Norman Avenue (Block 116, Lot 7). The Township entered into a development agreement with S&L, dated July 7, 2009, and an amended agreement dated April 7, 2010, agreeing to contribute \$35,000 towards the project. Though the development agreement remains valid, S&L has not applied for a building permit for the affordable unit, thus, no credit from this compliance mechanism is requested at this time. Appendix R contains copies of the resolution of approval and the development agreements with S&L.

Alternative Living Arrangements – Completed, Under Construction

Oaks Integrated/Family Service/Twin Oaks (Completed)

Oaks Integrated (“Oaks Int.”) (formally known as Twin Oaks and previously known as Family Service of Burlington County) is an experienced provider of alternative living arrangements in the Burlington County region. In 2009 and 2012, the Township entered into affordable housing agreements with Twin Oaks and contributed \$35,000 per unit of affordable housing trust funds to aid in the production of alternative living arrangements. Oaks Int. has nine (9) existing alternative living arrangement units/bedrooms in Florence Township, which address COAH’s regulations at N.J.A.C. 5:93-5.8. The units/bedrooms include the following:

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- 29-1 Florence Tollgate – one bedroom
- 10-2 Florence Tollgate – one bedroom
- 31-1 Florence Tollgate – one bedroom
- 37-1 Florence Tollgate – two bedrooms
- 37-5 Florence Tollgate – two bedrooms
- 79 Riverbank Drive – two bedrooms

The various alternative living arrangements received certificates of occupancy between May 22, 2008 and June 23, 2011. Oaks Int. has provided the minimum 30-year affordable housing deed restrictions on each property. These nine (9) alternatives living arrangements are eligible for nine (9) credits and have a low- /moderate-income split of four (4) very low-income units, three (3) low-income units and two (2) moderate-income units. Additionally, the nine (9) credits are eligible for nine (9) Third Round rental bonuses pursuant to N.J.A.C. 5:93-5.15. Appendix S contains copies of the affordable housing agreements, certificates of occupancy, and a sample deed restriction.

Transitional Housing Inc., (4 bal. of 9) - 340 Alden (Completed)

As previously discussed in the Prior Round section, there are nine (9) existing units of transitional housing in Florence Township that are owned and administered by S&L and which were previously managed by Transitional Housing Services, Inc. Five (5) of the nine (9) units are applied to the Prior Round Obligation – including units at 717 West Second Street (1 unit), 140 Alden Street (2 units) and 340 Alden Street (2 of 6 units). Also, the balance of four (4) of the nine (9) units are applied to the Third Round Obligation – the four-unit balance of the six (6) units at 340 Alden Street.

The property at 340 Alden Street (Block 116, Lot 5) contains six (6) total units in two buildings: the rear building contains two (2) one-bedroom units, and the front building contains two (2) one-bedroom units and two (2) three-bedroom units. The property was acquired by Transitional Housing in 2003 for permanent transitional housing. In 2005, the Township's Zoning Board granted approval to build the front structure and rebuild the rear building (previously demolished by a fire) with the condition that S&L/Transitional Housing provide a 30-year deed restriction. S&L received a mortgage from HMFA and Burlington County HOME funds for the four (4) units in the front building.

The four (4) units towards Third Round credit include two (2) one-bedroom low-income units and two (2) three-bedroom low-income units. Appendix T contains the deed restriction, zoning board resolution and certificates of occupancy.

Township of Florence**Fourth Round Housing Element and Fair Share Plan****Adopted May 27, 2025****Community Options, 330 East Fourth Street (Completed)**

Florence Township is eligible for three (3) credits for a licensed three-bedroom group home located at 330 East Fourth Street (Block 71 Lot 3). The group home which consists of three (3) bedrooms for very low-income individuals received a certificate of occupancy in March 2016. Community Options, an experienced group home provider, placed 30-year affordability controls on the property and the Township, in return, pursuant to an agreement, provided Community Options with \$60,000. This group home will help the Township address the minimum Third Round rental obligation and will be eligible for three (3) Third Round rental bonuses. Appendix U contains a copy of the deed restriction, the certificate of occupancy, and a completed *Supportive and Special Needs Housing Survey*.

SERV Group Home, 440 West Fourth Street (Replaced)

The Township's 2018 Third Round HEFSP had previously proposed a four-bedroom group home on a Township-owned property at 440 West Fourth Street (Block 31, Lot 1) to be conveyed to and operated by SERV, an experienced group home provider. The four (4) credits previously proposed have been replaced with other Third Round compliance mechanisms summarized in Table 22.

Third Round Requirements - Rental, Family, Senior, Rental Bonuses, Very Low-Income

As previously noted, Florence Township must address a variety of minimum or maximum credits in satisfying its Third Round obligation, pursuant to COAH's regulations and as modified by terms set forth in the Third Round FSHC settlements. The Township has addressed these minimum and maximum requirements, as summarized in Table 29 on the following page.

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**Table 29. Third Round Requirements -
Rental, Family, Senior, Rental Bonuses, Very Low-Income**

Mechanism	Rental Bonuses	Total Family Units	Age-Restricted Units	Rental Units	Family Rental Units	VLI Units	VLI Family Units
Family aff. rentals - S&L, 300/320 Alden	7	7	-	7	2	5	5
Family aff. 58/sp.nd. 20 rentals - PF Hornberger Ph I	64	58	-	78	58	30	10
Senior aff. rentals 48/sp. needs 5 - Duffy/MEND	-	-	48	48	-	7	-
Senior aff. rentals - PF Roebling Senior/VFW, 5 of 36	-	-	5	5	-	-	-
Family aff. rentals - Sassman Off-Site	2	2	-	2	2	-	-
Family aff. rentals - Weiss	-	36	-	36	36	5	5
Family aff. sales - Albax/McHugh	-	1	-	-	-	-	-
Senior aff. sales - Atlantic/Legacy	-	-	17	-	-	-	-
Family aff. rentals - 220 Foundry	6	6	-	6	6	1	1
Family aff. rentals – S&L, 25-5 Florence Tollgate	-	1	-	1	1	-	-
Oaks Integrated/Family Service/Twin Oaks	9	-	-	9	-	4	-
Transitional Hsg., Inc., 4 of 6 at 340 Alden	4	-	-	4	-	-	-
Community Options, 330 East Fourth	3	-	-	3	-	3	-
Total Provided	95	111	70	199	105	55	21
Min/Max Required	95 max	111 min	79 max	95 min	48 min	29 min	15 min

Florence Township's Third Round affordable housing sites consist of 199 rental units, of which 105 are family rental units. This far exceeds the required number of rental and family rental units (95 and 48, respectively) required by COAH's rules and by the settlement agreement with FSHC. As the Township satisfied its 95-unit rental requirement, it is also eligible for 95 Third Round rental bonuses. In addition, Florence Township has also addressed its Third Round obligation with 70 age-restricted units, which is within the 79-unit maximum.

The Township has also provided 111 total family units, the majority of which are from the Project Freedom Hornberger Phase I site which is currently under construction and the Weiss Redevelopment project which has existing approvals. This addresses the settlement requirement that at least one-half of its Third Round affordable housing units are available to families.

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Regarding the provision of Third Round very low-income units and family very low-income units, in the Court-approved Third Round 2017 amended FSHC settlement, it was anticipated that approximately 222 housing units would be approved and created after July 17, 2008 which would generate a total of 29 very low-income units (including 15 very low-income family units) and which would be addressed by up to 39 very low-income units (as specifically listed in the 2017 amended agreement). As shown in the table above, Florence Township has addressed this requirement with 55 very low-income units, of which 21 are available to families.

As detailed in Table 33 in the overall section on Very Low-Income Units, the Township has provided more than 29 very low-income units (including more than 15 very low-income family units.) As the provision of very low-income units is an ongoing statutory requirement, the Township has fully updated a listing of total affordable housing units generating the 13% very low-income requirement (including Fourth Round sites approved and constructed or to be constructed) as well as the Township's updated list of very low-income affordable units that were or will be constructed in the Fourth Round.

SATISFACTION OF THE FOURTH ROUND PROSPECTIVE NEED

On April 8, 2025, the Court accepted and approved Florence Township's adopted binding resolution which included its Fourth Round Prospective Need of 107. Pursuant to P.L. 2024, c.2, the minimum number of affordable family units, rental units, family rental units and maximum number of age-restricted affordable units and bonuses are established using the following Fourth Round formulas based on the Township's Fourth Round Prospective Need or Fourth Round obligation as noted below:

Maximum Fourth Round Bonuses = 26 units

$$0.25 \text{ (Fourth Round obligation)} = 0.25 (107) = 26.75, \text{ round down}$$

Minimum Fourth Round Total Family Units = 41 units

$$0.50 \text{ (Fourth Round obligation - bonuses)} = 0.50 (107 - 26) = 40.5, \text{ round up}$$

Minimum Fourth Round Total Rental Units = 21 units

$$0.25 \text{ (Fourth Round obligation - bonuses)} = 0.25 (107 - 26) = 20.25, \text{ round up}$$

Minimum Fourth Round Family Rental Units = 11 units

$$0.50 \text{ (Min Fourth Round Total Rental Units)} = 0.50 (21) = 10.5, \text{ round up}$$

Maximum Fourth Round Age-Restricted Units = 24 units

$$0.30 \text{ (Fourth Round obligation - bonuses)} = 0.30 (107 - 26) = 24.3, \text{ round down}$$

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Minimum Fourth Round Very Low-Income Units = **11 units**

$$0.13 \text{ (Fourth Round obligation - bonuses)} = 0.13 (107 - 26) = 10.53, \text{ round up}$$

Minimum Fourth Round Very Low-Income Family Units = **6 units**

$$0.50 \text{ (Min Fourth Round Very Low-Income Units)} = 0.50 (11) = 5.5, \text{ round up}$$

As summarized in Table 30, Summary of Fourth Round Credits/Bonuses, 2025-2035, the Township proposes to address its 107 Fourth Round obligation using two (2) 100% affordable developments: the proposed Project Freedom Hornberger Phase II site and the proposed Project Freedom Roebling Senior/VFW site. See the Township-wide aerial map depicting the locations of all Prior Round, Third Round and Fourth Round affordable housing locations on the following page.

Table 30. Summary of Fourth Round Credits/Bonuses, 2025-2035

Florence Township's 107 Fourth Round Obligation - Fourth Round Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Development – Proposed/Future Round			
Family aff./sp needs rentals - PF Hornberger Ph. II (prop)	59	26, cap	85
Senior aff. rentals - PF Roebling Senior/VFW, 24 cap. of 36 (prop)	24	0	24
Scattered Sites - Municipal Small Development Program – 440 W. Fourth St., 629 W. Third St., 209 Iron St, etc.	-	-	-
Extensions of Controls – Proposed Fourth Round			
Senior aff. rentals – Roebling Inn, BCCAP (up to 14 senior extensions, Twp reserves right to address final/effective regs)	-	-	-
Total	83	26	109
Surplus	–	–	2

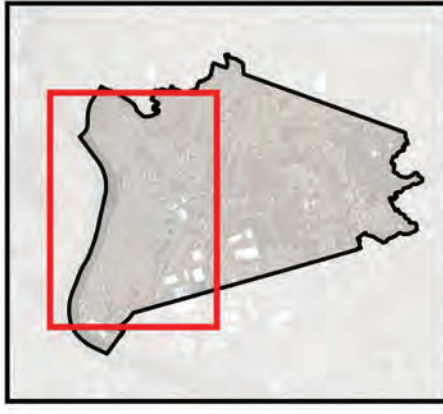
FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN

Affordable Housing Sites

LOCATION:
Florence Township, Burlington County, NJ

DATE:
May 8, 2025

- Proposed 100% Affordable
- 100% Affordable
- Inclusionary
- Future Scattered Sites



Sources:
• MDC-W Property Tax Parcels, published by NODGIS, accessed March 2025
• Aerial Imagery captured February 2025, published by NearMap.com, accessed March 2025



0 1,000 2,000 Ft

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture



Township of Florence
Fourth Round Housing Element and Fair Share Plan

Adopted May 27, 2025

Municipally Sponsored and 100% Affordable – Proposed

Project Freedom Hornberger Phase II – Family and Special Needs Affordable Rentals (Proposed)

The Township intends to address its Fourth Round obligation through a second phase of an existing 100% affordable, municipally sponsored development in partnership with Project Freedom. The Phase II expansion site comprises 7.75 acres of land located along the northwestern side of Route 130 and currently includes three single-family residences on three lots (Block 121, Lots 4.05, 4.06 and 4.07). These parcels will be used as an expansion to the Project Freedom site on the adjoining eastern property (Lot 4.02), which is currently under construction (i.e., Project Freedom Hornberger Phase I). At this time, Project Freedom anticipates the development will include a total of 54 affordable units (59 total family/special needs credits) in three (3) three-story buildings (at least 18 units per building) and will share the community center being developed on Lot 4.02.

The proposed 54-unit development will include forty (40) family rental units and fourteen (14) special needs units supported by the NJ Division of Developmental Disabilities (“DDD”). The family and special needs units have the following bedroom and income distributions:

- Per Table 31, the 40 family rental units include 28 two-bedroom units, 12 three-bedroom units, and zero (0) one-bedrooms. A total of 19 units are moderate-income, 15 units are low-income, and six (6) units are very low-income.
- The special needs units consist of 19 bedrooms within 14 very low-income units, including nine (9) one-bedroom units and five (5) two-bedroom units. All 19 bedrooms are creditworthy, as the five (5) two-bedroom units will be occupied by unrelated individuals.

**Table 31. Project Freedom Hornberger Phase II
Income Bedroom Distribution, Family Units**

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	0	4	2	6
Low-Income	0	10	5	15
Moderate-Income	0	14	5	19
Total	0	28	12	40

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In addition, as the Township will enter into a developer's agreement with Project Freedom to contribute much more than three (3%) percent of the \$20.6 million project costs through the donation of land to be acquired for approximately \$2 million as well as an affordable housing trust fund contribution of \$500,000, the 100% affordable housing development is also eligible for the maximum twenty-six (26) upfront Fourth Round bonuses, per N.J.S.A. 52:27D-311.k(8). Accordingly, the Township is claiming 85 total credits (40 family units + 19 special needs bedrooms + 26 bonuses = 85 credits and bonuses).

The Township shall execute the developer's agreement with Project Freedom for submission to the Program/Superior Court as part of the adopted HEFSP to be submitted within 48 hours of adoption or to be submitted to the Program/Superior Court after the governing body authorizes a resolution of approval to execute the agreement as a supplemental submission as part of its Fourth Round DJ Filing no later than June 30, 2025. A copy of the agreement is included in Appendix U.

Project Freedom will pursue 9% LIHTC financing from HMFA. The Township is currently negotiating with the property owners to purchase the site expansion and, as noted above, intends to donate the land to Project Freedom and provide supplemental funding from its affordable housing trust fund. The proposed 100% affordable family and special needs rental project addresses the requirements for municipally sponsored construction, defined in N.J.A.C. 5:93-5.5, as follows:

- ✓ **Site Control.** Per N.J.A.C. 5:93-5.5(a)1, the Township "shall demonstrate that it has control or has the ability to control the site(s). Control may be in the form of outright ownership or an option on the property." The Township is currently negotiating with the owners of the three (3) parcels¹⁶. In the event the Township's ongoing negotiations prove unsuccessful, pursuant to law, on May 14, 2025, the Township introduced an ordinance authorizing the acquisition of the above referenced property for a public purpose (affordable housing), authorizing such acquisition by voluntary negotiation or condemnation if necessary, authorizing the Township to acquire the necessary appraisals and any due diligence efforts necessary, authorizing the Township to engage in negotiations with the property owners, and authorizing the filing of an eminent domain action with the Court, if necessary. In addition, once an appraisal or basis of an amount of just compensation is finalized, the Township shall further introduce/adopt an ordinance appropriating the necessary funding before finalizing a purchase or filing a Declaration of Takings with the Court. The Township anticipates taking action on the ordinance(s) at a second reading/public hearing on June 4, 2025. The Township shall submit the adopted ordinance(s) immediately after adoption to the Program/Superior Court as a supplemental submission to its Fourth Round DJ Filing.

¹⁶ The site parcels are currently owned by Joseph Brian Oros (Lot 4.05), Ronald and Mary Oros (Lot 4.06), and Barry and Susanne Oros (Lot 4.07).

FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN

Project Freedom Hornberger Phase II

LOCATION:
Florence Township, Burlington County, NJ

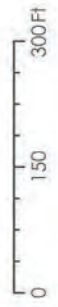
DATE:
May 5, 2025

-  Project Freedom Phase II Expansion (Proposed)
-  Project Freedom Phase I (Under Construction)
-  Streams
-  Riparian Buffer (150 feet)
-  Wetlands (2020)
-  Flood Hazard Area (2024)
-  Slopes $\geq 15\%$ (2019)

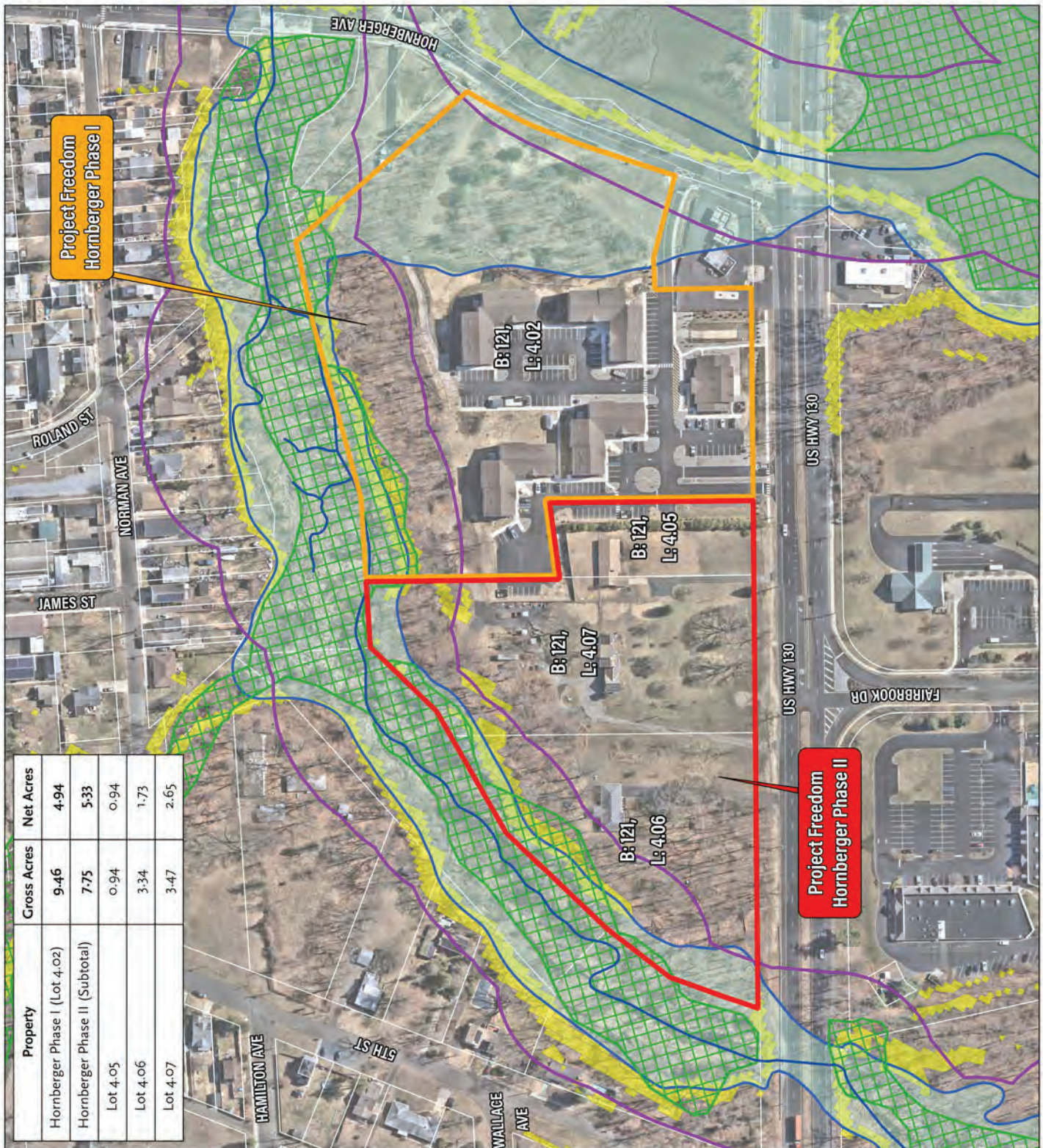
Sources:

- MDP-V Property Tax Parcels, published by NJDOGS, accessed March 2025
- Land Use (Land Cover) 2020, published by NJDEP, accessed March 2025
- Surface Water Quality Classifications, published by NJDEP 2020, accessed March 2025
- New Jersey Digital Elevation Model 2014-2019, published by NJDOGS, accessed July 2024
- Effective Flood Insurance Rate Map (FIRM), published by FEMA, accessed March 2025
- Aerial imagery captured March 2025, published by NearMap.com, accessed April 2025

*Note: NJDEP-approved flood hazard areas, wetlands, and riparian-zone delineation for Project Freedom Phase I site, pursuant to Letter of Interpretation (LOI), February 24, 2021, File No. 035-08-00022



Clarke Caton Hintz
Architecture
Planning
Landscape Architecture



Property	Gross Acres	Net Acres
Hornberger Phase I (Lot 4.02)	9.46	4.94
Hornberger Phase II (Subtotal)	7.75	5.33
Lot 4.05	0.94	0.94
Lot 4.06	3.34	1.73
Lot 4.07	3.47	2.65

Township of Florence

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Adopted May 27, 2025

- ✓ **Administrative Agent.** Project Freedom, an experienced tax credit affordable housing developer, is intended to be the owner and serve as the long-term administrative agent for the proposed 100% affordable development. As an experienced affordable housing administrative agent, Project Freedom will oversee all aspects of the development ensuring adherence with HMFA's LIHTC requirements and the relevant UHAC affirmative marketing requirements including appropriate income distribution with at least 13% very low-income affordable rental housing affordable to individuals or households earning 30% or less of regional median income, ensuring the filing of 45-year affordability controls, providing affirmative marketing efforts pursuant to the amended FHA including advertising on the NJ Housing Resource Center pursuant to State Law, income qualifying tenants and overseeing the long-term management of the 100% affordable rental development.
- ✓ **Funding Capabilities.** Project Freedom will pursue 9% LIHTC financing from HMFA and anticipates applying for potential funding from sources including, but not limited to, HMFA special needs trust funds. As noted, the Township shall donate the acquired land to Project Freedom and shall contribute \$500,000 from its affordable housing trust fund. To address N.J.A.C. 5:93-5.5(a)3.ii as well as to address these same requirements repeated in the Administrative Directive #14-24, the Township shall adopt a resolution of intent to fund any shortfall in anticipated outside funding, including through future Township bonding, for the municipally sponsored affordable housing construction program. Project Freedom's pro forma for the 100% affordable family and special needs rental complex is provided in Appendix U.
- ✓ **Construction Schedule/Timetable.** As also required by N.J.A.C. 5:93-5.5(a)4 and with similar requirements in the Administrative Directive #14-24, Project Freedom anticipates the following general construction schedule: prepare and submit site plan application for approval (Summer 2026), submit application to HMFA for 9% LIHTC (August 2026); and funding awards granted (December 2026); outside agency approvals/permits (Winter 2027), closing, select contractor and construction start (Spring 2027).

Additionally, in accordance with the requirements of N.J.A.C. 5:93-5.3, municipalities shall designate sites that are available, suitable, developable, and approvable (defined in N.J.A.C. 5:93-1.3) and align with the SDRP, per N.J.A.C. 5:93-5.4. The proposed development addresses these conditions as follows:

- ✓ **Available.** Sites that are "available" have clear title and are free of encumbrances which preclude development. To the Township's knowledge, there are no legal encumbrances that preclude development of this site for affordable rental housing.

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Adopted May 27, 2025

- ✓ **Approvable.** Sites that are “approvable” can be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. While the site is currently located in the RA single-family residential zoning district, the Township anticipates designating the site as an Area in Need of Redevelopment, adopting a Redevelopment Plan and Redeveloper’s Agreement to address HMFA’s LIHTC scoring requirements.
- ✓ **Developable.** Sites that are “developable” have access to appropriate water and sewer infrastructure and are consistent with the areawide water quality management plan. According to the Township Administrator, the site is in the Township’s sewer service area and public water and sewer mains exist on Hornberger Avenue and public water and sewer mains were previously brought to the southern property boundary of the existing of Phase I Project Freedom development. The Township Administrator has also confirmed that the Township’s public sewer and water system has sufficient capacity to serve the 54-unit (59 credit) Phase II expansion (documentation included as Appendix W).
- ✓ **Suitable.** Sites that are “suitable” are adjacent to compatible land uses, have access to appropriate streets, and are consistent with the environmental policies of N.J.A.C. 5:93-4.
 - **Compatible Land Uses and Street Access.** As previously stated, this site is a proposed expansion of the Project Freedom 100% Affordable multi-family development presently being developed on the adjoining northeastern property. A tributary of the Delaware River flows along the northern and western site boundary, beyond which are single family residences. The site will have frontage and direct vehicular access to Route 130 and to Hornberger Avenue (both through a shared driveway with Phase I), which bounds the property to the east. Commercial development (including The Shoppes at Mallard Creek strip mall) is located further south across Route 130.
 - **Environmental Conditions.** As shown on the aerial map on the following page, the northern and western portions of the site contain wetlands, floodplains, riparian buffers and steep slopes; however, these environmental constraints will not preclude the proposed affordable housing development. The net developable area is approximately 5.5 acres. There are no Category One streams or known contaminated sites located on the property.
 - **Historical/Architectural Significance.** The site will not impact any historic or architecturally important sites and districts. There are no historic or architecturally important sites or buildings on the property or

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in the immediate vicinity that will impact the development of affordable housing.

- ✓ **Smart Growth Planning.** The 2001 Adopted State Plan Map and the 2025 Preliminary State Plan Map designates the property as the Metropolitan Planning Area (PA 1). The intention of the Metropolitan Planning Area is to provide for much of the State's future development in a compact form and is the preferred location for affordable housing development. In addition, the site is located approximately 0.5 mile from the Roebling River Line Station, providing an opportunity to implement the principles of smart growth planning and transit-oriented development. The River Line provides transit service between Camden (with connections to PATCO for service to Philadelphia and Atlantic City) and Trenton (with connections to NJ Transit/Amtrak to points north and south). In addition, NJ Transit's Route 409 bus provides service along Hornberger Ave and Route 130 to points north and south.

Project Freedom Roebling Senior/VFW – Senior Affordable Rentals (Proposed)

Through DCA's small project funding, not HMFA's 9% LIHTC's, Florence Township intends to address a portion of its Fourth Round obligation through senior affordable rental housing with a second 100% affordable, municipally sponsored development in partnership with Project Freedom. As shown on the aerial map of the site, this site comprises approximately 8.87 acres of land located in the Roebling neighborhood along the northerly side of Hornberger Avenue and includes the following lands:

- Block 126.02, Lot 1.01 – consists of the former, vacant VFW building. As noted above under the Township's Affordable Housing History, through a 2023 consent order with FSHC, the Court authorized the Township to expend up to \$500,000 from its affordable housing trust fund on an 'emergent affordable housing activity,' including acquisition, demolition, and pre-development costs related to the VFW site. The Township spent \$322,000 to purchase this property.
- Block 126.01, Lot 5 – consists of a wooded parcel owned by the members of the Dimon family.
- Block 126.01, portion of Lot 7 – consists of a rear unimproved portion of a parcel owned by the Trinity United Methodist Church.
- Block 126.01, portion of Lot 3 – consists of a predominantly wooded parcel owned by Florence Township which contains sewer pump station equipment. According to the Township Administrator, this equipment is intended to be rehabilitated and will be accessible for Township use via an easement.

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- A paper street (11th Avenue) located between Lots 1.01 and 5 that consists of wooded land.

The proposed development includes 36 total affordable senior rental units housed within two (2) three-story buildings (18 units per building). For the purposes of crediting, the maximum 24 senior credits will be applied to the Fourth Round, with five (5) senior credits to be applied to the Third Round and the balance seven (7) senior affordable credits to a future round. The Township is currently negotiating with the property owners of Lots 5 and 7 (the Dimon family and the Methodist Church) to acquire these parcels and intends to donate the land to Project Freedom and provide supplemental funding from its affordable housing trust fund.

In addition, the Township shall enter into an agreement with Project Freedom for the production of senior affordable rental housing. The Township anticipates executing the agreement with Project Freedom for submission to the Program/Superior Court as part of the adopted HEFSP to be submitted within 48 hours of Planning Board adoption or to be submitted to the Program/Superior Court after the governing body authorizes a resolution of approval to execute the agreement, as a supplemental submission as part of its Fourth Round DJ Filing no later than June 30, 2025. A copy of the agreement between Florence Township and Project Freedom is included in Appendix V. The proposed 100% affordable senior rental project addresses the requirements for municipally sponsored construction, defined in N.J.A.C. 5:93-5.5, as follows:

- ✓ **Site Control.** Florence Township is the owner of Block 126.02/Lot 1.01 and Block 126.01/Lot 3. The Township is currently in discussion with representatives of the Dimon family to acquire Block 126.01/Lot 5. Florence Township is also in discussion with the Methodist Church to acquire a portion of Block 126.01/Lot 7. Ultimately, Florence Township intends to donate the site parcels to Project Freedom. Per N.J.A.C. 5:93-5.5(a)1, the Township “shall demonstrate that it has control or has the ability to control the site(s). Control may be in the form of outright ownership or an option.” In the event the Township’s ongoing negotiations with the representatives of the Dimon family and the Methodist Church prove unsuccessful, pursuant to law, on May 14, 2025, the Township introduced ordinances authorizing the acquisition of the above referenced properties for a public purpose (affordable housing), authorizing such acquisition by voluntary negotiation or condemnation if necessary, authorizing the Township to acquire the necessary appraisals and any due diligence efforts necessary, authorizing the Township to engage in negotiations with the owners of both properties, and authorizing the filing of an eminent domain action with the Court, if necessary. In addition, once an appraisal or basis of an amount of just compensation is finalized, the Township shall further introduce/adopt an ordinance appropriating the necessary funding before finalizing a purchase or filing a Declaration of Takings with the Court

FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN

Project Freedom Roebling Senior/VFW

LOCATION:
Florence Township, Burlington County, NJ

DATE:
May 6, 2025

Proposed Roebling Senior/VFW
site boundary (8.87 acres)

Wetlands (none)

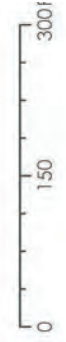
Flood Hazard Area (2024)

Slopes $\geq 15\%$ (2019)



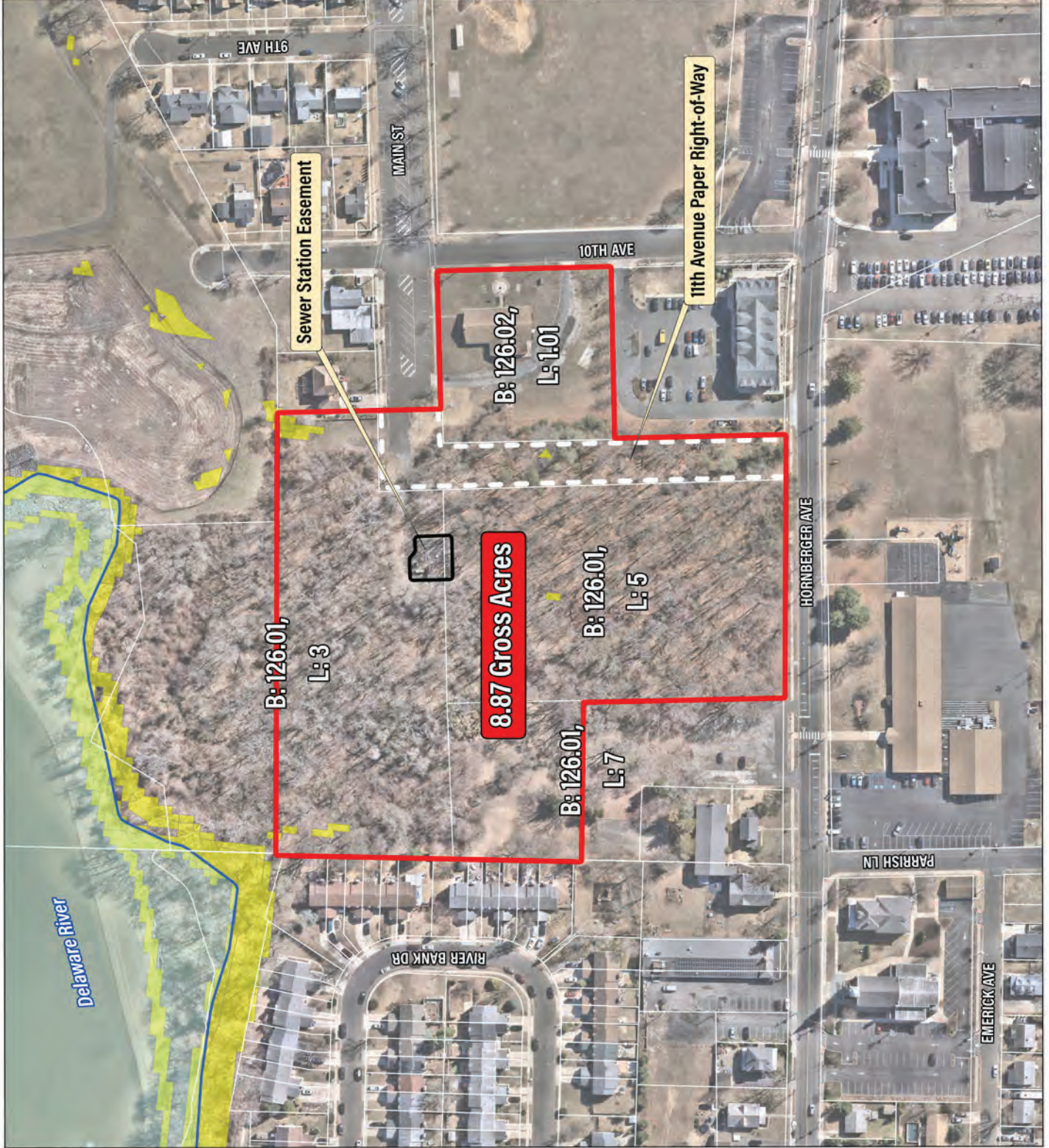
Sources:

- MDOT Property Tax Parcels, published by NIDIS, accessed March 2025
- Land Use/Land Cover 2020, published by NIDIS, accessed March 2025
- New Jersey Digital Elevation Model 2014-2019, published by NIDIS, accessed July 2024
- Effective Flood Insurance Rate Map (FIRM), published by FEMA, accessed March 2025
- Aerial imagery captured March 2025, published by Nearmap.com, accessed April 2025



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Architecture
Planning
Landscape Architecture



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The Township anticipates taking action on the ordinance(s) at a second reading /public hearing on June 4, 2025. The Township shall submit the adopted ordinance(s) immediately after adoption to the Program/Superior Court as a supplemental submission to its Fourth Round DJ Filing.

- ✓ **Administrative Agent.** Project Freedom is intended to be the owner and serve as the long-term administrative agent for the proposed 100% affordable development. As an experienced affordable housing administrative agent, Project Freedom will oversee all aspects of the development ensuring adherence with COAH's/UHAC requirements including appropriate income distribution with at least 13% very low-income rental housing affordable to individuals or households earning 30% or less of regional median income, ensuring the filing of at least 40-year affordability controls, providing affirmative marketing efforts pursuant to the amended FHA including advertising on the NJ Housing Resource Center pursuant to State Law, income qualifying tenants and overseeing the long-term management of the 100% affordable senior rental development.
- ✓ **Funding Capabilities.** Project Freedom intends to pursue DCA Affordable Housing Trust Funds in order to finance the project. As noted, the Township shall donate the acquired land to Project Freedom and shall contribute \$400,000 from its affordable housing trust fund. To address N.J.A.C. 5:93-5.5(a)3.ii as well as to address these same requirements repeated in the Administrative Directive #14-24, the Township shall adopt a resolution of intent to fund any shortfall in anticipated outside funding, including through future Township bonding, for the municipally sponsored affordable housing construction program. Project Freedom's pro forma for the affordable senior rental complex is provided in Appendix V.
- ✓ **Construction Schedule/Timetable.** As also required by N.J.A.C. 5:93-5.5(a)4 and with similar requirements in the Administrative Directive #14-24 Project Freedom anticipates the following general construction schedule: prepare and submit site plan application for approval (Winter 2026), submit application to DCA for affordable housing trust funds (Winter 2026); outside agency approvals/permits(Spring 2026), closing, select contractor and construction start (Summer 2027).

Additionally, in accordance with the requirements of N.J.A.C 5:93-5.3, municipalities shall designate sites that are available, suitable, developable, and approvable (defined in N.J.A.C 5:93-1.3) and align with the SDRP, per N.J.A.C. 5:93-5.4. The proposed development addresses these conditions as follows:

Township of Florence
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- ✓ **Available.** Sites that are “available” have clear title and are free of encumbrances which preclude development. To the Township’s knowledge, there are no legal encumbrances that preclude development of this site for affordable rental housing.
- ✓ **Approvable.** Sites that are “approvable” can be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The Township anticipates designating the site to permit low- and moderate-income housing through an Area in Need of Redevelopment designation, Redevelopment Plan adoption and Redeveloper’s Agreement approval.
- ✓ **Developable.** Sites that are “developable” have access to appropriate water and sewer infrastructure and are consistent with the areawide water quality management plan. According to the Township Administrator, the site is in the Township’s sewer service area and public water and sewer mains exist on Hornberger Avenue. The Township Administrator has also confirmed that the Township’s sewer and water system has sufficient capacity to serve the proposed new 36 affordable senior rental units (documentation included as Appendix W).
- ✓ **Suitable.** Sites that are “suitable” are adjacent to compatible land uses, have access to appropriate streets, and are consistent with the environmental policies of N.J.A.C. 5:93-4.
 - **Compatible Land Uses and Street Access.** The site has street access via Hornberger Avenue to the south and 10th Avenue to the east. Surrounding land uses include schools to the south across Hornberger Avenue; a baseball field and single-family residences to the east; commercial development along Hornberger Avenue (including the Roebbling Super Market) and additional single-family residences to the west.
 - **Environmental Conditions.** As shown on the map on the following page, there are no wetlands, floodplains, steep slopes or Category One streams that encumber the site. Minor areas of steep slopes are present on Lots 5 and 7. NJDEP mapping identifies potential historic fill material on Lot 7. According to the Township Administrator, environmental due diligence will be conducted to determine the presence of subsurface contamination (if any).
 - **Historical/Architectural Significance.** The site will not impact any historic or architecturally important sites and districts. There are no historic or architecturally important sites or buildings on the property or

Township of Florence
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Adopted May 27, 2025

in the immediate vicinity that will impact the development of the affordable housing.

- ✓ **Smart Growth Planning.** The 2001 Adopted State Plan Map and the 2025 Preliminary State Plan Map designates the property as the Metropolitan Planning Area (PA 1). The intention of the Metropolitan Planning Area is to provide for much of the State's future development in a compact form and is the preferred location for affordable housing development. In addition, the NJ Transit Route 409 bus service is available along Hornberger Avenue providing service along Route 130 to points to the north including Bordentown City and Trenton and south to Camden and points in between. Also, the site is located approximately 0.8 mile from the Roebling River Line Station which provides rail transit service between Camden (with connections to PATCO for service to Philadelphia and Atlantic City) and Trenton (with connections to NJ Transit/Amtrak to points north and south).

Scattered Sites - Municipal Small Development Program

There are three (3) municipally-owned sites which Florence Township previously acquired and demolished deficient buildings/structures on the properties. Although at this time, the Township does not intend to request upfront credits from these sites towards its Fourth Round obligation, the Township will implement a Municipal Small Development Program by the Mid-Point of the Fourth Round, initially focused on these three (3) sites but the program may be expanded in the future depending on funding availability. The three (3) initial sites include:

- **440 West Fourth Street (Block 31, Lot 1)** – the Township currently owns the parcel and demolished the existing structure and mitigated the environmental contamination found at the site. In 2016, the Township spent \$34,210 from the Township's trust fund to support affordable housing development at the site which had initially been anticipated to be for a four-bedroom group home to be developed by SERV, an experienced group home provider.
- **629 West Third Street (Block 18, Lot 7)** – in 2020, the Township spent \$107,210.22 from the Township's trust fund to purchase the property and demolish the former building.
- **207-209 Iron Street (Block 15, Lots 3 and 4.01)** – in 2019 and 2020, the Township spent \$126,934.20 from the Township's trust fund to purchase the property and demolish the former building.

Additional details will be provided by the Fourth Round Mid-Point. The Township's proposed future 100% affordable Municipal Small Development Program will address the requirements for municipally sponsored construction, defined in N.J.A.C. 5:93-5.5.

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Extensions of Controls – Proposed Fourth Round

Roebbling Inn – Senior Affordable Rentals (Fourth Round)

As previously discussed above in the section on the Township’s Prior Round, Roebbling Inn, located at 32 Riverside Avenue (Block 137, Lot 1) is an existing 100% affordable senior rental complex (14 units) that is owned and administered by BCCAP. The units are currently subject to a 35-year affordability deed restriction filed in 1997. In 2017, the Township entered into an agreement with BCCAP (initially in May 2017 and then an amendment in December 2017) wherein the Township agreed to provide rehabilitation funding and BCCAP agreed to extend the affordability controls on the senior rental units. In 2017 and 2018, the Township spent \$484,717 from its affordable housing trust fund toward the rehabilitation of the 14 senior units for an average renovation expenditure of more than \$34,600 per unit. In exchange, BCCAP agreed to extend the affordability controls for an additional thirty (30) years, commencing in 2032 through 2062, for a total restrictive period of 65 years. Pending the final rule adoption governing extensions of controls for the Fourth Round (units with controls that were scheduled to expire between 2025 and 2035), the Township shall seek Fourth Round credits for the extensions of controls of some or all of these 14 senior BCCAP rental units. Appendix F contains copies of the 1997 deed restriction, certificate of occupancy, the 2017 agreements, and a summary of the rehabilitation hard cost expenditures provided by the Township Code Official.

Fourth Round Requirements - Rental, Family, Senior, Bonuses, Very Low-Income

On April 8, 2025, the Court accepted and approved Florence Township’s adopted binding resolution which included its Fourth Round Prospective Need of 107. Pursuant to P.L. 2024, c.2, the minimum number of affordable family units, rental units, family rental units and maximum number of age-restricted affordable units and bonuses are established using the following Fourth Round formulas based on the Township’s Fourth Round Prospective Need or Fourth Round obligation as noted below:

**Table 32. Fourth Round Requirements -
Rental, Family, Senior, Bonuses, Very Low-Income**

Fourth Round Requirement	Provided	Required
Bonuses	26 (PF Hornberger Ph II)	26 Max.
Total Family Units	40 (PF Hornberger Ph II)	41 Min.
Total Rental Units	59 (PF Hornberger Ph II)	21 Min.
Family Rental Units	40 (PF Roebbling Senior/VFW)	11 Min.
Age Restricted Units	24 (PF Hornberger Ph II)	24 Max.
Very Low-Income	25 (PF Hornberger Ph II) 6 (PF Roebbling Senior/VFW) 31 (Total)	11 Min.
Family Very Low Income	6 (PF Hornberger Ph II)	6 Min.

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VERY LOW-INCOME UNITS

Pursuant to the 2008 amendments to the FHA, P.L. 2008, c.46 (codified as N.J.S.A. 52:27D-329.1), municipalities must provide units affordable to very low-income households equal to 13% of all affordable units approved and constructed (or to be constructed) after July 1, 2008. As shown in Table 32, Florence Township complies with this requirement, as nearly 32% of the units approved and constructed or to be constructed since this date are affordable or will be affordable to very low-income households.

**Table 33. Very Low-Income Units Approved and Constructed
or To Be Constructed since July 17, 2008**

Compliance Mechanism	Total Units	VLI Units	
		Approved/ Proposed	Under Con/ Constructed
Project Freedom Hornberger Phase I	78		30 (10 fm/20 sn)
Project Freedom Hornberger Phase II	59	25 (6 fm/19 sn)	-
Project Freedom Roebling Seniors	24, cap	6 seniors	-
Weiss – family rentals	36	5 family	-
Duffy/MEND – senior rental	53	-	7 senior/sn
Oaks Integrated – special needs	9	-	4 sn
Community Options - special needs	3	-	3 sn
220 Foundry Street – family rental	6	-	1 family
300/320 Alden, FSHC settlement (pre-2008) – family rentals	-	-	5 family
25-5 Florence Tollgate	1	-	-
Total	269	86 (31.9%)	
Very-Low Requirement Percentage	13% of 269 = 35 required very-low, rounded up from 34.97		

In addition, per the more recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, at least half of very low-income units addressing a Fourth Round Prospective Need must be “available for families with children.” In accordance with the formulas below, Florence Township’s obligation must consist of at least 11 very low-income units, six (6) of which are available to families with children. The Township intends to exceed the minimum very low-income Fourth Round requirement with 31 very low-income units through the proposed Project Freedom Roebling Seniors/VFW site which will have six (6) very low-income senior units and through the proposed Project

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Freedom Hornberger Phase II site which will consist of 25 very low-income units including six (6) units available to families and 19 special needs bedrooms (within 14 units). Thus, the Township will address the Fourth Round requirement of six (6) very low-income units available to families with children with six (6) units available to families the proposed Project Freedom Hornberger Phase II.

Minimum Fourth Round Very Low-Income Units = 11 units

$$0.13 \text{ (Fourth Round obligation - bonuses)} = 0.13 (107 - 26) = 10.53, \text{ round up}$$

Minimum Fourth Round Very Low-Income Family Units = 6 units

$$0.50 \text{ (Min Fourth Round Very Low-Income Units)} = 0.50 (11) = 5.5, \text{ round up}$$

INCOME AND BEDROOM DISTRIBUTION

Under COAH's Second Round rules at N.J.A.C. 5:93-7.3 and UHAC at N.J.A.C. 5:80-26.4 (revised through December 19, 2024), non-age-restricted affordable units must adhere to the following bedroom distribution: no more than 20% may be one-bedroom or efficiency units, at least 30% must be two-bedroom units, and at least 20% must be three-bedroom units. Table 34 provides a summary of the bedroom-income distribution of affordable family housing units in Florence Township for the Third and Fourth Rounds combined, demonstrating compliance with these standards.

Table 34. Income and Bedroom Distribution, Family Units, Third/Fourth Round

Income Distribution	Bedroom Distribution			
	One-Bedroom/ Efficiency	Two-Bedroom	Three-Bedroom	Total
Very Low-Income	10	10	7	27 (17.88%)
Low-Income	12	37	18	67 (44.37%)
Moderate-Income	6	36	15	57 (37.75%)
Total	28 (18.54%)	83 (54.97%)	40 (26.49%)	151 (100%)

The above bedroom and income distribution includes 151 affordable family units within the following projects:

- Project Freedom, Phase I (58 units)
- Project Freedom, Phase II (40 units)
- Weiss Florence Associates (36 units)
- 220 Foundry Street (6 units)
- Project Freedom, Phase I (58 units)
- Project Freedom, Phase II (40 units)
- Weiss Florence Associates (36 units)
- 220 Foundry Street (6 units)

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY

The FHA requires an HEFSP to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). As of May 2025, no recommendations have been issued by the Commission.

ADMINISTRATION AND AFFIRMATIVE MARKETING

Florence Township currently has a Court-approved Fair Share Ordinance (included in Appendix X). Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated Fair Share Ordinance in accordance with COAH's rules, DCA's proposed new regulations at N.J.A.C. 5:99 and UHAC's new 2025 regulations that are anticipated to be released shortly. The Fair Share Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. including 13% very low-income housing shall be required to be affordable to households earning no more than 30 percent of median income.

Additionally, to address a term of the Township's Third Round Agreement with FSHC, the Fair Share Ordinance previously established a mandatory set-aside requirement of 20% of the affordable units will be for sale and 15% of the affordable units will be for rent, for any multi-family residential development created through any Planning Board action on subdivision or site plan applications; municipal rezoning; Zoning Board use or density variance; redevelopment plan or rehabilitation plan that provides a substantial density increase resulting in a minimum density at or above six (6) units per acre (or other compensatory benefit). This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Florence Township to grant such rezoning, variance or other relief.

As approved by municipal resolution (Appendix X), the Township Administrator, has held and will continue to hold the position of the Municipal Housing Liaison ("MHL"). The Township utilizes a number of existing experienced affordable housing administrative agents including Project Freedom, HAS, Triad, Piazza, and S&L, as well as a number of special needs providers.

Florence Township currently has a Court-approved Affirmative Marketing Plan and has provided a preliminary Fourth Round updated Affirmative Marketing Plan. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated Affirmative Marketing Plan in accordance with

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DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules. The Township will adopt an Affirmative Marketing Plan for all affordable housing sites. The Township's preliminary Fourth Round updated Affirmative Marketing Plan, included in Appendix Y, is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region, Region 5, consisting of Burlington, Camden and Gloucester counties.

The Affirmative Marketing Plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. All newly created affordable units will comply with the minimum thirty-year or forty-year (for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.1 et seq. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

As required by the court-approved Third Round FSHC agreement, the Affirmative Marketing Plan lists FSHC, the New Jersey State Conference of the NAACP, the Latino Action Network, the Southern Burlington County Branch of the NAACP, Willingboro NAACP, MEND, Lutheran Social Ministries ("LSM") and BCCAP among the list of community and regional organizations. The Township shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

Finally, in accordance with the July 2020 amendment to the FHA, Florence Township will include in its Affirmative Marketing Plan the requirement that all units subject to affirmative marketing requirements be listed on the state Housing Resource Center website.¹⁷

DEVELOPMENT FEE ORDINANCE

Florence Township initially adopted a development fee ordinance in 1993 which was approved by COAH on February 3, 1993 and, most recently, the Township adopted an updated development fee ordinance in 2018 which was approved by the Superior Court. The updated ordinance permits collection of residential development fees equal

¹⁷ <https://njhrc.gov>

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to 1.5% of the equalized assessed value of new residential construction and additions, and mandatory nonresidential development fees equal to 2.5% of the equalized assessed value of new nonresidential construction and additions. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated development fee ordinance, if needed, in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules. The Township's Court-approved 2018 Development Fee Ordinance is included as Appendix Z.

SPENDING PLAN

Florence Township's affordable housing trust fund was established on February 3, 1993. As of December 31, 2024, the trust fund maintained a balance of \$3,441,256. A new Fourth Round Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, has been prepared in accordance with N.J.A.C. 5:93-5.1(c) and is included as Appendix AA. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules.

In general, the Township intends to use its trust fund revenues to cover land acquisition costs and provide affordability assistance for the two (2) proposed 100% affordable, municipally sponsored developments – the Project Freedom Hornberger Phase II and the Project Freedom Roebling Senior/VFW sites. Additional trust fund expenditures will include a final payment for the Project Freedom Hornberger Phase I site, rehabilitation of existing deficient housing units, and administrative costs related to affordable housing efforts. The Township may, in the future, seek to amend its Spending Plan and obtain court approval to use its affordable housing trust funds for the following additional permitted affordable housing activities, including its Municipal Small Scattered Site Development Program as well as new, emergent affordable housing activities, subject to applicable limitations and minimum expenditures:

- New construction;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;

Township of Florence**Fourth Round Housing Element and Fair Share Plan****Adopted May 27, 2025**

- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;
- Assistance designed to render units to be more affordable.

At least 30% of development fees and interest collected must be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan and for the creation of very low-income units. Additionally, no more than 20% of trust fund revenues collected each year may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, an HEFSP, and/or an affirmative marketing program.

The adoption of the Township's Fourth Round Spending Plan will constitute a "commitment" for expenditure per the FHA at N.J.S.A. 52:27D-329.2, with a four-year time period for expenditure that will start with the entry of the Superior Court's Fourth Round Judgment of Compliance and Repose and/or Compliance Certification.

COST GENERATION

Florence Township's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards ("RSIS") (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Florence Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will revise its Land Development Ordinance, if needed, in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, in order to address new requirements to address cost generative issues.

MONITORING

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4 as amended by P.L. 2024 c.2, by February 15 of each year of the Fourth Round, the Township will provide a detailed accounting through DCA's new AHMS online portal of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the

Township of Florence**Fourth Round Housing Element and Fair Share Plan****Adopted May 27, 2025**

prior calendar year. The Municipality will also provide a detailed accounting in AHMS of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

Florence Township or any other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in this HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. If such an action is initiated, The Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the Mount Laurel doctrine.

APPENDIX A

2021 FINAL THIRD ROUND
JOR, 2023 CONSENT ORDER
w/FSHC, 2017 AMENDED
FSHC SETTLEMENT 2016 FSHC
SETTLEMENT AGREEMENT

Kelly Grant, Esq.
 Attorney ID # 02696-2010
 Malamut & Associates, LLC
 47 Haddonfield Road, Suite 500
 Cherry Hill, NJ 08002
Attorney for Declaratory Plaintiff, Township of Florence

**IN THE MATTER OF THE
 APPLICATION OF THE TOWNSHIP
 OF FLORENCE, COUNTY OF
 BURLINGTON,**
 Declaratory Plaintiff

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION, BURLINGTON COUNTY

DOCKET NO.: L-1605-15

CIVIL ACTION
(Mount Laurel)

**FINAL JUDGMENT OF
 COMPLIANCE AND REPOSE
 WITHOUT CONDITIONS**

THIS MATTER having come before the Court pursuant to the provisions of the Judgment of Compliance and Repose entered by this Court on October 29, 2018, which Judgment provided that with respect to the conditions set forth in said Judgment, as subsequently amended by this Court by Order entered November 12, 2020 Order and further amended by Order entered March 24, 2021, the Declaratory Plaintiff Township of Florence shall submit a planner's certification with any required supporting documentation to Frank Banisch, PP, AICP, Court-appointed Special Master ("Special Master") and Fair Share Housing Center ("FSHC") as to how each condition of compliance has been addressed; and the Court having received a June 18, 2021 Certification from the Township's Planner, Mary Beth Lonergan, P.P., A.I.C.P., documenting Florence Township's compliance with the outstanding conditions; and the Court having held a hearing on August 23, 2021, with the testimony of Ms. Mary Beth Lonergan as to all of the conditions having been met; and it

appearing to the Court that a Final Judgment of Compliance and Repose should be entered in favor of Township of Florence, and for good cause shown:

NOW, THEREFORE, IT IS on this 23rd day of August, 2021, **ORDERED AND ADJUDGED** as follows:

1. The Township's 2018 Housing Element and Fair Share Plan (adopted August 28, 2018, endorsed September 5, 2018) is hereby approved and the Township is hereby granted Final Judgment of Compliance and Repose as to its Rehabilitation Obligation, its Prior Round Obligation, and its Third Round Obligation (including the 'gap present need') pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) applicable Council on Affordable Housing ("COAH") procedural and substantive regulations, and Mt. Laurel case law, including the New Jersey Supreme Court's decision in In Re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) ("Mt. Laurel IV").
2. The Township's fair share obligations are as follows:
 - a. Prior Round: 114.
 - b. Third Round Gap and Prospective Need (1999-2025): 378.
 - c. Third Round Rehabilitation Share/Present Need: 96.
3. The Township is satisfying its Prior Round Obligation of 114 units with the following compliance mechanisms:

Prior Round Compliance Mechanisms				
Mechanism	Affordable Units	Type	Bonuses	Status
COAH-Approved RCA w/Pemberton Township (42 of 103 being allocated to Prior Round)	42	NA	NA	Complete
Roebling Arms (Block 122, Lot 2.03) 100% Affordable	24	Family Rental	24	Complete
Roebling Inn - BCCAP	14	Senior Rentals	NA	Complete

Prior Round Compliance Mechanisms				
(Block 137, Lot 1) 100% Affordable				
Transitional Housing, Inc. 717 W. Second St., 140 Alden St., and 340 Alden St. (5 of 9 total between Prior and Third Round)	5	Alternative Living	5	Complete
Total Units	85		29	

4. The Township is satisfying its Third Round Prospective Need Obligation of 378 units with the following compliance mechanisms:

Third Round (1999-2025) Compliance Mechanisms				
Mechanism	Affordable Units	Type	Bonuses	Status
Surplus RCA w/Pemberton Twp.	61	NA	NA	Complete
Hornberger /Route 130 100% Affordable (Block 121, Lots 4.02 and 9)	78	54 Family Rentals/ 24 Special Needs	28, capped	Proposed, Executed Dev Agree
Weiss Inclusionary (Block 160.01, Lots 11.01, 11.02, and 24)	36	Family Rentals	36	Approved, Executed Dev Agree
Duffy/MEND 100% Affordable	53	Senior Rentals 48 senior and 5 special needs	NA	Complete
Atlantic/Legacy Inclusionary (Block 147.11, Lots 16- 19, 25-28, and 40-48)	17	Senior Sales	NA	Complete
Salt/Light Market to Affordable	10	Family Rental	NA, capped	1 Complete, 9 Proposed
Oaks Integrated Care	9	Special Needs	9	Complete
Salt/Light 300-320 Alden 100% Affordable	7	2 Family Rentals/ 5 Alternative Living	7	Complete
220 Foundry Market to Affordables	6	Family Rentals	6	Complete

Third Round (1999-2025) Compliance Mechanisms				
SERV Group Home (Block 31, Lot 1)	4	Special Needs	NA, capped	Proposed
Transitional Housing, Inc. 340 Alden St. (4 of 9 total between Prior and Third Round)	4	Alternative Living	4	Complete
Community Options Group Home	3	Special Needs	3	Complete
Sassman Inclusionary 725 West 2 nd St. (Block 16, Lot 19)	2	Family Rentals	2	Complete
Albax Inclusionary (Block 100, Lot 8.03)	1	Family For- Sale	NA	Complete
Salt/Light 301 Norman Ave. Market to Affordable	1	Family For- Sale	NA	Approved
Total Units/Credits	292		95	

The Township has a total of 387 Third Round credits/bonuses, resulting in nine (9) surplus credits towards a future fair share obligation.

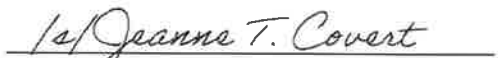
5. This Court's Final Judgment of Compliance and Repose approves the Township of Florence's Development Agreement with Project Freedom, dated April 21, 2021, and amended on June 18, 2021, an experienced low income housing tax credit ("LIHTC") developer and the designated developer for the Hornberger 100% affordable family/special needs housing site that plans to file an LIHTC application by the August 31, 2021 HMFA deadline. The proposed 72 unit project (eligible for 78 total credits), as approved by the Township of Florence in the referenced Development Agreement, satisfies a municipal affordable housing obligation and this Final Judgment of Compliance and Repose confirms the site's inclusion in the Township's court-approved Housing Element and Fair Share Plan, superceding the original proposal (Project Freedom as the new developer and a new unit breakdown) for the

Route 130/Hornberger Avenue site. The project will consist of seventy-eight (78) affordable units/credits, including at least 54 affordable family non-age-restricted rental units that are open to the general public and not reserved for persons with special needs as further refined in provision 7. below of this Order.

6. This Final Judgment of Compliance and Repose approves the Township of Florence's 2021 Amended Spending Plan which sets forth the Township's \$1,050,000 total funding commitment to Project Freedom including \$600,000 for pre-development costs and \$450,000 for very low-income affordability assistance for the creation of six (6) very low-income family affordable rental units (four (4) 3-bedroom and two (2) 2-bedroom units) in addition to the 24 special needs very low-income rental units as part of the Project Freedom proposal.
7. This Final Judgment of Compliance and Repose approves the Township-subsidized six (6) family affordable very low-income rental units and approves four (4) of Project Freedom's 'formerly homeless' special needs units as family very low-income affordable units for a total of ten (10) family affordable very low-income rental units.
8. The within Final Judgment of Compliance and Repose shall remain in effect for ten (10) years beginning on July 1, 2015 and ending on July 1, 2025, and during this ten (10) year period the Township shall have immunity from all Mt. Laurel lawsuits, including but not limited to Builder Remedy lawsuits, except for actions brought to enforce the November 22, 2016 settlement, as amended and executed on December 19, 2017, between Fair Share Housing Center and Florence Township as well as this Court's prior orders.

9. On November 22, 2021, and every year thereafter, the Township shall provide annual reporting that shall be posted on the Township's website and a copy provided to FSHC by mail and email. The annual reporting shall address:
- a. all Affordable Housing Trust Fund activity, including the amount and purpose of all expenditures, the source and amount of all deposits, updated totals.
 - b. all affordable housing activity in the Township, including but not limited to detailed updates on every mechanism in the Township's plan, the location and the number of affordable units approved, under construction, and built, information on the bedroom and income distribution of the affordable units, and whether the required UHAC deed restriction of at least 30 years has been imposed on the affordable units.
10. The Township shall not repeal, modify, or amend its Affordable Housing Ordinance, or any other municipal ordinance in effect as of the date of this Judgment that affects the use or development of the affordable housing committed to in the settlement with Fair Share Housing Center, except with the consent of FSHC and approval of the Court.
11. The Court retains jurisdiction over this matter solely for purposes of enforcement

FURTHER ORDERED that a copy of the within Judgment shall be served upon all interested parties listed on the Township's Service List via eCourts within ten (10) days of receipt hereof by the Declaratory Plaintiff's counsel.


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

Malamut & Associates LLC

ATTORNEYS AT LAW

Thomas Hastie, Esq.
Attorney ID # 025731995
Malamut and Associates, LLC
457 Haddonfield Road
Cherry Hill, New Jersey 08002

Attorney for Declaratory Plaintiff, Township of Florence

**In the Matter of the Application of the
Township of Florence for Action Post-
Issuance of Judgment of Compliance
and Repose, County of Burlington.**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BURLINGTON COUNTY
Docket No. BUR-L-1605-15

CIVIL ACTION
(Mount Laurel)

**CONSENT ORDER BETWEEN FLORENCE
TOWNSHIP AND FSHC RE: 2023
SPENDING PLAN AMENDMENT
APPROVAL**

WHEREAS THIS MATTER, opened to the Court by Thomas Hastie, Esq., of Malamut and Associates, counsel for the Township of Florence (the “Township”), with the consent and agreement of Fair Share Housing Center (“FSHC”), through counsel Esmé Devenney, Esq. and Adam Gordon, Esq.; and

WHEREAS, Florence Township and FSHC entered into a 2017 Amended Settlement Agreement. Following a Fairness Hearing, the Superior Court issued a Court Order, dated December 21, 2017, which found the 2017 Amended FSHC/Florence Township Settlement Agreement and the Township’s Preliminary Third Round Compliance Measures fair to the interests of low- and moderate-income citizens of the region; and

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457 Haddonfield Road, Suite 500
Cherry Hill, New Jersey 08002

Hoboken Office
221 River Street, 9th Floor
Hoboken, New Jersey 07030

Philadelphia Office
2400 Market Street, Suite 251
Philadelphia, PA 19103

ph 856 424 1808 | toll free 877 567 5293 | fax 856 424 2032 | fax (wc) 856 295 4888 | fax (gov) 856 486 5966

www.MalamutLaw.com

WHEREAS, the Superior Court approved Florence Township's 2018 Third Round Housing Element and Fair Share Plan ("HEFSP") and the Township's 2021 Third Round Spending Plan with the Court's entry of a Final Judgment of Repose ("JOR") on August 23, 2021; and

WHEREAS, at this time, the Township and FSHC seek to amend the Court-approved 2021 Spending Plan to permit the funding of an affordable housing activity on an emergent basis; and

WHEREAS, the emergent affordable housing activity is for the municipal purchase of a 1.2-acre site at Block 126.02/Lot 1.01 at 10th Avenue and Main Street in the Roebling neighborhood of the Township to prepare for the Townships' Fourth Round affordable housing obligation. The site is currently occupied by a VFW building which was recently offered for sale to the Township in April 2023. As this site is not presently in the Township's court-approved HEFSP or in its court-approved Spending Plan, COAH's regulations have a process whereby a municipality may seek court approval of such an emerging affordable housing opportunity through the preparation and municipal approval of a spending plan amendment and through the municipal commitment by resolution to amend its HEFSP within two (2) years to include the new affordable housing site; and

WHEREAS, specifically, the Council on Affordable Housing's ("COAH's") rules at N.J.A.C. 5:97-8.11 "Consideration for Mechanisms not in the Adopted Fair Share Plan" anticipate municipalities funding emergent affordable housing opportunities as follows:

- (a) A municipality may request authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in the municipal Fair Share Plan, in the form of an amendment to the spending plan.
- (b) In addition to the requirements for approval of a spending plan or amendment to an approved spending plan set forth at N.J.A.C. 5:96-5, the resolution submitted by the municipality shall include a certification that the affordable housing opportunity addresses

COAH's criteria set forth in N.J.A.C. 5:97-6, and the municipality shall submit information regarding the proposed mechanism in a format to be provided by the Council [COAH].

- (c) The municipality shall submit an amendment to its Fair Share Plan to include the mechanism at the earlier of two years after COAH's [the Superior Court's] approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from plan evaluation pursuant to N.J.A.C. 5:96-10.
- (d) The municipality shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds.

WHEREAS, on April 19, 2023, Florence Township approved Resolution 2023-88, attached to which is the required Township-approved 2023 Spending Plan amendment (the "2023 Limited Spending Plan Amendment"), dated April 17, 2023 and approved April 19, 2023, as well as a Certification, dated April 17, 2023 from Township affordable housing planer Mary Beth Lonergan, PP, AICP, that sets forth the site's compliance with COAH's regulations. Said resolution commits the Township to submit a Fair Share Plan amendment as well as to submit future monitoring trust fund reports on the emergent affordable housing activity [*See attached Florence Township approved Resolution 2023-88 including Township-adopted 2023 Spending Plan amendment and Lonergan Certification*]; and

WHEREAS, the 2023 Limited Spending Plan Amendment will permit Florence Township to expend up to \$500,000 in trust funds for the purchase (\$320,000), closing costs, demolition costs of the current small, one-story structure, and other pre-development costs to enable the site to be ready for future affordable housing development. The 2023 Limited Spending Plan Amendment has been approved to permit the Township to expend the funds necessary for purchase, closing costs, demolition costs and for site preparation for the Township's Fourth Round fair share obligation. At a future date yet to be determined, the Township will be required to adopt a Fourth Round Spending

Plan and Housing Element and Fair Share Plan in accordance with N.J.A.C. 5:93-5.1 and N.J.A.C. 5:97-8:10; and

WHEREAS, the Township and FSHC desire to enter into this consent order to memorialize terms and secure Court-approval of the 2023 Limited Spending Plan Amendment to permit the Township to prepare the site to be proposed as a future Mount Laurel compliance mechanism. The 2023 Limited Spending Plan Amendment is, as the name suggests, limited to this expenditure.

NOW, THEREFORE, IT IS on this 3rd ^{November} day of ~~July~~, 2023, **ORDERED** as follows:

1. The Township's 2023 Limited Spending Plan Amendment to its Court-approved 2021 Spending Plan is hereby approved for the expenditure of up to \$500,000 in trust funds for the purchase, closing costs, demolition costs and for site preparation for a future family affordable rental housing development in anticipation of the Township's fair share obligations including its Fourth Round fair share obligations.

2. The Township of Florence shall submit an amendment to its Fair Share Plan to include the new affordable housing opportunity at the VFW site (Block 126.02/Lot 1.01) at the earlier of two years after the Superior Court's entry of this consent order approving the 2023 Limited Spending Plan Amendment or the next planned amendment to the Fair Share Plan resulting from plan evaluation pursuant to N.J.A.C. 5:96-10; and


3. The Township of Florence shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds.

4. A copy of this Order shall be served by counsel for Florence Township via email on counsel for FSHC within seven (7) days of receipt.




Hon. Jeanne Covert, P.J.Ch.

The below parties authorize and hereby consent to the entry and the form of this order:



Esmé Devenney, Esq.
Fair Share Housing Center

05/30/2023
Date



Thomas Hastie, Esq.
Florence Township Counsel

7/05/2023
Date

A COMMUNITY WITH CHARACTER AT THE BEND IN THE RIVER

TOWNSHIP OF FLORENCE

November 8, 2017

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Avenue
Cherry Hill, NJ 08002

Re: In the Matter of the Township of Florence, Co. of Burlington, Docket No. BUR-L-1605-15

Dear Mr. Walsh:

This letter memorializes the terms of a modification to the November 10, 2016 settlement agreement ("Agreement") reached between the Township of Florence (the "Township" or "Florence Township"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through the settlement, a defendant in this proceeding. This letter modifies the Agreement pursuant to paragraph 25 of that Agreement, as follows:

A. The following paragraph is added to the Agreement:

The Third Round Prospective Need of 378 units shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

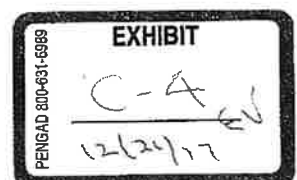
B. Paragraphs 5, 6, 7, 8, 9 and 14 of the Agreement are hereby replaced with the following new Paragraphs 5, 6, 7, 8, 9 and 14:

5. As noted above, the Township has a prior Round prospective need of 114 units, which the Township has fully met through the following completed compliance mechanisms:

FLORENCE TOWNSHIP MUNICIPAL COMPLEX
711 BROAD STREET
FLORENCE, NEW JERSEY 08518-2323
WWW.FLORENCE-NJ.GOV



(609) 499-2525 ADMINISTRATIVE OFFICES
(609) 499-2222 MUNICIPAL COURT
(609) 499-3131 POLICE DEPARTMENT
(609) 499-2130 CONSTRUCTION CODE OFFICIAL



November 8, 2017

Page 2

Florence Township's Prior Round Compliance Mechanisms:	Credits	Bonuses	Total
114- Unit Prior Round			
<i>Regional Contribution Agreements – funds transferred</i>			
COAH-approved, First Round 103-unit RCA - Pemberton Twp., cap	42	0	42
<i>100% Affordable Developments - completed</i>			
Roebling Arms – Multiple Sclerosis Assoc. - affordable family rentals	24	24	48
Roebling Inn – BCCAP – affordable senior rentals	14	0	14
<i>Alternative Living Arrangements - completed</i>			
Transitional Housing, Inc. – affordable transitional units	5	5	10
Total	85	29	114

6. The Township has implemented or will implement the following mechanisms to address its Third Round prospective need of 378 units:

Florence Township Third Round Compliance Mechanisms: 378-Unit Third Round	Credits	Bonuses	Total
<i>Surplus Prior Round RCA credits</i>	61	0	61
<i>100% Affordable Developments – completed</i>			
Salt/Light, 300/320 Alden – affordable family rentals completed	2	2	4
Duffy/MEND - affordable senior rentals, 53 completed	53	0	53
<i>100% Affordable Developments – proposed</i>			
Route 130/Hornberger – affordable family rentals	69	14	83
<i>Inclusionary Developments – completed</i>			
Atlantic/Legacy – affordable senior sales, 17 completed	17	0	17
Albax/McHugh Ct. – affordable family sale unit – completed	1	0	1
<i>Inclusionary Developments – developer's agreement</i>			
Weiss inclusionary dev. - affordable family rentals	36	36	72
<i>Inclusionary Developments – approved</i>			
Sassman inclusionary site – affordable family rentals	2	2	4
<i>Market to Affordable Program – COAH-approved waiver</i>			
220 Foundry – affordable family rentals – completed	6	6	12
Salt and Light – affordable family sale unit 301 Norman – approved	1	0	1
Salt and Light – affordable family rental units – agreement, 2 completed (13-1 Tollgate, 25-5 Tollgate)	10	10	20
<i>Alternative Living Arrangements – completed, approved, proposed</i>			
Transitional Housing, Inc. 340 Alden – 4 of 9, balance - completed	4	4	8
Family Service/Twin Oaks – units/bedrooms - completed	9	9	18
Salt and Light – aff. transitional hsg– 300/320 Alden completed	5	5	10
SERV group home – 440 W. 4 th – proposed/approved	4	4	8
Community Options group home – 330 E. 4 th - completed	3	3	6
TOTAL	283	95	378

7. The Township intends to provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
 - Atlantic Legacy – completed
 - Albax – completed
 - Sassman - approved
 - Weiss - proposed mixed-use inclusionary site;

8. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:
 - 100% affordable developments
 - Alternative living arrangements (group homes,)
 - Market-to-affordable program

 - Salt and Light (10-unit market-to-affordable) 2 completed family rental units – approved – executed funding agreement with the Township;
 - Salt and Light (301 Norman – 1 family sale unit) – approved - executed funding agreement with the Township;
 - Community Options (330 East Fourth – 3-bedroom group home) - funding agreement with the Township for \$60,000, completed;
 - SERV (440 W. Fifth - 4-bedroom group home) - funding agreement with the Township to donate land;
 - Route 130/Hornberger – Township to donate land, tax credit developer to seek 9% Low Income Housing Tax Credits and other outside funding sources.

In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township meets this obligation as follows: Florence Township adopted a resolution of intent to bond as part of its COAH-certified 2008 housing element and fair share plan (“HE/FSP”) and will update and adopt a revised resolution of intent to bond as part of its revised third round plan.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Township will meet these obligations as will be included in the Township’s final revised third round compliance plan.

Additionally, the Township agrees to establish a mandatory set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent, for any multi-family residential development created through any Planning Board action on subdivision or site plan applications; municipal rezoning; Zoning Board use or density variance; redevelopment plan or rehabilitation plan that provides a substantial density increase resulting in a minimum density at or above six (6) units per acre (or other compensatory benefit). **This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Florence Township to grant such rezoning, variance or other relief.**

9. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. Although no more than 29 very-low income units are required (approximately 222 post-2008 units x 0.13 = 28.86), up to 39 very-low income units will be provided. The municipality will comply with those requirements as follows:

- Salt and Light (10-unit market-to-affordable program) – 1 very-low income family rental
- 220 Foundry - 1 very-low income family rental
- Weiss - 5 very-low income family rentals
- Route 130/Hornberger – 9 very-low income family rentals
- Duffy (MEND) - 7 very-low income senior/special needs rentals
- Salt and Light (300-320 Alden) - 5 very-low income special needs rentals
- Twin Oaks/Family Service - 4 very-low income special needs rentals
- Community Options - 3 very-low income special needs rentals
- SERV - 4 very-low income special needs rentals

14. As an essential term of this settlement, within 120 days of Court's approval of this Settlement Agreement, the Township shall prepare and adopt an updated housing element and fair share plan consistent with this agreement and introduce an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein.

C. Paragraph 12 of the Agreement is hereby replaced with the following new Paragraph12:

12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et. seq., or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. Projects receiving Federal Low Income Housing Tax Credit financing shall comply with the income and bedroom distribution requirements of UHAC subject to the foregoing modification, and the length of the affordability controls applicable to such projects shall be not less than a thirty (30) year compliance period plus a 15 year extended use period. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement 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 4) 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 attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, 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 prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

D. The following paragraph is added to the Agreement:


The Township agrees to pay FSHC's attorneys fees and costs in the amount of \$2,500.00____ within ten (10) days of the Court's approval of this Agreement following a Fairness Hearing.

All other terms of the Agreement other than those explicitly modified herein remain in effect.

Please sign below if the terms of this modification are acceptable.

November 8, 2017
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On behalf of Fair Share Housing Center


Kevin D. Walsh, Esq.

Counsel for Intervenor/Interested Party Fair Share Housing Center

Dated: 12/19/2017

On behalf of the Township of Florence, with the authorization of the governing body:


Craig H. Wilkie

Mayor, Florence Township

Dated: 11/8/17

EXHIBIT A: 2017 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017

2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1												
Median	\$60,271	\$64,576	\$68,882	\$77,492	\$86,102	\$89,546	\$92,990	\$99,878	\$106,766	\$113,655		
Moderate	\$48,217	\$51,661	\$55,105	\$61,993	\$68,882	\$71,637	\$74,392	\$79,903	\$85,413	\$90,924	1.7%	\$166,493
Low	\$30,136	\$32,288	\$34,441	\$38,746	\$43,051	\$44,773	\$46,495	\$49,939	\$53,383	\$56,827	1.99%	
Passaic and Sussex	\$18,081	\$19,373	\$20,664	\$23,248	\$25,831	\$26,864	\$27,897	\$29,963	\$32,030	\$34,096		
Region 2												
Median	\$65,953	\$70,663	\$75,374	\$84,796	\$94,218	\$97,987	\$101,755	\$109,293	\$116,830	\$124,368		
Moderate	\$52,762	\$56,531	\$60,299	\$67,837	\$75,374	\$78,389	\$81,404	\$87,434	\$93,464	\$99,494	1.7%	\$180,756
Low	\$32,976	\$35,332	\$37,687	\$42,398	\$47,109	\$48,993	\$50,878	\$54,646	\$58,415	\$62,184	3.25%	
Union and Warren	\$19,786	\$21,199	\$22,612	\$25,439	\$28,265	\$29,396	\$30,527	\$32,788	\$35,049	\$37,310		
Region 3												
Median	\$73,780	\$79,050	\$84,320	\$94,860	\$105,400	\$109,516	\$113,632	\$122,264	\$130,696	\$139,128		
Moderate	\$59,024	\$63,240	\$67,456	\$75,888	\$84,320	\$87,693	\$91,066	\$97,811	\$104,557	\$111,302	1.7%	\$200,698
Low	\$36,890	\$39,525	\$42,160	\$47,430	\$52,700	\$54,808	\$56,916	\$61,132	\$65,348	\$69,564	0.38%	
Somerset	\$22,134	\$23,715	\$25,296	\$28,458	\$31,620	\$32,885	\$34,150	\$36,679	\$39,209	\$41,738		
Region 4												
Median	\$66,022	\$70,738	\$75,454	\$84,885	\$94,317	\$98,090	\$101,862	\$109,408	\$116,953	\$124,498		
Moderate	\$52,817	\$56,590	\$60,363	\$67,908	\$75,454	\$78,472	\$81,490	\$87,526	\$93,562	\$99,599	1.7%	\$177,413
Low	\$33,011	\$35,369	\$37,727	\$42,443	\$47,158	\$49,045	\$50,931	\$54,704	\$58,476	\$62,249	1.53%	
Ocean	\$19,807	\$21,221	\$22,636	\$25,466	\$28,295	\$29,427	\$30,559	\$32,822	\$35,086	\$37,349		
Region 5												
Median	\$58,240	\$62,400	\$66,560	\$74,880	\$83,200	\$86,528	\$89,856	\$96,512	\$103,168	\$109,824		
Moderate	\$46,592	\$49,920	\$53,248	\$59,904	\$66,560	\$69,222	\$71,885	\$77,210	\$82,534	\$87,859	1.7%	\$154,194
Low	\$29,120	\$31,200	\$33,280	\$37,440	\$41,600	\$43,264	\$44,928	\$48,256	\$51,584	\$54,912	2.09%	
Gloucester	\$17,472	\$18,720	\$19,968	\$22,464	\$24,960	\$25,958	\$26,957	\$28,954	\$30,950	\$32,947		
Region 6												
Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066	1.7%	\$136,680
Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166	0.00%	
and Salem	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

**TOWNSHIP OF FLORENCE
COUNTY OF BURLINGTON
RESOLUTION 2016-259**

**Resolution Authorizing the Township to Enter into a Settlement Agreement
with Fair Share Housing Center**

WHEREAS, the New Jersey Supreme Court, in litigation entitled “In the Matter of the Application of the Township of Florence” having the Docket No. BUR-L-1605-15 pursuant to the New Jersey Supreme Court’s March 10, 2105 decision, “In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (hereinafter “In Re COAH”) required that each municipality, “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income” and “that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing;” and

WHEREAS, the Court’s decision in In Re COAH accordingly provided for a mechanism for municipalities to seek a declaratory judgment that they have complied with the Fair Housing Act (the “Act”) and Council of Affordable Housing (“COAH”) requirements as articulated by the Mount Laurel Doctrine as well as seek a Judgment of Compliance and Repose for Third Round obligations imposed under the Act; and

WHEREAS, In Re COAH established a judicial process to determine municipal affordable housing obligation and for municipalities to obtain review and approval of their housing plans which address that obligation; and

WHEREAS, pursuant to that decision, on July 2, 2015, the Township filed a declaratory judgment action under the Docket No. BUR-L-1605-15, pursuant to the procedures established by the Supreme Court, entitled “In the Matter of the Application of the Township of Florence” and

WHEREAS, the Superior Court, Burlington County conducted mediation through Special Master Elizabeth McKenzie, PP, AICP, between the Township and the Fair Share Housing Center, which resulted in a settlement having been negotiated between the parties which determines the Township’s constitutional obligation for the its Third Round Housing obligation (1999-2025) to be 378 units; and

WHEREAS, the settlement reflects an agreement that is a fair and equitable resolution to the pending litigation, and a recommendation has been made to the Township Council to authorize settlement; and

WHEREAS, the Council of the Township of Florence is desirous to authorize a settlement with the Fair Share Housing Center in connection with the pending litigation matter;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Florence, in the County of Burlington, New Jersey that:

1. The Mayor and Township staff, on behalf of the governing body, are authorized to execute the Settlement Agreement on behalf of the Township of Florence attached hereto as "Exhibit A" and take any and all additional steps necessary and legally required to enter into a Settlement Agreement with the Fair Share Housing Center pursuant to the conditions set forth in this Resolution above.
2. The Settlement Agreement and this Resolution shall not be effective until such time as the Superior Court of New Jersey holds a Fairness/Compliance Hearing on this matter and the Court approves said Settlement Agreement and grants the Township a Judgment of Compliance and Repose.

I, JOY M. WEILER, CLERK of the Township of Florence, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true copy of the Resolution approved by Township Council at their December 21, 2016 meeting.


JOY M. WEILER, RMC/MMC
Township Clerk

RESOLUTION 2016-259

"SCHEDULE A"



Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David T. Rammler, Esq.
Joshua D. Bauers, Esq.

November 10, 2016

Kelly Grant, Esq.
Capehart Scatchard
142 West State Street
Trenton, NJ 08608

Re: In the Matter of the Application of Florence Township, County of Burlington, Docket No. BUR-L-1605-15

Dear Ms. Grant:

This letter memorializes the terms of an agreement reached between the Township of Florence (the "Township" or "Florence Township"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Florence Township filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. FSHC, the special master Elizabeth C. McKenzie and the Township undertook the following actions and process:

1. Numerous telephone conferences were held between the Court and the Parties;
2. On October 16, 2015, the Court entered an Order of continued immunity and repose wherein the Township was directed by the Court to diligently pursue preparation and submission of a preliminary summary of its housing element and fair share plan that demonstrates the satisfaction of the Township's present need, Prior Round (1987-1999) and Third Round (1999-2025) fair share obligations in accordance with applicable law ("Township Draft Plan Summary");
3. The Court appointed Elizabeth C. McKenzie, PP, AICP, to serve as Special Master by way of Order entered on December 8, 2015;
4. By letter dated December 8 2015, the Township's Draft Plan Summary was submitted to the Court and FSHC on December 8, 2015, and the Draft Plan Summary

included the Township's proposed calculations of its affordable housing obligation for the Third Round (1999-2025), setting that obligation at 247 units. The Township's Draft Plan Summary was approved by the Governing Body on December 9, 2015;

5. By correspondence dated February 21, 2016, in response to the Township's motion, and opposition filed by the Intervenor Defendants, the Court Master recommended continued immunity;

6. Numerous communications between the Parties and upon notice to the Court, the Parties reached a framework for a settlement of this matter;

7. During a June 3, 2016 phone conference, the Parties and the Court Master, agreed to a process for the settlement, including this agreement and a fairness hearing;

Through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the future adoption of a revised Housing Element and Fair Share Plan ("the Plan"), as modified to conform to the terms of this agreement, and through the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Florence Township hereby agree that Florence Township's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	96
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	114
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	378

4. The Township's efforts to meet its present need include the following: participation in Burlington County's Home Improvement Loan Program and Community Development Block Grant Program and implementation of a third round municipal rental rehabilitation

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, April 16, 2015, revised July 2015.

program. The Township will adopt a Resolution of Intent to Bond as part of its revised third round housing plan. This is sufficient to satisfy the Township's present need obligation of 96 units.

5. As noted above, the Township has a Prior Round prospective need of 114 units, which the Township has fully met through the following completed compliance mechanisms:

Florence Township's Prior Round Compliance Mechanisms:	Credits	Bonuses	Total
114- Unit Prior Round			
<i>Regional Contribution Agreements – funds transferred</i>			
COAH-approved, First Round 103-unit RCA - Pemberton Twp., cap	57	0	57
<i>100% Affordable Developments - completed</i>			
Roebing Arms – Multiple Sclerosis Assoc. - affordable family rentals	24	24	48
Roebing Inn – BCCAP – affordable senior rentals	14	0	14
<i>Alternative Living Arrangements - completed</i>			
Transitional Housing, Inc. – affordable transitional units	5	5	10
Total	100	29	129
Surplus Towards Third Round			15

6. The Township has implemented or will implement the following mechanisms to address its Third Round prospective need of 378 units:

Florence Township Third Round Compliance Mechanisms: 378-Unit Third Round	Credits	Bonuses	Total
<i>Surplus Prior Round RCA credits</i>	46	0	46
<i>Surplus Credits from Prior Round (non-RCAs)</i>	15	0	15
<i>100% Affordable Developments – completed</i>			
Salt/Light, 300/320 Alden – affordable family rentals completed	2	2	4
Duffy/MEND - affordable senior rentals, 53 completed	53	0	53
<i>100% Affordable Developments – approved</i>			
Salt/Light, 111 Norman – affordable family rentals – approved	4	4	8
<i>100% Affordable Developments – proposed</i>			
Route 130/Hornberger – affordable family rentals	60	5	65
<i>Inclusionary Developments – completed</i>			
Atlantic/Legacy – affordable senior sales, 17 completed	17	0	17
Albax/McHugh Ct. – affordable family sale unit – completed	1	0	1
<i>Inclusionary Developments – under negotiations</i>			
Florence Station (Ready Pac) inclusionary redev. - affordable family rentals	50	50	100
<i>Inclusionary Developments – approved</i>			
Sassman inclusionary site – affordable family rentals	2	2	4
<i>Market to Affordable Program – COAH-approved waiver</i>			
220 Foundry – affordable family rentals – completed	6	6	12
Salt and Light – affordable family sale unit – approved	1	0	1
Salt and Light – affordable family rental unit (Tollgate) – approved	1	1	2
<i>Alternative Living Arrangements – completed, approved, proposed</i>			
Transitional Housing, Inc. – 4 of 9, balance - completed	4	4	8

November 3, 2016

Page 4

Florence Township Third Round Compliance Mechanisms: 378-Unit Third Round	Credits	Bonuses	Total
Family Service/Twin Oaks – units/bedrooms - completed	9	9	18
Salt and Light – affordable transitional housing – completed	5	5	10
SERV group home – 440 W. 4 th – proposed/approved	4	4	8
Community Options group home – 330 E. 4 th - proposed/approved	3	3	6
TOTAL	283	95	378

7. The Township intends to provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:
 - Atlantic Legacy – completed
 - Albax – completed
 - Sassman - approved
 - Florence Station (Ready Pac) Railroad Avenue - proposed inclusionary site;

8. The Township will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:
 - 100% affordable developments
 - Alternative living arrangements (group homes,)
 - Market-to-affordable program

 - Salt and Light (111 Norman – 4 rental units) – approved – executed funding agreement with the Township;
 - Salt and Light (301 Norman – 1 family sale unit) – approved - executed funding agreement with the Township;
 - Community Options (330 East Fourth – 3-bedroom group home) - draft funding agreement with the Township for \$60,000
 - SERV (440 W. Fifth - 4-bedroom group home) - funding agreement with the Township to donate land
 - Route 130/Hornberger – Township to donate land, tax credit developer to seek 9% Low Income Housing Tax Credits and other outside funding sources.

In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township meets this obligation as follows: Florence Township adopted a resolution of intent to bond as part of its COAH-certified 2008 housing element and fair share plan ("HE/FSP") and will update and adopt a revised resolution of intent to bond as part of its revised third round plan.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals,

applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Township will meet these obligations as will be included in the Township's final revised third round compliance plan.

Additionally, the Township agrees to establish a mandatory set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent, for any multi-family residential development created through any Planning Board action on subdivision or site plan applications; municipal rezoning; Zoning Board use or density variance; redevelopment plan or rehabilitation plan that provides a substantial density increase resulting in a minimum density at or above six (6) units per acre (or other compensatory benefit). **This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Florence Township to grant such rezoning, variance or other relief.**

9. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. Although no more than 29 very-low income units are required (approximately 222 post-2008 units x 0.13 = 28.86), up to 40 very-low income units will be provided. The municipality will comply with those requirements as follows:

- Salt and Light (111 Norman) – 1 very-low income family rental
- 220 Foundry - 1 very-low income family rental
- Florence Station (Ready Pac) - 7 very-low income family rentals
- Route 130/Hornberger – 8 very-low income family rentals
- Duffy (MEND) - 7 very-low income senior/special needs rentals
- Salt and Light (300-320 Alden) - 5 very-low income special needs rentals
- Twin Oaks/Family Service - 4 very-low income special needs rentals
- Community Options - 3 very-low income special needs rentals
- SERV - 4 very-low income special needs rentals

10. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:

- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
- b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
- d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.

- e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation minus previously approved RCAs.
11. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and Southern Burlington County Branch of the NAACP, Willingboro NAACP, Moorestown Ecumenical Neighborhood Development (MEND), Lutheran Social Ministries (LSM), Burlington County Community Action Program (BCCAP). The Township shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law, provided that the Township shall require projects receiving nine percent Low Income Housing Tax Credits, a control period of not less than a 30 year compliance period plus a 15 year extended use period; all such units will receive one credit toward Prospective Need and may receive up to one bonus credit in accordance with the other terms of this Agreement. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
14. As an essential term of this settlement, within sixty (60) days of Court's approval of this Settlement Agreement, the Township shall introduce an ordinance providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein.
15. The parties agree that if a decision of a court of competent jurisdiction in Burlington County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the fair share plan attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved

pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

16. The Township has a COAH-certified and approved third round spending plan and will prepare a revised spending plan to be attached to its adopted HE/FSP. FSHC may comment on or object to this plan. The parties to this agreement agree that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

The parties recognize that the expenditure of trust fund fees on administrative costs is capped at 20%.

17. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
18. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet

need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
20. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees not to challenge the Township's Compliance Plan at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Burlington County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Township shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002

November 3, 2016
Page 10

Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE TOWNSHIP:

Kelly Grant, Esq.
Capehart Scatchard
142 West State Street
Trenton, NJ 08608
Telecopier: 609-394-3470
Email: kgrant@capehart.com

Richard Brook, Township Administrator
Township of Florence
711 Broad Street
Florence, NJ 08518

Telecopier:
Email: rbrook@florence-nj.gov

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Joy Weiler, Township Clerk
Township of Florence
711 Broad Street
Florence, NJ 08518

Please sign below if these terms are acceptable.

Sincerely,



Kevin D. Walsh, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

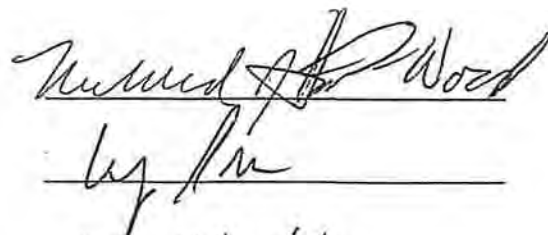
On behalf of the Township of Florence, with the authorization
of the governing body:



MAYOR

Dated: 11-14-16

On behalf of the Township of Florence,
with the authorization of the Planning
Board:



Dated: 11/22/16

APPENDIX B

FOURTH ROUND OBLIGATION:
APRIL 8, 2025 COURT ORDER,
JAN. 23, 2025 DJ FILING, JAN.
22, 2025 BINDING
RESOLUTION

PREPARED BY THE COURT

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP OF
FLORENCE, 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-178-25

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 23, 2025 (“DJ Complaint”) by the Petitioner, Township of Florence (“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 **forty-two (42)** affordable units, and its **“prospective need”** obligation of the Petitioner has been calculated and reported as **one-hundred-seven (107)** 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 8th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as **forty-two (42)** 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-seven (107)** 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-178-25, 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.

MALAMUT AND ASSOCIATES, LLC

Robert N. Wright, Jr., Esq. (#034382000)

Arden K. Walker, Esq. (#470892024)

457 Haddonfield Road, Suite 500

Cherry Hill, New Jersey 08002

P: (856) 424-1808

F: (856) 424-2032

Attorneys for Plaintiff Township of Florence

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

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: DOCKET NO.

:
:
: **Civil Action**
: (Mount Laurel)

:
: **COMPLAINT FOR DECLARATORY
: RELIEF PURSUANT TO THE
: DIRECTIVE #14-24**

Plaintiff, the Township of Florence, (hereinafter "Florence Township" or the "Township"), a municipal corporation of the State of New Jersey, with principal offices located at 711 Broad St, Florence, New Jersey, alleges and says:

Jurisdiction

1. Jurisdiction in this matter is established pursuant to the Fair Housing Act, N.J.S.A. 52:27D-304.1(f)(1)(b).

Introduction

2. The "Mount Laurel doctrine" refers to New Jersey's affordable housing laws which derived from the landmark cases collectively referred to as "Mount Laurel I" (So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975), cert.

denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975)), "Mount Laurel II" (So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983)), the New Jersey Fair Housing Act or "FHA" (N.J.S.A. 52:27D-301 et seq.) and related laws.

3. On March 20, 2024 Governor Murphy signed into law P.L. 2024, c. 2 amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq ("FHA").

4. Pursuant to the FHA, an Affordable Housing Program Alternative Dispute Resolution Program shall be established and will be responsible for overseeing the participating municipalities conformance with the Act, as well as oversee dispute resolution relating thereto. N.J.S.A. 52:27D-304.1(f)(1).

5. Pursuant to the FHA, on October 18, 2024 the New Jersey Department of Community Affairs ("DCA") issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background" ("Fourth Round Report").

6. On or about December 13, 2024, the Administrative Office of the Courts issued Directive #14-2024 which "promulgate procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("Program")" consistent with P.L. 2024 c.2.

Plaintiff Township's Compliance with the FHA

7. The Florence Township is a body corporate and politic organized under the laws of the State of New Jersey, County of Burlington.

8. The Florence Township Council is the governing body of Florence Township and is responsible, inter alia, to ensure that appropriate and necessary actions are taken to achieve and comply with its affordable housing obligations under the "Mount Laurel doctrine."

9. The Planning Board of Florence Township is the municipal agency responsible under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., ("MLUL"), for implementing the Housing Element of the Township's Master Plan in a manner that is consistent and compliant with the Township's obligations under the Mount Laurel doctrine.

10. The Township obtained a Final Judgement of Compliance and Repose dated August 23, 2021, for the Township's Third and prior round obligations ("JOC").

11. The Township is in compliance with its reporting, monitoring and other requirements pursuant to the FHA and its JOC.

12. In the Fourth Round Report the DCA calculated that Florence Township has a Fourth Round present need of forty-two (42) units and a prospective need of one-hundred seven (107) low- and moderate-income units.

COUNT I

DECLARATION OF THE TOWNSHIP'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT

13. The Township reiterates and incorporates all allegation set forth above as if restated herein.

14. At the regularly scheduled meeting of Florence Township conducted on January 22, 2025, at 7:00 pm in accordance with the Open Public Meetings Act, the Township adopted Resolution 2025-49 in satisfaction of its obligation pursuant to N.J.S.A. 52:27D-304.1 f.(1)(a) and (b). Exhibit A.

15. Resolution 2025-49 accepts the Township's present and prospective need obligations calculations of the DCA in the Fourth Round Report and voluntarily submits itself to the jurisdiction of the Program as established by the FHA.

16. Resolution 2025-49 was published to the Township's website on January 23, 2025.

17. The Township is therefore entitled to continued immunity from exclusionary zoning litigation as it has complied with its obligations under the FHA.

WHEREFORE, the Florence Township hereby demands judgment granting the following relief:

1. Declaring that the Township has a Fourth Round Affordable Housing present need of forty-two (42) units and

a prospective need of one-hundred seven (107) low- and moderate-income units; and

2. The entry of an Order reaffirming the Township's and its Planning Board's Immunity from all exclusionary zoning litigation pursuant to N.J.S.A. 52:27D-304.1 et seq.: while the Township prepares, adopts, endorses, and files its Housing Element and Fair Share Plan and provides the required public Notice; and

3. The grant of such other relief as may be just and equitable.

COUNT II

APPROVAL OF THE TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN

18. Florence Township has demonstrated a long-standing commitment to comply voluntarily with its constitutional affordable housing obligation in response to the New Jersey Fair Housing Act ("FHA"), at N.J.S.A. 52:27D-301 et seq.

19. The Township will address its Fourth Round present need (rehabilitation share) and prospective need following a determination from the New Jersey Superior Court of the Township's present and prospective fair share obligation.

20. The Township has fully complied with its first, second, and third round (prior round) Judgment of Compliance and Repose dated August 23, 2021.

21. Pursuant to Resolution 2025-49 the Township intends to develop a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Township's calculated and accepted Fourth Round present and prospective need pursuant to the Fair Housing Act.

22. In accordance with Paragraph III A of AOC Directive #14-2024, the Township will file its adopted Fourth Round HEFSP no later than June 30, 2025.

WHEREFORE, the Township of Florence hereby demands judgment granting the following relief:

1. Declaring that the Township's Fourth Round HEFSP as adopted and filed with this Court in accordance with the FHA and Directive #14-24 complies with the requirement of the FHA; and

2. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township for the period beginning July 1, 2025 and ending June 30, 2035; and

3. The entry of an Order approving the Township's Spending Plan, as filed with the Court or as amended in the future and declaring that the Township is free to expend the funds

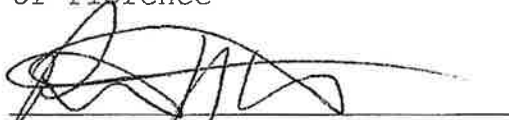
consistent with the programs contemplated in its Spending Plan; and

4. The grant of such other relief as may be just and equitable.

DATE: 1/23/25

MALAMUT & ASSOCIATES

*Attorneys for Plaintiff Township
of Florence*


Robert N. Wright, Jr., Esq.

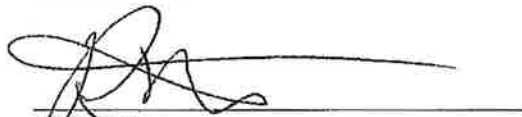
TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, be advised that Robert N. Wright, Jr., Esq. has been designated as trial counsel on behalf of Plaintiff Township of Florence in the above captioned matter.

DATE: 1/23/25

MALAMUT & ASSOCIATES

*Attorneys for Plaintiff Township of
Florence*


Robert N. Wright, Jr., Esq.

CERTIFICATION OF COUNSEL

Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

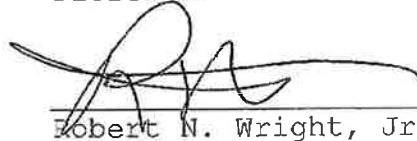
I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.

certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: 1/23/25

MALAMUT & ASSOCIATES

*Attorneys for Plaintiff Township of
Florence*

A handwritten signature in black ink, appearing to be 'Robert N. Wright, Jr.', written over a horizontal line.

Robert N. Wright, Jr., Esq.

TOWNSHIP OF FLORENCE**RESOLUTION NO. 2025-49****RESOLUTION OF FLORENCE TOWNSHIP ESTABLISHING THE TOWNSHIP'S
FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT TO THE FAIR
HOUSING ACT AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS**

WHEREAS, the New Jersey Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., was amended on March 20, 2024, per P.L. 2024, c.2, to include a methodology for the calculation of municipalities' Fourth Round need for providing low- and moderate-income housing; and

WHEREAS, the FHA has defined the prospective need to include "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities" N.J.S.A. 52:27D-304(j); and

WHEREAS, the FHA requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need and municipal present and prospective need in accordance with the formulas established in the FHA; and

WHEREAS, the DCA performed the calculation pursuant to the FHA and on or about October 20, 2024 issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background" ("Fourth Round Report"); and

WHEREAS, in the Fourth Round Report the DCA calculation indicates the Township of Florence has a Fourth Round present need of forty-two (42) units and a prospective need of one hundred seven (107) units; and

WHEREAS, the FHA provides municipalities the option to adopt the DCA's findings of present and prospective need and thereby maintain immunity from exclusionary zoning litigation and have the municipality's determination of present and prospective fair share need be granted a presumption of validity in any challenge initiated through the program outlined in the FHA; and

WHEREAS, the FHA established the Affordable Housing Alternative Dispute Resolution Program ("Program") to be administered by the Administrative Office of the Courts ("AOC") through which municipalities could retain immunity from builders remedy lawsuits and seek a Fourth Round certification of compliance; and

WHEREAS, the AOC adopted Directive #14-24 on December 13, 2024, which requires municipalities who choose to participate in the Program to file a declaratory judgment complaint with the Superior Court of New Jersey, Civil Part within forty-eight (48) hours of adoption of the municipal resolution establishing the municipalities fourth round present and prospective need pursuant to the FHA; and

WHEREAS, the Township affordable housing professionals have reviewed the DCA Fourth Round Report, assessed the calculation contained therein and recommend that the Township accept this calculation of the Fourth Round present and prospective affordable housing need attributable to Florence Township; and

WHEREAS, the Township affordable housing professionals further believe it is in the best interest of the Township for the Township to participate in the Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of Florence Township, in the County of Burlington, and State of New Jersey, that the Township accepts the calculation of a present need of forty-two (42) units and a prospective need of one hundred seven (107) units for the Fourth Round as calculated by the Department of Community Affairs; and

BE IT FURTHER RESOLVED, that Florence Township affordable housing professionals shall take such action as is necessary to satisfy the January 31, 2025 deadline established in the FHA for the acceptance and determination of its Fourth Round affordable housing obligations in order to maintain immunity from exclusionary zoning litigation; and

BE IT FURTHER RESOLVED, that pursuant to AOC Administrative Directive #14-24, the Township Solicitor is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution and within 48 hours of adoption of this Resolution; and

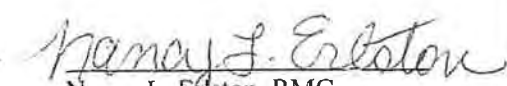
BE IT FURTHER RESOLVED, that the Township Solicitor is authorized as directed by the Mayor, to take such further actions as are necessary to maintain the Township's compliance with the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to the FHA, the Township Administrator shall publish this Resolution on the Township's publicly accessible Internet website within 48 hours of adoption; and

BE IT FURTHER RESOLVED, that the Township's affordable housing professionals shall develop a Fourth Round Housing Element and Fair Share Plan ("HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Township's calculated and accepted Fourth Round present and prospective need established pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the HEFSP shall be presented to the Township Council with sufficient time for the HEFSP to be adopted by the June 30, 2025 deadline set forth in the FHA such that the Township can maintain its immunity.

I, NANCY L. ERLSTON, Clerk of the Township of Florence, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution approved by the Township Council at a meeting held on January 22, 2025.


Nancy L. Erlston, RMC
Township Clerk

Civil Case Information Statement

Case Details: BURLINGTON | Civil Part Docket# L-000178-25**Case Caption:** IN THE MATTER OF FLORENCE TWP**Case Initiation Date:** 01/23/2025**Attorney Name:** ROBERT N WRIGHT**Firm Name:** MALAMUT & ASSOCIATES LLC**Address:** 457 HADDONFIELD RD STE 500

CHERRY HILL NJ 08002

Phone: 8564241808**Name of Party:** PLAINTIFF : Florence Township**Name of Defendant's Primary Insurance Company**

(if known): None

Case Type: AFFORDABLE HOUSING**Document Type:** Complaint**Jury Demand:** NONE**Is this a professional malpractice case?** NO**Related cases pending:** NO**If yes, list docket numbers:****Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO**Does this case involve claims related to COVID-19?** NO**Are sexual abuse claims alleged by:** Florence Township? NO**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE**

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO**If yes, is that relationship:****Does the statute governing this case provide for payment of fees by the losing party?** NO**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:****Do you or your client need any disability accommodations?** NO**If yes, please identify the requested accommodation:****Will an interpreter be needed?** NO**If yes, for what language:****Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/23/2025

Dated

/s/ ROBERT N WRIGHT

Signed

APPENDIX C

REHABILITATION DOCUMENTATION

**OWNER OCCUPIED PROPERTIES
REHABILITATED IN FLORENCE TOWNSHIP
04/01/00 – 04/01/2025 (Present)**

ADDRESS	DATE COMPLETED	TYPE OF LOAN	# of PERSONS	HUD INCOME LIMIT	COST OF WORK/LOAN AMOUNT	WORK COMPLETED
237 E. Fourth Street Roebling	10/19/00	Deferred	1	\$17,950 Very Low	\$20,000	Replacement windows through house, new kitchen cabinet, floor, countertop, paint kitchen, new gas range, paint interior, new bathroom, complete new roof, paint all exterior wood
625 Spruce Street Florence	11/30/00	Deferred	1	\$29,600 Low	\$19,980	Roof, new fascia, soffits, gutters, paint house ext. Install new windows throughout, new bathroom, paint bathroom, new heater, 4 basement windows
14 5 th Ave. Roebling	02/20/01	Deferred	1	\$20,250 Very Low	\$20,000	Electric certification, 2 nd floor handrail, new bathtub and fixtures, paint bathroom, repair and paint porch front, rebuild porch rear, rear concrete steps
1018 W. Fourth St. Roebling	02/20/02	Deferred	1	\$20,250 Very Low	\$20,000	Roof, siding, rear steps, porch ceiling, replace 2 basement windows, all replacement windows, kitchen, paint, new floor
2 Maple Ave. Florence	01/13/04	Deferred	1	\$23,850 Very Low	\$20,000	Roof, siding gutters, all ext. doors replaced, rebuild porch, new bathtub, paint bathroom, basement handrail, hot water heater discharge tub, bathroom vanity, paint main bedroom.
1010 W. Fifth Street, Florence	06/25/12	Deferred	3	\$44,493.75 Low	\$18,265	Windows; removal of drop ceilings and drywall installed; living room flooring; painting throughout; overhead lights removed and ceiling fans installed; doors; toilet, medicine cabinet; porch roof repair and replace; fix broken step; dryer vent; wiring and outlets in basement
237 E. Fourth Street Florence	01/26/11	Deferred	1	\$27,487 Low	\$11,870.00	Remove and replace front wall electrical outlet, re-wire the GFI bathroom outlet, repair the sewer line remove and replace the front and rear storm doors install roof mounted electric vent fans, clean, prep and

							repair water proof the basement walls, seal the bilco doors, repair exterior electrical outlets, remove and replace the front porch/step metal railings
318 Cedar Street Florence, NJ 08554	Pending Funding	Deferred	1	\$51,250 Low	\$32,000		Roof, Siding, Heater/AC replacement
13 4 th Ave Roebing, NJ 08554	02/25/2025	Deferred	2	\$42,200 Low	\$21,000		Roof, Siding replacement
228 6 th Ave Roebing, NJ 08554	Pending Funding	Deferred	2	\$45,400	\$18,500		Windows, Flooring, Bathroom repairs
31 Railroad Ave Roebing, NJ 08554	01/31/2025	Deferred	4	\$61,290	\$34,650		Roof, Windows, Heater, Electrical replacement and repairs
30 Applegate Drive Florence, NJ 08518	Pending Funding	Deferred	1	\$27,390	\$19,000		Heater Replacement, Windows, Siding repair
118 8 th Ave Roebing, NJ 08554	Pending Funding	Deferred	3	\$21,785	\$17,000		Heater replacement, mold and water damage, roof replacement
TOTAL					\$272,265		

Low Income = 80% of median
Very Low Income = 50% of median

RESOLUTION 2020-129
ADOPTING THE RENTAL REHABILITATION PROGRAM MANUAL

WHEREAS, Florence Township participates in a consortium with other Burlington County municipalities for its local rental rehabilitation program administered by Community Grants Planning & Housing (CGP&H); and

WHEREAS, Florence Township's Amended Third Round Housing Element and Fair Share Plan was granted a conditional Judgement of Repose (JOR) in the Order dated October 29, 2018 and

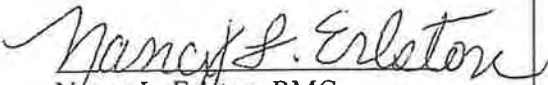
WHEREAS, one of the conditions of the JOR was the adoption of the Rental Rehabilitation Program Manual previously prepared by CGP&H; and

WHEREAS, Township COAH Planner Mary Beth Lonergan has reviewed the Rental Rehabilitation Manual and recommends its adoption; and

WHEREAS, Mayor and Township Council accept the recommendation of COAH Planner Lonergan and agree to adopt the manual.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Florence, County of Burlington, State of New Jersey, that the Rental Rehabilitation Program Manual is hereby adopted.

I, NANCY L. ERLSTON, CLERK of the Township of Florence, County of Burlington, State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the Resolution approved by Township Council at their July 8, 2020 meeting.


Nancy L. Erlston, RMC
Township Clerk

Note: *This resolution adopts the Rental Rehabilitation Program Manual.*

Rental Rehabilitation Program

Policies and Procedures Manual

Burlington County Shared Services Rental Rehab Program

Municipalities Participating in this Shared Services Program:

Revised June 1, 2020

- **Florence Township**
- **Edgewater Park Township**
- **Cinnaminson Township**
- **Medford**
- **Moorestown**

Prepared by:



CGPH

Community Grants, Planning & Housing
Good People. Great Results. Since 1993.

1249 South River Road, Suite 301

Cranbury, NJ 08512

609/664-2769 www.cgph.net

Rental Rehabilitation Program (RRP)

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Home Improvement Program

Policies & Procedures Manual

I. INTRODUCTION

The purpose of this document is to establish policies, guidelines and procedures which will govern the new Shared Services (multi-jurisdictional) Rental Rehabilitation Program (RRP or Program). The RRP was created by CGP&H, LLC and sponsored by the Burlington County Bridge Commission to provide a vehicle to reduce administrative and advertising costs for each participating municipality by sharing costs among all participating jurisdictions. The RRP is designed to assist rental properties to be occupied by low and moderate-income households to correct existing interior and exterior health, safety and code violations in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6. The RRP is guided by N.J.A.C. 5:93-5.2 with the exceptions noted herein and is subject to all laws, regulations, ordinances, and codes of the New Jersey Department of Community Affairs (DCA) and the applicable participating municipality¹. The participating municipalities have contracted with Community Grants, Planning & Housing LLC (CGP&H), a private consulting firm specializing in the implementation of publicly-funded housing rehabilitation programs, to manage and administer the RRP. Program funding will be provided by each participating municipality for their specific units and share of the RRP, typically by their respective municipal housing trust funds.

The RRP is designed primarily for substandard occupied units occupied by low and moderate income households. A vacant unit may be brought up to code standard only if the owner of the unit agrees to establish a rent affordable to a low income household and deed restrict the housing unit as a low income unit over a period of at least 30 years. The Program is available to a housing unit occupied by a resident low or moderate income owner when the resident owner lives in a building that includes one or more substandard rental unit(s) occupied by low or moderate income households.

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

A. Fair Housing and Equal Housing Opportunities

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

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or

<http://www.state.nj.us/lps/dcr/index.html>.



Fair Housing and Equal Housing Opportunities regulations apply under this Program.

II. ELIGIBLE PARTICIPANTS**A. Program area**

The Rental Rehabilitation Program is a multi-jurisdictional program designed to generate administrative cost efficiencies. It is aimed at rehabilitating rental housing units occupied or to be occupied by low and moderate-income households as their primary residence throughout each participating municipality.

B. Categories of Participant

Only landlords of renter-occupied housing units are eligible to receive funding for rehabilitation if the units are determined to be or will be occupied by income eligible households, and the units are determined to be substandard. This includes owner-occupied units in/on properties containing rental units. However, owner-occupants of rental properties do not have to be income eligible households. If a structure contains two or more units and an Owner, who is not eligible, occupies one unit, funding may be provided for the rehabilitation of the rest of the units that do qualify, and a pro-rata share of common items. Rents must be affordable to income eligible households.

C. Income Limits

Household income is defined as the combined annual income of all family members over 18 years of age including wages, Social Security, disability insurance, unemployment insurance, pensions, dividend/interest income, alimony, etc. Each unit's total household income must fall within or below the State's moderate-income limits based on family size. For each participating municipality, the Superior Court has approved income, sales and rental increases which used similar methodologies that were employed by COAH.

The most recent income limits and applicable methodology are in Appendix A, and the plan for properly amending median incomes and rental increases every year going forward unless another entity with relevant jurisdiction is approved by the Court is also included in Appendix A at the end of this manual. The Program Administrator will ensure that the annual chart in Appendix A is updated whenever updates become available.

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

D. Application Selection

The Program will process new applicants added to the waiting list/applicant pool on a first-come, first served basis, to qualified applicants. The RRP will establish the waiting list from the Program marketing efforts identified in Section IX of this manual.

Emergency Processing Order

Properties with safety and/or health hazards, confirmed/certified as an emergency by the participating municipality's Construction Official or Health Department can by-pass the first-come, first served process. However, they must meet all the other Program requirements including bringing the unit up to code.

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

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

Please note that the loan agreement will state that if the Owner/Landlord takes the emergency funds to abate the safety/health hazards and then subsequently decides to voluntarily remove themselves from participation in the RRP to complete the non-emergency substandard code violation components of their project, essentially negating any opportunity for the participating municipality to gain credit for a fully rehabilitated home for the unit, those public funds used for the emergency shall be immediately due and payable back to the participating municipality. To address this potential, any Landlord receiving emergency funds will also be required to execute a statement indicating that the participating municipality will place a lien on the rental rehab

properties for the participating municipality to recapture the emergency funds, to be repaid with interest, based on the monthly average mortgage loan commitment rates at the time of closing in the event of noncompliance.

A deed restriction for all rehabilitated rental units will run with the land to ensure compliance, which will be filed with the County Clerk following satisfactory completion of all work on the project.

III. ELIGIBLE ACTIVITIES

A. Eligible Improvements

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

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

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

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

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair

- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for Program funding includes but is not limited to luxury improvements (improvements which are upgrades and/or strictly cosmetic), carpets, additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. The cost of removing any illegally converted living space (e.g., illegal bedrooms in the basement) is not eligible for assistance.

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

C. Rehabilitation Standards

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

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

D. Certifications of Substandard/Standard

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

IV. FUNDING TERMS RENTAL PROPERTIES

Funding may be provided on the following terms:

A. Rental Units

Table 1: Terms & Conditions

Rental Property Terms and Conditions of Loan	
Minimum Loan Amount	The participating municipality may rehabilitate substandard units that require less than \$10,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.
Maximum Loan Amount	\$15,000 from applicable Municipality per rental unit
Interest Rate	0% (No monthly payments)
Payment Terms	Owner pays 25% of rehab cost at execution of construction agreement. The 75% balance (the Township loan amount) is to be paid back to the participating municipality at the end of the deed restriction period unless the Owner extends the controls on the restricted units for an additional 10-year period. The 25% Owner contribution is waived for non-profit owned rentals.
Deed Restriction Terms applied at time of loan closing/construction agreement	Ten-Years for low or moderate income eligible occupied units. Thirty-Years for vacant rental units to be restricted to low income rent. Rental restrictions transfer with property during the applicable deed restriction period. See restrictions below.
Mechanism for Securing Loan	Mortgage, Mortgage Note and Deed Restriction recorded against property

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

The assisted housing unit(s) must be occupied by and affordable to a household that is certified as an income eligible household per the latest Income Limits by Region, initially approved by the Superior Court. A copy of the current income figures and the income limit methodology is included in Appendix A of this document.

The attached income limits and methodology will be utilized until another entity with relevant jurisdiction is identified to perform this function as noted in Section II.C.

Every rental unit will be designated by unit as either low or moderate income in the Deed Restriction, to prevent “flipping” units back and forth between market, low and moderate-income occupants.

The maximum permitted rent is determined by the participating municipality’s Administrative Agent and is pursuant to UHAC and subject to annual adjustment.

Vacant units that participate in the Program shall be designated as low income units with a maximum low income rent established pursuant to the UHAC regulations as discussed at pages 23 and 24 of this manual. Occupied housing units shall be designated as low or moderate income units based on the income of the tenant and the rent will be established based on the procedures discussed at pages 23 and 24. Thus, a housing unit occupied by a tenant earning no more than 50 percent of median income shall be designated as a low income unit and a housing unit occupied by a tenant earning between 50 percent and 80 percent of median income shall be designated as a moderate income unit.

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

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

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

C. Special Needs Waivers for Higher Cost Rehabilitation Projects

In cases of documented rehabilitation needs greater than the Program cap:

- The Program will get confirmation that the Owner can contribute the additional funding to meet the funding gap.
- If needed, the Program Administrator may attempt to facilitate a partnership with other possible funding sources to meet the gap.
- The Program Administrator may also make a request to the participating municipality for an exception to the funding cap on a project by project basis. Each application will be treated separately by each participating municipality based on local trust funds available and other local factors to be considered at that time. If additional funding is approved, a Special Needs Funding Limit Waiver may be issued.

D. Use of Recaptured Program Funds

All recaptured funds will be deposited into the participating municipality Affordable Housing Trust Fund account in accordance with N.J.A.C. 5:93-8.15.

V. IMPLEMENTATION PROCESS

A. Application/Interview

For each prospective Landlord (this Program is currently limited to rental units) the applicant process can begin with a Landlord contacting CGP&H. CGP&H will then recommend an in-person meeting after addressing all questions and providing an overview via telephone or email. This initiative will be taken to fully and carefully explain all rules, requirements and Program benefits, since unlike single family owner-occupied rehabilitation, there are many additional requirements and obligations. CGP&H key staff (company president, vice president or designated professional) will meet with interested Landlords to review all Program details and address all questions.

Each prospective Landlord applicant is to complete the application and return it to an assigned Case Manager, along with the required verification documents. Upon receipt of the completed application package, a case file will be opened for the applicant and a case file number will be assigned. The Case Manager will be available to assist applicants during this and all other phases of the process. Additionally, as needed, a Case Manager will be available for face to face prescheduled appointments. Once a case is assigned a number, the cases are processed in the order of receipt of completed applications.

B. Eligibility Certification

If the rental unit is currently occupied, in order for that unit to be eligible for assistance, households must be determined to be income eligible. All adult members of households, 18 years of age and older, must be fully certified as income-eligible before any assistance will be provided by the Program. The RRP will income qualify the occupants of each unit that the Landlord wants to include in the Program. Applicants will be evaluated for eligibility in accordance with the UHAC at N.J.A.C. 5:80-16.1 et seq., except for the asset test which does not apply to the rehab Program.

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

C. What is Considered Income

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

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

D. What is Not Considered Income

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

- Rebates or credits received under low-income energy assistance programs
- Food stamps
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans
- Personal property such as automobiles
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Part-time income of dependents enrolled as full-time students
- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income