

Housing Element and Fair Share Plan

Fourth Round

LUMBERTON TOWNSHIP, BURLINGTON COUNTY, NJ

JUNE 2025

Adopted by the Lumberton Township Land Development Board on June 12, 2025 by Resolution 2025-15.

Endorsed by Lumberton Township Committee on June __ 2025 .

Prepared by Leah Furey Bruder, PP, AICP
LFB LAND PLANNING LLC

2025 Lumberton Township Committee

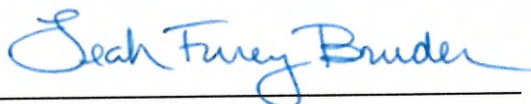
Mayor Gina LaPlaca
Deputy Mayor Lori Faye
Committeeman Terrance Benson
Committeeman Grant Robinson
Committeewoman Amanda Smith

Meredith Riculfy, Township Administrator
Bobbie Quinn, Municipal Clerk
Catherine Borstad, Zoning Officer
Wade Dickey, Esq Township Solicitor
George Morris, Esq, Affordable Housing Counsel
Leah Furey Bruder, PP, AICP, Township Planner
Rakesh Darji, PE, PP, CME, CFM, Township Engineer

2025 Lumberton Township Land Development Board

Chairman Christopher Ciorlorito , Class IV
Mayor Gina LaPlaca, Mayor, Class I
Deputy Mayor Lori Faye, Mayor's Alternate, Class I Alt
Lt. Christopher Cheesman, Township Employee, Class II
Committeeman Grant Robinson, Township Committee, Class III
Joe Waladkewicz, Class IV
Josh Foote, Class IV
Walt Lyons, Class IV
Matthew Kausch, Class IV
Mengste Thomas, Class IV
Jeff Moore, Alt. 2
Seth Ulrich, Alt. 3

M. Lou Garty, Esq, Land Development Board Solicitor
Rakesh Darji, PE, PP, CME, CFM, Land Development Board Engineer
Leah Furey Bruder, PP, AICP, Land Development Board Planner
Catherine Borstad, Land Development Board Administrator



Leah Furey Bruder, AICP, PP
New Jersey PP# 585100

Table of Contents

I. Introduction and Executive Summary	5
II. <i>Mount Laurel</i> Affordable Housing Background	6
A. Judicial Background	6
B. Legislative Background	7
C. Lumberton Township Affordable Housing History	9
D. Timelines	9
E. Housing Element Requirements	10
F. Directive #14-24 Requirements	12
III. Housing Element Analysis	14
A. Demographic Characteristics	14
1. Population	14
2. Population Composition by Age	14
B. Housing Characteristics	15
C. Households	19
D. Income Characteristics	21
1. Household Income	21
2. Poverty Rates	22
3. Income Limits and Rents	22
E. Housing Affordability	24
1. For Sale Housing Units	24
2. For Rent Housing Units	24
F. Substandard Housing Capable of Being Rehabilitated	25
G. Employment Data	27
1. Labor Force Estimates	27
2. Class of Worker and Occupation	28
3. Employment by Industry	28
4. Covered Employment by Sector	29
H. Population and Housing Projections	30

I. Consideration of Lands Appropriate for Affordable Housing and Consistency with the State Development and Redevelopment Plan.....	32
J. Consistency with Recommendations of Multigenerational Family Housing Continuity Commission	33
IV. Fair Share Plan.....	34
A. Present Need/Rehabilitation Share.....	34
B. Look Back to Prior Rounds	36
1. Prior Round Obligation.....	36
2. Third Round Obligation	37
C. Fourth Round Prospective Need.....	39
1. Eayrestown Road Redevelopment Area.....	40
2. Cornerstone at Lumberton, Phase II	43
D. Affordable Housing Trust Fund	47
E. Cost Generation	49
F. Monitoring.....	49

MAP 1 Sewer Service Area and State Planning Areas

MAP 2 Affordable Housing Sites

MAP 3 Cornerstone at Lumberton

MAP 4 Eayrestown Inclusionary Site

Appendices

Appendix A Planning Board Resolution Adopting Fourth Round Housing Element and Fair Share Plan

Appendix B Township Committee Resolution Endorsing Fourth Round Housing Element and Fair Share Plan

Appendix C Third Round Compliance Table from Third Round Plan

Appendix D Eayrestown Road Inclusionary Redevelopment Concept

Appendix E MOU between Lumberton Township and D.R. Horton

Appendix F Cornerstone at Lumberton Phase II Concept Plan

Appendix G Wellington Farms Overall Site Plan Block 22 Lots 8.01 and 8.03, illustrating wetlands and buffers south of lot 8.03

Appendix H Letter to Township from Walters Group dated September 3, 2024 outlining Phase II proposal

Appendix I Resolution of Need for 28 unit family affordable rental project, Resolution 2025-097 adopted May 1, 2025

Appendix J Wellington Redevelopment Plan revised through February 10, 2022

I. Introduction and Executive Summary

This Fourth Round Housing Element and Fair Share Plan (“HEFSP”) has been prepared for Lumberton Township in accordance with the New Jersey Fair Housing Act (“FHA”) and the applicable rules of the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 et seq. There are four components of a municipality’s affordable housing obligation under the regulatory scheme that has evolved since the *Mount Laurel I* and *Mount Laurel II* decisions. Beginning with the First Round of affordable housing in 1987, municipalities wishing to proactively plan to accommodate opportunities for affordable housing may opt to participate in the fair share planning process. The four elements of the obligation are: the Fourth Round Present Need (Rehabilitation Share), the Prior Round Prospective Need (Cumulative First and Second Round), the Third Round Gap and prospective Need, and the Fourth Round Prospective Need. Lumberton Township’s affordable housing obligations are as follows:

Fourth Round Present Need /Rehabilitation Obligation	38
Prior Round Prospective Need	152
Third Round Gap and Prospective Need	332
Fourth Round Prospective Need	99

To satisfy its rehabilitation obligation, the Township will continue its participation in Burlington County’s Home Improvement Loan Program and will initiate a municipal rehabilitation program using money from the Township’s affordable housing trust fund. The Township believes that the 38 unit present need obligation is an overestimation, specifically as it relates to housing units with incomplete plumbing¹. However, proposes to initiate a rehabilitation program will offer needed assistance to low- and moderate-income residents and will support maintenance of the housing stock and improvement of neighborhoods.

The Township has fully satisfied the Prior Round Prospective Need (1987-1999) of 152 with 76 permanent supportive rental units at Lumberton Independent Living plus 38 bonus credits from the rental units, and 38 age-restricted affordable rental units at Lumberton Independent Living.

The Third Round Gap/ Prospective Need (1999-2025) of 332 has been satisfied with 4 senior rental units at Lumberton Independent Living, 38 credits for existing and documented supportive and special needs units, 43 family rental units at The Wexford (Wellington Farms Inclusionary), 70 family rental units at Cornerstone at Lumberton (100% affordable), 95 units at the Eayrestown Inclusionary Redevelopment site (proposed), and 83 rental bonus credits.

The Fourth Round Prospective Need (2025-2035) of 99 units will be satisfied with the development of 28 units at Cornerstone at Lumberton Phase II plus 24 bonus credits, and 47 units at the Eayrestown Inclusionary Redevelopment site. The Eayrestown Redevelopment will result in additional affordable units, which will be applied to the Fifth Round.

¹ Lumberton’s Third Round present need obligation was 3. This illustrates the probable inaccuracy of the present need calculations. It is highly unlikely that units “lost plumbing” over a ten year period.

II. *Mount Laurel* Affordable Housing Background

A. Judicial Background

In the landmark 1975 decision in the case of *Southern Burlington County NAACP v. the Township of Mount Laurel*, (commonly known as *Mount Laurel I*), the New Jersey Supreme Court held that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low- and moderate-income housing in their communities. In its second significant *Mount Laurel* decision, decided on January 20, 1983 (*Mount Laurel II*), the Supreme Court expanded the *Mount Laurel* doctrine by determining that this constitutional responsibility to address the present need for affordable housing extended to all municipalities in New Jersey, and that the responsibility to address regional prospective need for affordable housing extended to all developing municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the *Mount Laurel II* decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws of New Jersey, 1985). The Fair Housing Act established the Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need. COAH drafted regulations and calculated regional and municipal fair share numbers for Round 1 (1987-1993) and again for Round 2 (1993 -1999). However, the Round 2 methodology superseded the First-Round methodology and the cumulative period (1987-1999) became known as the “Prior Round”.

For the Third Round, which should have begun in 1999, COAH adopted regulations in 2004 intended to cover a ten-year period through 2014. In 2007 the first iteration of the Third Round rules were invalidated by a New Jersey Appellate Court decision, and COAH was ordered to propose amendments to its rules. The second iteration of the Third Round rules were adopted in June and October of 2008. The rules were again challenged and ultimately invalidated by the Court in 2010. After being ordered by the NJ Supreme Court to do so, COAH then attempted to adopt a third set of Round 3 regulations in 2014, but failed, resulting in additional challenges. These challenges lead to the Supreme Court’s decision *In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing*, 221 N.J. 1 (2015) (“*Mount Laurel IV*”), in which it held that since COAH was no longer functioning, trial courts were to resume their role as the form of first instance for evaluating municipal compliance with *Mount Laurel* obligations, and also established a transitional process for municipalities to seek a Judgment of Compliance and Repose (“JOR”) in lieu of Substantive Certification from COAH.

While the Supreme Court’s decision set forth a procedural path for municipalities to address their Round 3 fair share obligations, it did not specifically assign those obligations. Instead, the fair share

obligation was to be negotiated by the municipalities and Fair Share Housing Center and determined by the trial courts. The Supreme Court directed that the method of determining municipal housing obligations would be “similar to” the methodologies used in the Prior Round calculations. Additionally, the Court provided that municipalities should rely on COAH’s Second Round rules (N.J.A.C. 5:93) and certain components of COAH’s 2008 regulations that were specifically upheld, as well as the Fair Housing Act to guide planning for affordable housing, preparation of fair share plans, and implementation.

In 2017 the New Jersey Supreme Court determined that the “lost” period of time between 1999 and 2015 when no valid affordable housing regulations were in force, still generated an affordable housing obligation to address housing needs that continued to accrue during that time.² This time period became known as the “gap period” and is now a component of the Third Round obligation.

B. Legislative Background

The New Jersey Legislature has been both responsive to the *Mount Laurel* Judicial decisions and at times proactive in its efforts to craft a comprehensive planning and implementation response to the affordable housing mandate. Significant amendments to Fair Housing Act were enacted in 2008 and 2024.

On July 17, 2008, P.L. 2008c. 46 (also referred to as A500) amended the Fair Housing Act. The following significant changes were made:

- It established a statewide 2.5% non-residential development fee payable to the municipal or State Affordable Housing Trust Fund instead of requiring non-residential developers to provide affordable housing;
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities. Prior to the change, a municipality could fund the transfer up to 50% of its fair share to a so called “receiving” municipality where the money would be used to create or rehabilitate affordable housing.
- 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;
- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection.

On March 20, 2024 the legislature adopted P.L. 2024 c.2 which amended the Fair Housing Act and other related statutes. This amendment intends to provide a more predictable and consistent approach to affordable housing planning and implementation and to enable maximum production of low- and moderate-income housing units. The 2024 amendments to the Fair Housing Act are intended to implement the Mount Laurel doctrine, and that municipalities in compliance with the

² The gap present need is a measure of low- and moderate-income households that formed from 1999 and 2015 and that were still in need of housing in 2015.

Fair Housing Act are also in compliance with the Mount Laurel doctrine. The following are highlights of the 2024 amendments to the Fair Housing Act:

- The Council on Affordable Housing is formally abolished.
- The NJ Department of Community Affairs (“DCA”) is required to promulgate municipal obligations using an adjusted methodology set forth in the amended Fair Housing Act. The obligations are to be considered advisory, not binding, but any municipal adjustment to the fair share obligation must follow the methodology set forth in the law.
- Establishes timelines for the municipal compliance process and related challenges. Municipalities must abide by the timelines in order to retain immunity from exclusionary zoning lawsuits.
- Requires the New Jersey Housing and Mortgage Finance Agency and the DCA to update the Uniform Housing Affordability Controls (“UHAC”) along with other rules governing the production and administration of affordable housing.
- Establishes the Court- based Affordable Housing Alternate Dispute Resolution Program (“Program”) that is charged with resolving challenges to municipal determinations of fair share needs and compliance efforts.
- Provides for a minimum of 40 year control period for new affordable rental units;
- Modifies the criteria for affordable housing bonuses that may be claimed in municipal fair share plans.
- Establishes a specific timeline for the steps needed to establish municipal affordable housing obligations, to challenge the determinations, and to adopt a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary zoning litigation.
- 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.

This Housing Element and Fair Share Plan has been prepared to address the essential components of a Housing Element (as required by N.J.S.A. 52:27D-310 and N.J.S.A. 40:55D-28), to meet the requirements of the FHA as most recently amended, and to meet the intent of Administrative Directive #14-24.

C. Lumberton Township Affordable Housing History

Lumberton Township petitioned the Council on Affordable Housing for substantive certification on December 9, 1994. The Housing Element and Fair Share Plan and petition covered the twelve-year Prior Round (1987-1999) period. Conditional certification was issued on October 2, 1996 (Resolution 51-99). Second Round certification was granted on July 9, 1997, and extended certification was granted on March 9, 2005. The Township satisfied the Prior Round obligation as set forth in the table in section IVB(1). COAH approved the Township's development fee ordinance on April 12, 1995.

Lumberton Township adopted a Third Round Housing Element and Fair Share Plan on December 18, 2008 in response to the second iteration of the Third Round rules and petitioned for substantive certification. The petition was deemed complete by COAH (February 5, 2009). The Township responded to COAH's requests for additional information until the second iteration of the Third Round rules were invalidated in October of 2010.

Following the March 10, 2015 NJ Supreme Court decision (*Mount Laurel IV*), the Township filed a declaratory judgement action and submitted itself to the new judicial process. On November 21, 2017, Lumberton entered into a Third Round Settlement Agreement with Fair Share Housing Center which set the Third Round prospective need fair share obligation at 332 and included an outline of proposed compliance mechanisms. The Township has continued to implement the Third Round Fair Share Plan and has now prepared this Fourth Round Housing Element and Fair Share Plan to ensure realistic opportunities for the production of additional affordable housing in locations well suited to accommodate new housing.

D. Timelines

N.J.S.A. 52:27D-304.1 provides that following the expiration of the Third Round of affordable housing on July 1, 2025, a municipality shall have immunity from exclusionary zoning litigation if the municipality complies with the deadlines established for both determining present and prospective obligations and for adopting a housing element and fair share plan to meet those obligations. The New Jersey Department of Community Affairs (DCA) prepared calculations of regional need and municipal present and prospective need obligations in accordance with the methodology and formulas established in 52:27D-304.2 and C.52:27D-304.3. These obligations are set forth in a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background". The following is an overview of the timelines that are set forth in the amended Fair Housing Act for Fourth Round participation, and Lumberton's responses to the timeline.

1. January 31, 2025. For the fourth round of affordable housing obligations participating municipalities were required to determine their present and prospective fair share obligations by binding resolution no later than January 31, 2025.

Lumberton Township adopted Resolution 2025-055 on January 16, 2025.

The Declaratory Judgement Action was filed with the program on January 17, 2025, Docket BUR-L-000128-25.

2. February 28, 2025. Challenges to the municipal determination were required to be filed by February 28, 2025.

A challenge was filed by the New Jersey Builders Association (NJBA).

3. March 31, 2025. Decisions on challenges to the municipally determined obligation shall be decided by the program by March 31, 2025 and an order will be entered by the vicinage's judge.

Lumberton Township participated in dispute resolution on March 26, 2025. At the mediation, the Township and NJBA agreed to a fair share obligation of 99 units. The Affordable Housing Dispute Resolution Program recommended the Settlement to the Court.

On April 17, 2025, by Order of Judge Cook, the municipal fourth round prospective need obligation was fixed at 99.

4. June 30, 2025. Municipalities are required to adopt a housing element and fair share plan and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligation by June 30, 2025, and file it with the Program.
5. August 31, 2025. Challenges to the adopted housing element and fair share plan alleging non-compliance with the Fair Housing Act must be filed by August 31, 2025.
6. March 15, 2026. The municipality shall adopt Implementing ordinances and resolutions by March 15, 2026.

E. Housing Element Requirements

Pursuant to both the Fair Housing Act (52:27D-310) and the Municipal Land Use Law (N.J.S.A. 40:55D-28 and -62), municipalities in New Jersey are required to include a housing element in their master plans. The land use element and the housing plan element are the foundations for the municipal zoning ordinance. The housing element is designed to provide information and perspective to guide the municipality toward identifying its present and prospective housing needs and to provide the foundations that will enable the municipality to provide access to affordable housing opportunities to meet the identified needs with particular attention to low- and moderate-