

**TOWNSHIP OF WILLINGBORO  
COUNTY OF BURLINGTON, NEW JERSEY**

**RESOLUTION #2025 - 170**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
WILLINGBORO APPROVING A FOURTH ROUND AFFORDABLE  
HOUSING TRUST FUND SPENDING PLAN AND REQUESTING  
PROGRAM AND COURT APPROVAL OF THE SPENDING PLAN**

**WHEREAS**, the Township of Willingboro (hereinafter “Township” or “Willingboro”) has an approved Development Fee Ordinance that was adopted on July 3, 2018, which established standards for the collection, maintenance, and expenditure of development fees; and

**WHEREAS**, the Township’s previous Affordable Housing Trust Fund Spending Plan was approved by the Court on June 7, 2018; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”) which governs how municipalities will comply with their affordable housing obligations for the Fourth Round (2025-2035); and

**WHEREAS**, the Administrative Office of the Courts issued Directive #24-40 (“AOC Directive #14-24), governing how municipalities file their compliance documents with the Affordable Housing Dispute Resolution Program (“the Program”); and

**WHEREAS**, the Township has prepared a Fourth Round Spending Plan consistent with the Amended FHA, AOC Directive #24-40, N.J.A.C. 5:93, and other applicable regulations, which projects anticipated revenues to the Township’s Affordable Housing Trust Fund and describes the anticipated expenditures of funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Willingboro, County of Burlington, State of New Jersey, as follows:

1. The Township Council of Willingboro hereby approves the Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Program and the Court review and approve the Township’s Fourth Round Spending Plan.
2. Township of Willingboro shall promptly submit the Fourth Round Spending Plan to the Program and Court for its approval.
3. This Resolution shall take effect immediately upon adoption, according to law.

**CERTIFICATION**

I, **SAMANTHA SAVINO**, DO HEREBY CERTIFY this to be a true and accurate copy of a Resolution that was adopted by the Township Council of the Township of Willingboro at the Regular Meeting on **June 17, 2025**.

  
 Samantha Savino, RMC  
 Township Clerk

APPROVED:

  
 Samantha E. Whitfield  
 Mayor

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COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson		X	X			
Councilwoman McIntosh			X			
Deputy Mayor Dr. Worthy	X		X			
Mayor Whitfield			X			

# Willingboro Township Spending Plan

## Introduction

Under N.J.A.C. 5:99, a Spending Plan is defined as a strategy for allocating funds held in an affordable housing trust fund. These funds may include development fees collected under a municipal development fee ordinance or pursuant to N.J.S.A. 52:27D-329.1 et seq., and are used to address the housing needs of low- and moderate-income individuals. All revenues associated with affordable housing, such as residential and non-residential development fees, payments in lieu of unit construction, barrier-free escrow funds, recapture funds, proceeds from the sale or rental of affordable units, loan repayments, enforcement fines, remaining RCA funds, and application fees, are deposited into an interest-bearing Affordable Housing Trust Fund (AHTF). Disbursement of these funds must comply with N.J.A.C. 5:99 or other applicable regulations.

Chapter 79 Article 1 of the Willingboro Township Code, entitled Affordable Housing Development Fees, § 79-7 was established by Ordinance Number 2018-7 on July 3, 2018. (August 9, 2016) and amended by Ord. 2091 (December 11, 2017). The purpose of this Spending Plan is to direct revenue generated from this source in a manner that addresses the township's regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the draft regulations governing affordable housing trust fund entitled Proposed New Rules: N.J.A.C. 5:99, which were available at the time of drafting this report.

## Authorization of Affordable Housing Trust Fund

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

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

### Account Requirements

- a) All affordable housing trust funds shall be deposited in a separate, interest-bearing account. In establishing the account, the municipality shall provide written authorization, in the form of a three-party escrow agreement between the municipality, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited.
- b) With the approval of the Department's Division of Local Government Services, the municipality may invest its affordable housing trust fund in the State of New Jersey cash management fund, provided that the amount of money in the cash management fund that comprises the funds and income attributable to such funds shall at all times be identifiable.
- c) All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.
- d) A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program or a court of competent jurisdiction has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.1.
- e) Any municipality with an affordable housing trust fund account shall be subject to N.J.A.C. 5:99-4.
- f) Municipal affordable housing trust funds shall not be expended:
  1. To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
  2. On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;
  3. On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or
  4. On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

- g) In addition to the restrictions at (f) above, no more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4.
- h) A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5.
- i) Compliant municipalities, Qualified Urban Aid Municipalities, or municipalities that have previously collected such funds while under the protection of presumptive validity of their affordable housing plan or immunity from exclusionary zoning litigation and in accordance with an approved spending plan are authorized to commit or expend affordable housing trust funds in accordance with this chapter, UHAC, and the Act.
- j) A non-compliant Qualified Urban Aid Municipality meeting the criteria set forth in paragraph (1) of subsection c. of section 7 at P.L. 2024, c. 2, which has been authorized to collect residential development fees pursuant to N.J.A.C. 5:99-3.5(b), may not spend, or commit to spend, any affordable housing development fees, without first obtaining the Division's approval of the expenditure by submitting a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round. The Division shall review the spending plan for consistency with N.J.A.C. 5:99-2 and shall notify the municipality upon the approval of the spending plan.

### Use of Funds for Housing Activity

- a) A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or as approved by the Division as an emergent opportunity to create affordable housing. Such activities include, but are not limited to:
  - 1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund and subject to the provisions thereof;
  - 2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;

3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
5. RCAs, approved prior to July 17, 2008;
6. Acquisition and/or improvement of land to be used for affordable housing;
7. Accessory dwelling units;
8. The extension of expiring controls;
9. The construction of group homes and supportive and special needs housing;
10. Maintenance and repair of affordable housing units;.
11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
15. Any other activity approved by the Division.

### Use of Funds for Administrative Expenses

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

units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.

- d) The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

### Use of Funds for Affordability Assistance

- a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in the municipality's fair share plan.
  - 1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.
- b) A municipality may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, or any program or activity for which the municipality expends development fee proceeds.

### Barrier-Free Escrow

An affordable housing trust fund may include fees collected to adapt affordable unit entrances to be accessible in accordance with the Act and the Barrier Free Subcode, N.J.A.C. 5:23-7. The municipality shall set forth the mechanism by which it will collect and distribute funds intended to convert adaptable entrances in compliance with the technical design standards of the Barrier Free Subcode at N.J.A.C. 5:23-7. Funds collected for this purpose shall at all times be identifiable from other funds. Collection and distribution of barrier free funds shall be consistent with the Town of Willingboro Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

### Payments in Lieu of Constructing Affordable Units On-Site

- a) Payments in lieu of constructing affordable units shall not be imposed on any nonresidential development.
- b) A municipality that chooses to collect or anticipates collecting payments in lieu of constructing affordable units shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.2 and include a plan for the use of the funds in its spending plan.

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

## Other Funds

- a) An affordable housing trust fund may also contain recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected by the municipality in connection with its affordable housing programs. A municipality that collects, or anticipates collecting, such fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:995 and include a plan for the use of the funds in its spending plan.
- b) An affordable housing trust fund shall also contain any excess RCA funds, where the RCA has been completed in accordance with the RCA project plan.
- c) A municipality that is not a compliant municipality may not retain excess RCA funds and shall transfer any such funds to the New Jersey Affordable Housing Trust fund established pursuant to N.J.S.A. 52:27D-320.

## Administrative Mechanism to Collect and Distribute Funds

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Willingboro:

- a) Collection of development fee revenues:  
Collection of development fee revenues shall be consistent with Willingboro's development fee ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).
- b) Distribution of development fee revenues:  
Disbursement of funds from Willingboro's Affordable Housing Trust Fund shall occur only with authorization from the Mayor and Council. Each funding request must specify the project type, the proposed improvement cost, and the property to which the request pertains.

Requests for security assistance, rental assistance, or the conversion of low-income units to very low-income rental units will be limited to qualified affordable housing

households. The Township’s administrative agent will be responsible for processing and monitoring all such requests.

If the available balance in the Affordable Housing Trust Fund falls below projected levels, Willingboro will adjust planned future expenditures to ensure the fund balance does not fall below zero. The Township expects to periodically update and refine the Spending Plan to ensure that expenditures remain aligned with available resources.

### Revenues + Expenditures for Certification Period

Willingboro has identified the following anticipated revenue sources for the Affordable Housing Trust Fund (AHTF) for the 2025–2035 period:

Development fees: Willingboro analyzed seven years (2018 to 2024) of residential and nonresidential development fees deposited into the AHTF and averaged these annual incomes to determine the expected annual fee. Through this analysis of qualifying projects, we determined an annual average revenue fee of \$9,403 to determine potential developer fees for the years of 2025 to 2035.

Revenues		
Current cash on hand as of (April 30, 2025)		\$88,308.16
Projected developer fee revenue (Average annual developer fees x 10 years)		\$94,030.00
Projected payment in lieu of constructing affordable units		-
Projected barrier-free escrow funds		-
Projected recapture funds, sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, or any other funds collected by the municipality in connection with its affordable housing programs		-
Projected Interest (Average annual interest of \$76 x 10 years)		\$760.00
<i>Total Projected Revenues</i>		<i>\$183,098.16</i>
Expenditures		
Rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households		\$100,000.00
Affordability Assistance OR new construction of affordable housing units and related development costs		\$48,098.16
Total Administration		\$35,000.00
<i>reTotal Projected Expenditures</i>		<i>\$183,098.16</i>
<b>Remaining Balance</b>		<b>\$0.00</b>

## Potential Spending Strategies to Support Affordability Assistance

Willingboro may allocate a portion of its Affordable Housing Trust Fund to enhance housing affordability, with a focus on serving very low-income households. One key strategy involves providing an upfront payment to the developer of low-income rental units to cover the rental differential, calculated over a fifty (50) year period, between low-income and very low-income rents. In return, the affected units will be deed-restricted for occupancy by very low-income households only. The Township may also consider expanding its efforts to include security deposit assistance and similar initiatives, consistent with those already implemented in municipalities like Willingboro. All affordability assistance programs will be pursued in accordance with N.J.A.C. 5:99-2.5.

## Potential Spending Strategies to Support Housing Rehabilitation

Willingboro may use a portion of its Affordable Housing Trust Fund to make units more affordable, especially for very-low income tenants. This will primarily be implemented by offering the developer of low-income rental units an upfront payment for the rental differential over a fifty (50) year timeframe between a low-income unit and a very low-income unit. In exchange for this upfront rental differential payment, the particular rental unit will be required to be deed restricted to only very low-income households.

## Potential Spending for Administrative Expenses

Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Willingboro anticipates that administrative expenditures from the Affordable Housing Trust Fund will be used to cover planning-related costs, including the preparation of the Housing Element and Fair Share Plan, participation in the Declaratory Judgment process, and associated legal and planning fees. Additional eligible expenses include office supplies, the preparation of ancillary planning documents required for the Judgment of Compliance and Repose, and the costs of services provided by the Township's Municipal Housing Liaison and the administrative agent.

## Excess or Shortfall of Funds

The Township reserves the right to revise its funding projections and anticipated commitments based on actual revenues received by the Affordable Housing Trust Fund, as well as any amendments to the Housing Element and Fair Share Plan. In the event of a revenue shortfall, the Spending Plan will be adjusted accordingly. Should surplus funds become available, any amount exceeding what is required to satisfy the Township's affordable housing obligation will be allocated to further support housing initiatives for low- and moderate-income households.