

Housing Element and Fair Share Plan

Willingboro Township, Burlington County, New Jersey

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Housing Element and Fair Share Plan

Willingboro Township, Burlington County

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Housing Element

Introduction

Willingboro Township has prepared this Fourth Round Housing Plan Element and Fair Share Plan ("HE&FSP" or "Plan") in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and P.L. 2024, c. 2 (Assembly Bill 4/Senate Bill 50) passed March 24, 2024 that amends the New Jersey Fair Housing Act outlining the Fourth Round (2025-2035) ("Amended FHA"). This Plan demonstrates Willingboro's ongoing commitment to providing affordable housing within the township. It outlines the township's approach based on the current understanding of New Jersey's affordable housing framework, including applicable precedents set by the Council on Affordable Housing (COAH) and the requirements established by A4/S50, which governs municipal obligations in the Fourth Round.

The New Jersey Municipal Land Use Law ("MLUL") and the New Jersey Fair Housing Act ("FHA") require every municipal planning board to adopt a Housing Plan Element to its Master Plan and further require the governing body of each municipality to adopt a Fair Share Plan. The Housing Element is required to address the municipal present and prospective housing needs, "with particular attention to low- and moderate-income housing." In accordance with the Fair Housing Act at N.J.S.A. 52:27D-310 and as reaffirmed in N.J.A.C. 5:93, a Housing Element shall contain at least the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;

6. A consideration of lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate- income housing, including consideration of lands of developers who have expressed a commitment to provide low- and moderate- income housing
7. An analysis of the extent to which municipal ordinances or other factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:327D-329.20)
8. For municipalities located within the jurisdiction of the Highlands Planning Area, and the lands in the Highlands Planning Area for Highlands conforming municipalities, this analysis should include consideration of 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 Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
9. 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.

The preparation and submission of a Housing Element of a municipality's Master Plan, and a Fair Share Plan, is the first major step in the process for petitioning the Program.

Affordable Housing regulations define "Fair Share Plan" as follows:

"Fair Share Plan" means that a plan or proposal, which is in a form that may readily be converted into an ordinance, by which a municipality proposed to satisfy its obligation to create a realistic opportunity to meet its fair share of low-and moderate- income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low and moderate income housing, as provided in sections 9 and 14 of the Act, addresses the development regulations necessary to implement the housing element, and addresses the requirements of N.J.A.C. 5:93-7 through 11.

This Housing Element and Fair Share Plan ("Plan") satisfies all of the applicable requirements set forth within the MLUL, FHA, and those requirements set forth in the updated Fourth Round Rules.

Inventory of Housing Stock

Age of Housing Stock

The age of a community's housing stock is considered a means of determining its overall condition and identifying housing units in need of rehabilitation, especially those units constructed 50 or more years ago. A little over half (53.3%) of the structures built in the township were built between 1960 and 1970, while slightly less than a quarter (23.4%) of the township's housing stock was built between 1950-1959. The rate of residential development within the township began to slow significantly after 1979, with approximately 7.1% of the township's housing stock was constructed during or after 1980. 12.3% of the township's housing stock was constructed before 1949. As noted, a significant amount of the township's housing stock is over 50 years old and will continue to age, and it is anticipated that many of these homes will require significant repair or upgrades in the future.

Figure 1, below, shows the years that housing structures were built. Note that there were 5 housing units built after 2020; however, it is depicted as 0.0%.

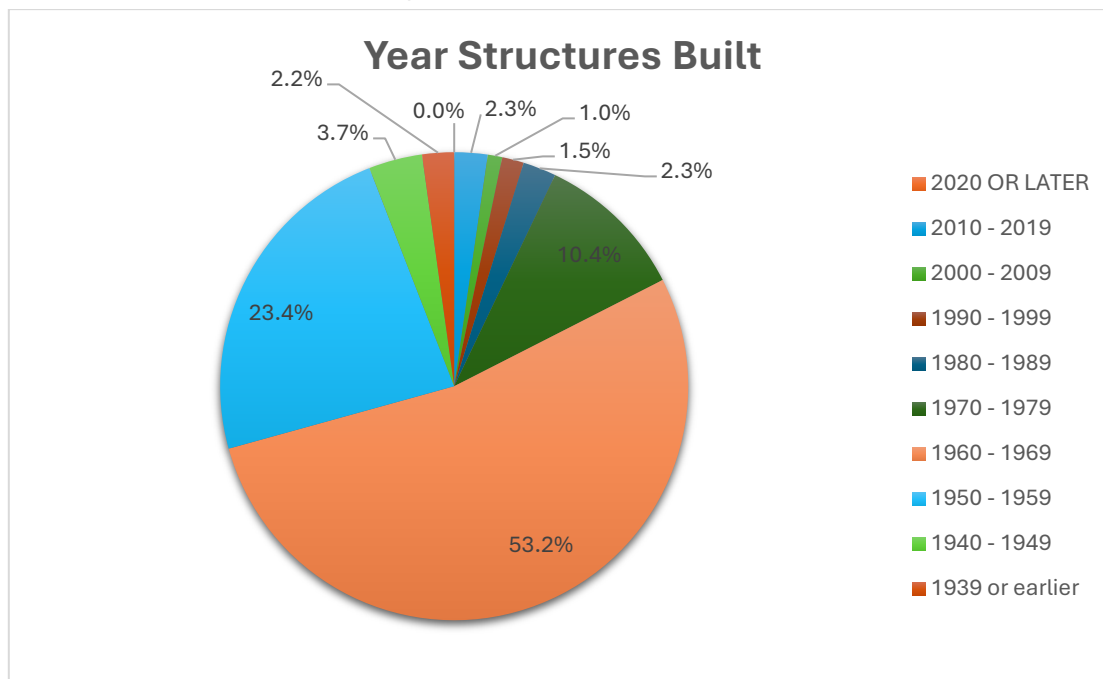


Figure 1: Year Structures Built

Source: American Community Survey 2023: ACS 5-year Estimates Subject Tables: DP04, B25034 and B25035

Condition of Housing of Stock

In addition to age, other factors are taken into consideration to determine the quality and condition of a municipality's housing stock and whether units are substandard. Data from the 2019- 2023 American Community Survey 5-Year Estimates is used to estimate the number of substandard housing units in Willingboro using the following factors.

- **Persons per room:** The number of persons per room is an index of overcrowding. Dwelling units exhibiting 1.01 or more occupants per room are overcrowded as defined by the U.S. Department of Housing and Urban Development and therefore considered substandard.
- **Adequacy of Plumbing Facilities:** The adequacy of plumbing facilities is used to determine if a unit is substandard. If a unit lacks complete plumbing facilities as indicated by either a lack of exclusive use of plumbing facilities or incomplete plumbing facilities, it is considered substandard.
- **Adequacy of Kitchen Facilities:** The adequacy of kitchen facilities is also used to determine the quality of a unit and determine if it is substandard. Inadequate kitchen facilities are marked by shared use of a kitchen or the lack of a sink with piped water, a stove, or a refrigerator.

The table below details the conditions of the housing within the township based on fuel, overcrowding, plumbing facilities, kitchen facilities, and telephone service. These factors determine housing deficiency. Using the above indicators, the table below shows the number of substandard occupied housing units in Willingboro Township. This data indicates that Willingboro's housing stock is generally high quality. Less than one percent of all of the township's occupied housing units exhibit overcrowding, while 0.4% and 0.5% of all occupied units exhibit a lack of complete plumbing and kitchen facilities respectively.

House Heating Fuel-Occupied Housing Units		
	Number	Percentage
Total	10,765	100%
Utility gas	7,952	73.9%
Bottled, tank, or LP gas	173	1.6%
Electricity	2,197	20.4%
Fuel oil, kerosene, etc.	183	1.7%
Coal or coke	0	0.0%
Wood	52	0.5%
Solar energy	112	1.0%
No fuel used	85	0.8%
Occupants per Room-Occupied Housing Units		
TOTAL	91	.8%
1.01 to 1.50	91	0.8%
1.51 or more	0	0.0%
Housing Facilities-Occupied Housing Units		
Total	140	1.3%
Lacking complete plumbing facilities	44	0.4%
Lacking complete kitchen facilities	49	0.5%
No telephone service available	47	0.4%

Table 2: Housing Deficiency Characteristics

Source: 2023 ACS 5-Year Estimates, Table B25040, B25014, DP04

Housing Values and Contract Rents

Figure 2, below, shows that the majority of owner-occupied housing units fall within the \$200,000 to \$299,999 price range, with over 40% of homes valued in this bracket. This category clearly dominates the distribution, indicating a strong concentration of mid-range home values in the area.

The second most common value range is \$300,000 to \$499,999, which makes up about 23% of owner-occupied units. Following this, approximately 20% of homes are valued between \$150,000 and \$199,999, while around 8% fall in the \$100,000 to \$149,999 range. At the lower end of the spectrum, housing units valued under \$100,000 are relatively rare.

Homes worth less than \$50,000 make up around 4%, and those in the \$50,000 to \$99,999 category represent less than 1%. At the high end, homes valued between \$500,000 and \$999,999 account for about 3%, while those worth \$1,000,000 or more are limited, constituting less than 1% of owner-occupied units.

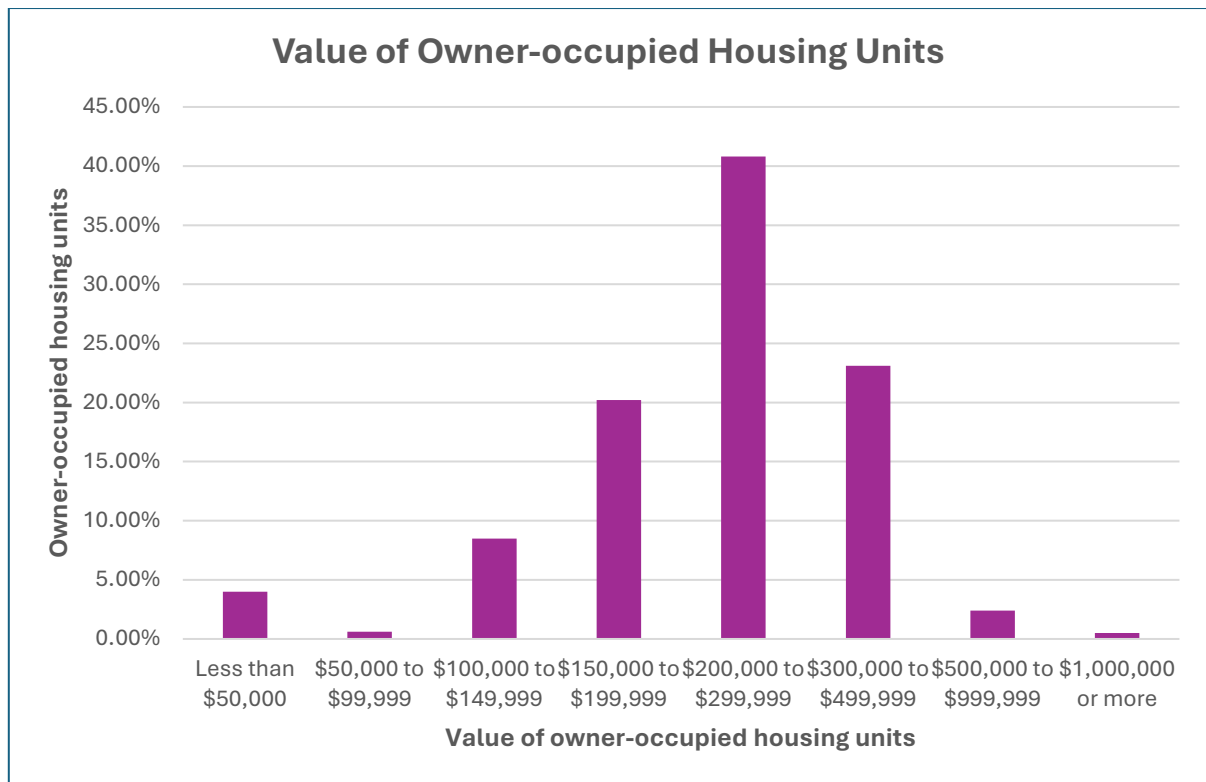


Figure 2: Owner-occupied units Housing Values

Source: American Community Survey 2022/2023: ACS 5-year Estimates Subject Tables DP04

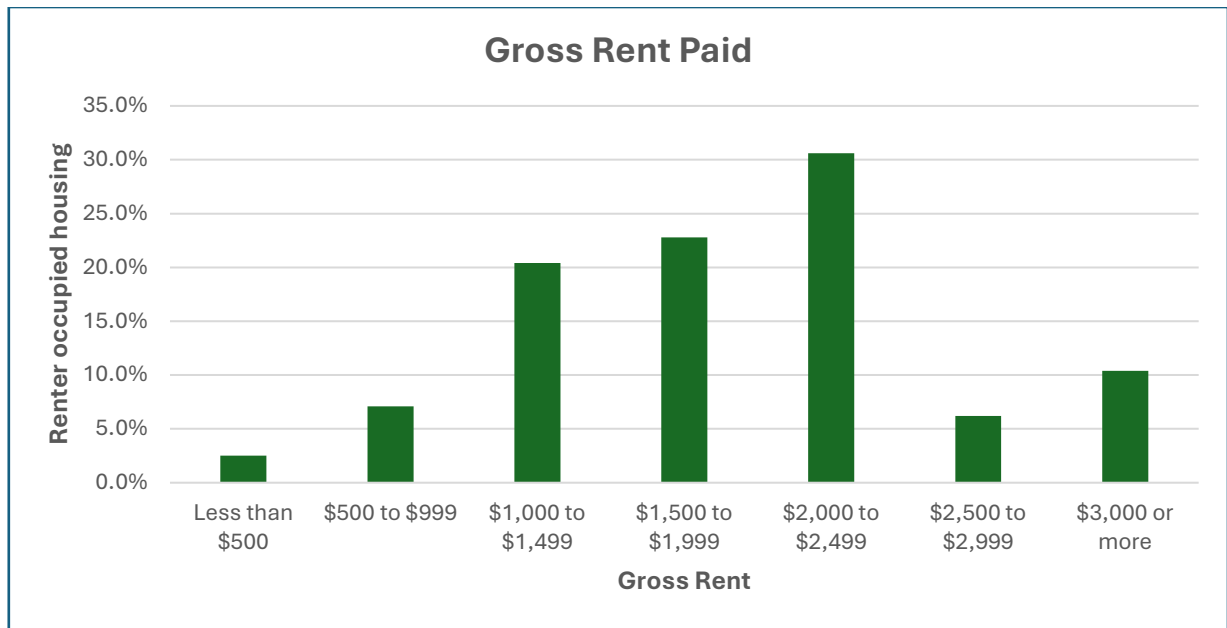


Figure 3: Contract Rent Paid

Source: American Community Survey 2022/2023: ACS 5-year Estimates Subject Tables DP04

Figure 3 reveals that the majority of renters fall within the mid-to-upper rent ranges. The most common rent category is \$2,000 to \$2,499, accounting for just over 30% of renter-occupied housing units. This is followed by the \$1,500 to \$1,999 range, which represents slightly more than 20% of renters. Together, these two categories encompass more than half of all rental units. The next most common category is \$1,000 to \$1,499, comprising around 20% of the rental market. On the higher end, \$3,000 or more accounts for about 10%, while \$2,500 to \$2,999 captures slightly less than that.

Occupancy Characteristics and Types of Housing Units

According to the 2019-2023 American Community Survey 5-year estimates, Willingboro Township had a total of 10,765 occupied housing units, representing a 133 increase from 2010. The occupied units were predominantly owner-occupied (81.7%), while the remainder (18.3%) were renter occupied.

The majority of the housing stock in Willingboro Township is single family detached dwellings. In 2023, there were 10,019 single family detached homes representing 87.1% of the housing stock. Single-family attached homes were the second most common housing type with 963 units or 7.7% of the township's housing stock. The balance of housing (5.1%) within the township is comprised of a variety of residential unit types including duplexes, three- and four-family buildings, multi-family buildings consisting of five or more dwelling units.

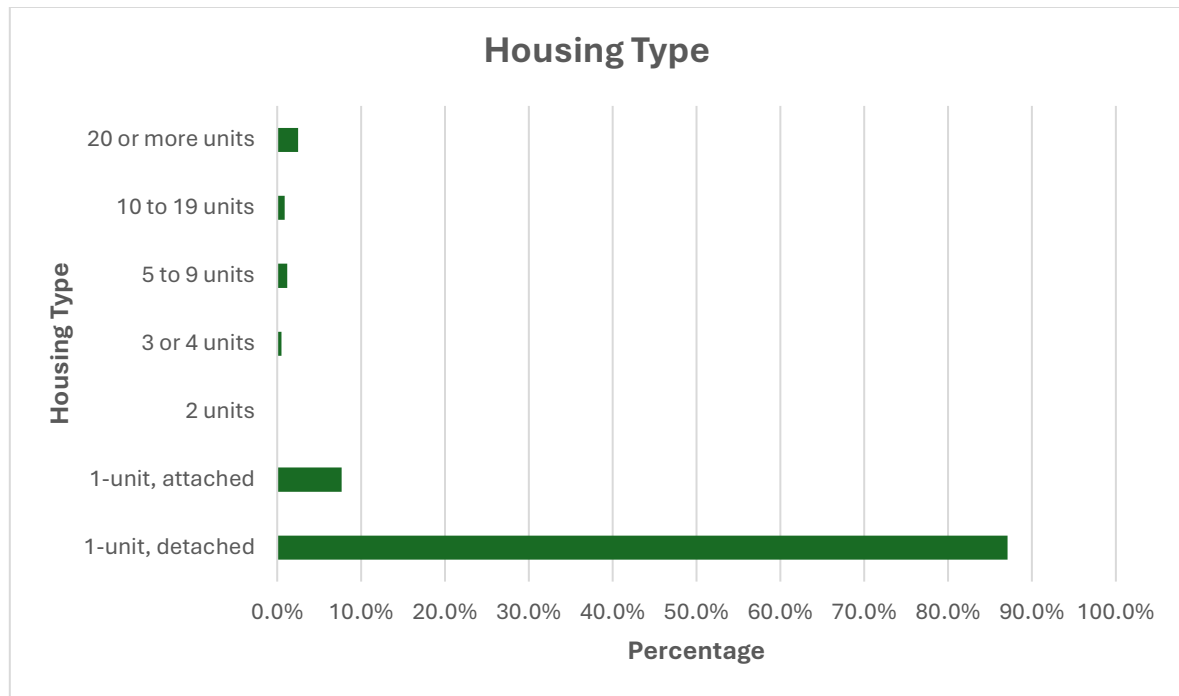


Figure 4: Housing Type (Units in Structure)

Source: American Community Survey 2023: ACS 5-year Estimates Data Profiles Tables B25024, B25017 and B25018

Units Affordable to Low- and Moderate-Income Households

Low-income households are defined as those households earning less than or equal to 50 percent of the median gross household income compared to households of the same size within the housing region in which the housing is located. Similarly, moderate-income households are defined as those households earning more than 50 percent but less than 80 percent of the regional median household income and very low-income households are defined as those households earning less than 30 percent of the regional median household income, adjusted for household size. This definition is derived from the U.S. Department of Housing and Urban Development (HUD). A sliding scale based on household size has been developed to establish income limits for low- and moderate- income households. This sliding scale establishes income limits for households of one up to households of eight.

Household size	Very Low Income	Low	Moderate	Median
1 Person	\$24,087	\$40,145	\$64,232	\$80,290
2 Person	\$27,528	\$45,880	\$73,408	\$91,760
3 Person	\$30,969	\$51,615	\$82,584	\$103,230
4 Person	\$34,410	\$57,350	\$91,760	\$114,700
5 Person	\$37,163	\$61,938	\$99,101	\$123,876
6 Person	\$39,916	\$66,526	\$106,442	\$133,052
7 Person	\$42,668	\$71,114	\$113,782	\$142,228
8+ Person	\$38,950	\$64,917	\$103,868	\$129,835

Table 3 Regional Household Income Limits for Region 5 (Burlington, Camden, and Gloucester Counties)

To be affordable, a household should not be paying more than 28% of its gross income on principal, interest, taxes and insurance, subsequent to a minimum down payment of 5%. A rental unit is considered affordable if the household occupying the unit is paying more than 30% on rent and utilities. The following tables display how many households are spending more than 30% of gross income on mortgages or rent.

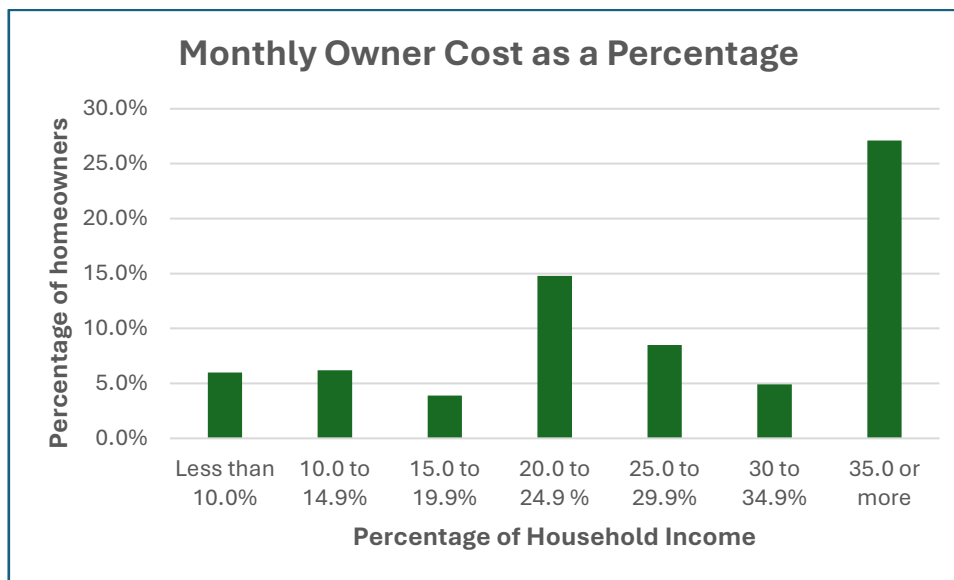


Figure 5: Monthly Cost as a Percentage of Household Income, 2023

Source: American Community Survey 2023:ACS 5-year Estimates Subject Tables B25040, B25014, DP04

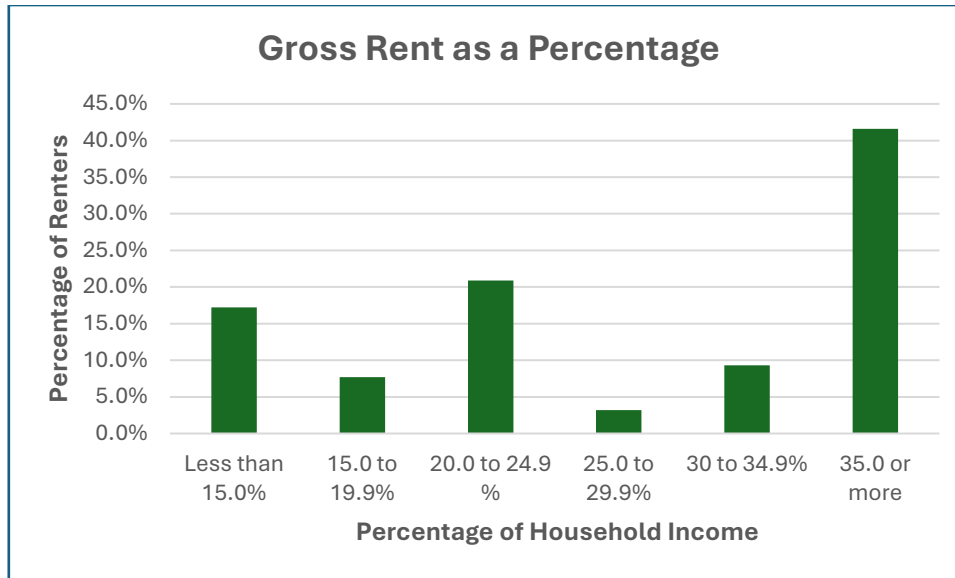


Figure 6: Gross Rent as a Percentage of Household Income, 2023

Source: American Community Survey 2023: ACS 5-year Estimates Subject Tables B25040, B25014, DP04

As shown in the graphs above, approximately half of all homeowners and renters spend more than 30% of their gross incomes on mortgages or rent. The data reveals that the largest share of homeowners, over 25%, spend 35% or more of their income on housing, indicating a significant cost burden for a substantial portion of the population. This is the highest percentage among all categories, suggesting that many households may be financially strained by their housing costs.

The next largest group, at around 15%, falls in the 20% to 24.9% range. This is generally considered a manageable portion of income spent on housing and reflects a more stable housing cost scenario.

Other ranges show a relatively even but lower distribution. About 7% to 8% of homeowners spend between 10% and 14.9%, and 25% to 29.9% of their income on housing.

Projected Housing Stock

Building permit data is important for determining the need for affordable housing. It provides insights into construction trends, helping governments and policymakers make informed decisions about infrastructure, zoning, and housing needs. Analyzing building permit data, can provide an insight into anticipated population growth in order allocate resources efficiently. According to the New Jersey Department of Community Affairs, between January 2013 and December 2023, building permits were authorized for the construction of 358 new residential units, which averages to approximately 25.8 units per year in Willingboro Township. In that same period, the Township of Willingboro approved 16 demolition permits. This results in a net gain of 342 residential dwelling units in the township over this time period. The building and demolition permit information is depicted within Table 4 below.

Building Permits and Demolition Permits Issued: 2013-2023					
YEAR	1 & 2 Family	Multi Family	Mixed-Use	Demolished	TOTAL
2013	1	24	0	4	21
2014	2	121	0	4	119
2015	1	158	0	3	156
2016	0	0	0	0	0
2017	1	0	0	3	-2
2018	3	24	0	0	27
2019	2	0	0	0	2
2020	2	0	0	0	2
2021	4	0	0	0	4
2022	10	0	1	0	11
2023	4	0	0	2	2
Total	30	327	1	16	342

Table 4: Building Permits and Demolition Permits Issued: 2013-2023

Source: New Jersey Department of Community Affairs

Demographic Characteristics

Population

From 1930 through 1950, Willingboro's population remained relatively low and stable, with only slight growth during those early decades. A dramatic population surge occurred between 1950 and 1970, when the township experienced rapid development and suburban expansion. During this period, the population skyrocketed, reaching a peak of 43,386 residents by 1970.

Following this peak, Willingboro saw a gradual population decline. From 1970 to 2000, the number of residents steadily decreased, dropping to around 33,000. This downward trend continued slightly into the early 2000s but appears to have stabilized by 2020, with the population maintaining just under 33,000.

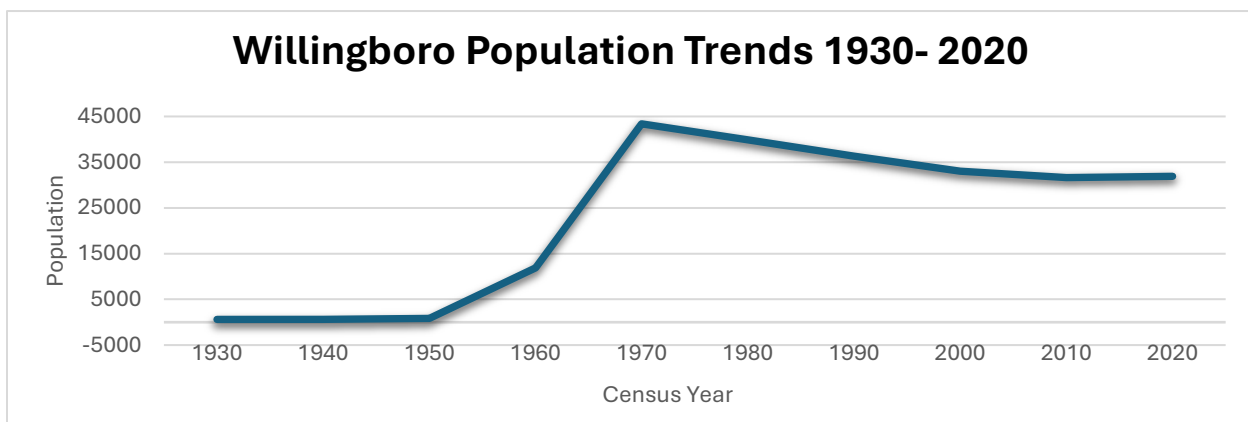


Figure 7: Population Trends 1930-2020

Source: U.S. Census Bureau

Population Projections

According to the Department of Labor and Workforce Development, New Jersey's population is projected to increase from 9,648,100 in 2030 by 142,000 or 166,000 by 2080, depending on net migration scenarios. The state's population is expected to continue growing at a rate of 0.43% per year between 2020 and 2030. The number of children under 16 is expected to decrease over the next 10–20 years, while the older population is expected to increase rapidly, with the population between 75 and 85 expected to increase by around 50%. Willingboro Township is currently growing at a similar rate of 0.41% per year, which projects a population of 33,196 people by 2030 and 34,503 people by 2040.

Population by Age

Figure 8 displays the age comparison in Willingboro from 2010 to 2020. Willingboro Township saw an increase within the 20 to 24, 25 to 34, 55 to 59, 60 to 64, 65 to 74, and 85 and over age groups. The 25 to 34 age group experienced the largest increase in population, increasing by 744 or 36%. There was a decrease in the under 5 to 19 years, 35 to 54 years, 75 to 84, over 18 years and over 65-year age groups. The age group with the largest decrease was 45 to 54, decreasing by 760 or 2.3%. Additionally, there was a slight decrease in the 15 to 19 and 35 to 44 age groups.

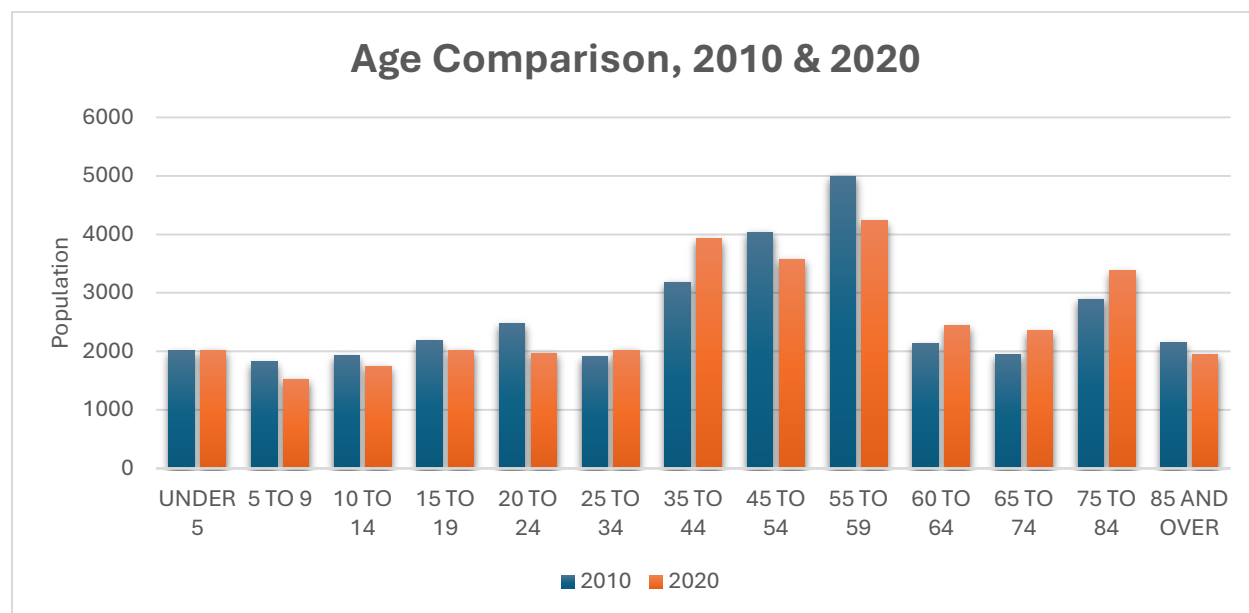


Figure 8: Population Comparison by Age in Willingboro Township

Source: *US Census Bureau*

Figure 9 provides an age cohort breakdown of the township against that of Burlington County. The age distribution of the township's population is similar to that of Burlington County, and the median age of each geography is also similar.

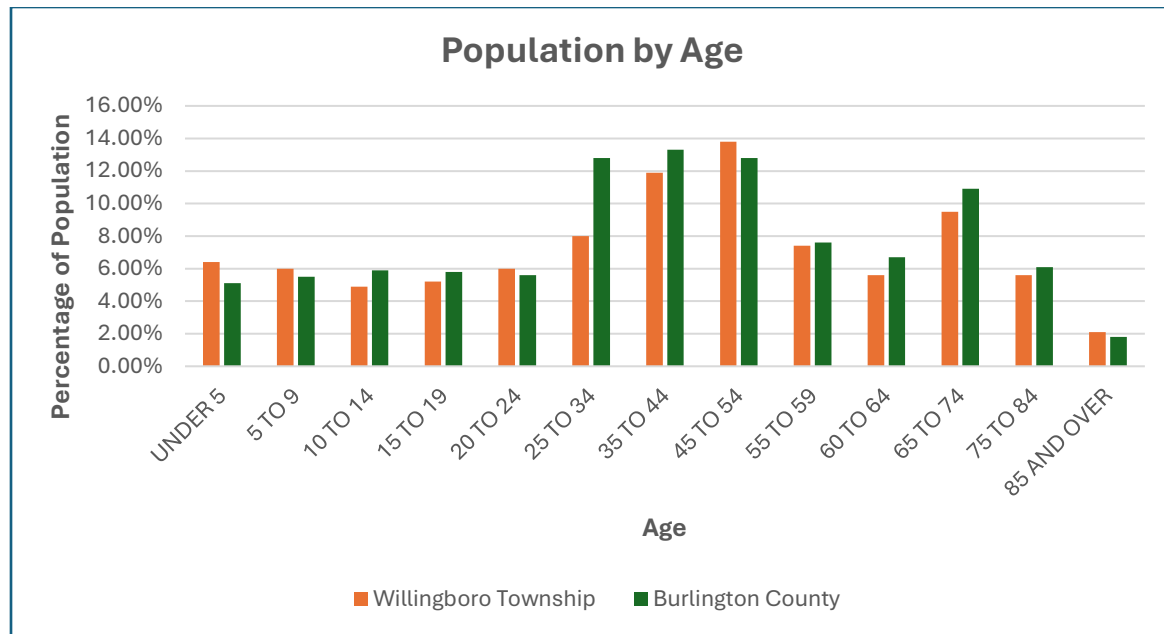


Figure 9: Population Comparison by Age in Willingboro Township compared to Burlington County

Source: US Census Bureau ACS 2023

Figure 10 provides a breakdown of township households according to household income. At the time of the survey, the township's median household income was \$91,615, which is less than the county's median household income of \$102,532. The township has a similar percentage of low- and moderate-income households within the county, while the county exhibits much higher percentages of households with incomes greater than \$200,000.

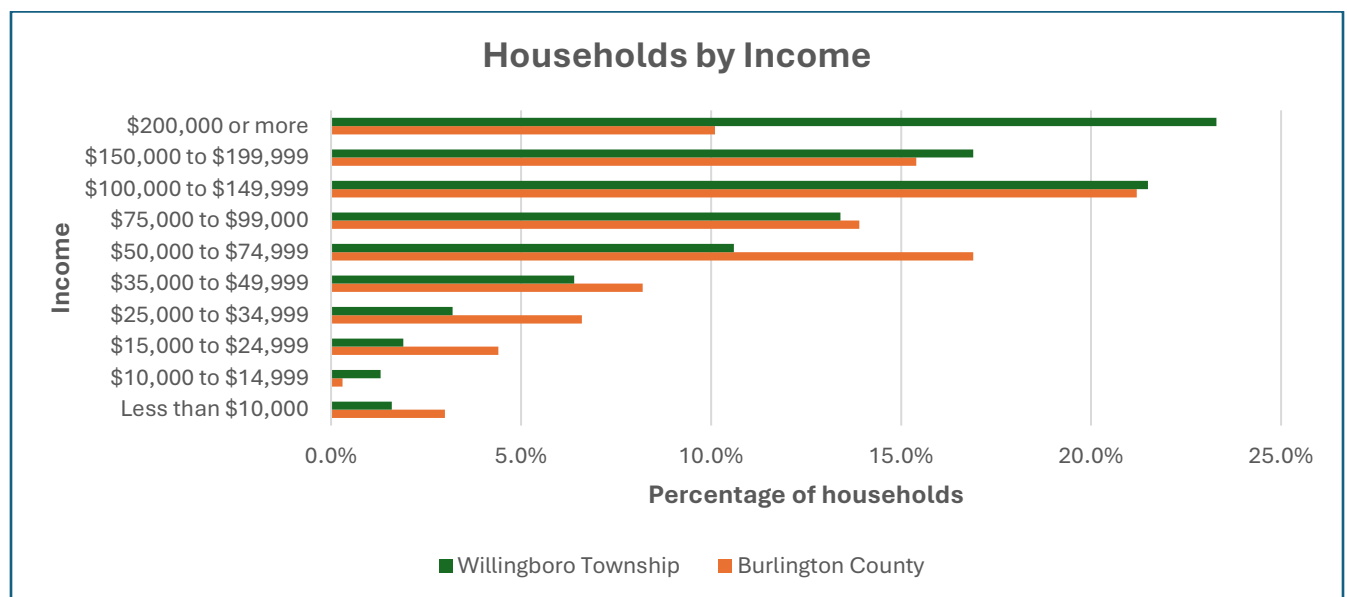


Figure 10: Willingboro Households by income compared to Burlington County

Source: 2023 American Community Survey 5-year Estimates, Tables B19001 and B19013

The distribution of household income for Willingboro Township in 2010 and 2020 is shown in the chart below. The highest percentage of households in 2020 fall into the \$100,000 to \$149,999 bracket (20.6%). This category was followed by those households that earned \$200,000 or more (17.5%). The household income that experienced the most growth between 2010 to 2020 was the \$150,000 to \$199,99 bracket increasing from 457 to 1,342 or 8.5%. In Willingboro, 22.3% of households earned less than \$50,000 in 2020, which is a 9.6% decrease from 2010 where 31.9% of households earned less than \$50,000.

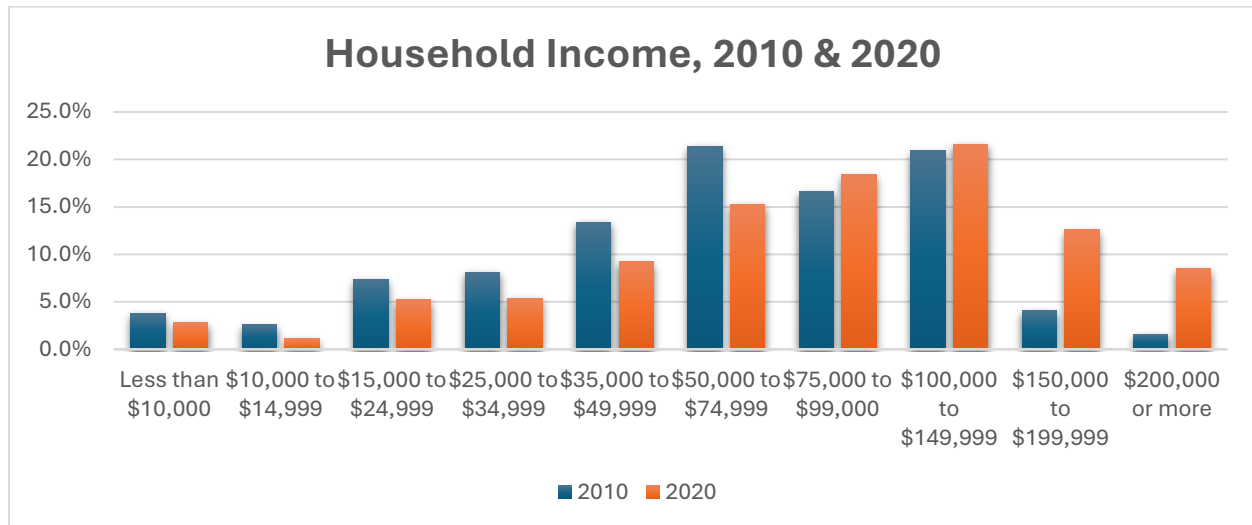


Figure 11: Household Income 2010-2020

Source: 2010/2020/2023 American Community Survey 5-year Estimates, Tables B19001 and B19013

The table below compares the per capita and household income of Willingboro Township, Burlington County, and the State of New Jersey in 2010, 2022, and 2023 according to the American Community Survey. As measured in 2010, 2022 and 2023, Willingboro Township has a lower median income than average for Burlington County and the State of New Jersey. In 2023, the median income for Willingboro was \$91,615 which was \$13,656 less than the county's median income of \$105,271 and \$8,166 less than the State's median income of \$99,781. The township's median income grew from \$66,479 in 2010 to \$88,516 in 2022 to \$91,615 in 2023.

Per Capita and Household Income, 2010, 2022, 2023						
	2010		2022		2023	
	Per Capita Income	Median Household Income	Per Capita Income	Median Household Income	Per Capita Household Income	Median Household Income
Willingboro Township	\$25,989	\$66,479	\$32,085	\$88,516	\$38,494	\$91,615
Burlington County	\$34,802	\$76,258	\$51,549	\$102,615	\$50,701	\$105,271
State of New Jersey	\$34,858	\$69,811	\$50,995	\$97,126	\$52,583	\$99,781

Table 5: Household Income and Per Capita Income

Source: 2010/2022/2023 American Community Survey 5-year Estimates, Tables *B19001* and *B19301*

Poverty Status

In 2023, 9.1% of Willingboro Township's residents lived below the poverty level. Of the 2,919 individuals in poverty, 19.1% were under the age of 5, 18.3% were between 5 and 17 years old, 6.4% were between 18 and 34, 7.0% were between 35 and 64, and 6.4% were over 65. Overall, the number of residents below the poverty level increased slightly from 2,649 in 2010 to 2,851 in 2020 to 2,919 in 2023, a 0.10% rise. The largest increase occurred among those under 18, with the number of children in poverty growing from 1,083 in 2010 to 1,221 in 2023. Of the 7,865 families in Willingboro, 7.3% are families living below the poverty line in 2023.

Household Type

As per the 2023 ACS, the average household size in Willingboro Township is 2.96 persons per household. Family households occupied 73.1% of all of the township's occupied housing units, while nonfamily households occupied 26.9% of the township's occupied housing units. One quarter of all occupied households included the householder's own children. Almost a quarter of family households were comprised of female householder only compared to male householder only of 5.4%.

Employment Characteristics

The American Community Survey five-year estimates report on the work activity of residents aged 16 years and older. A total of 16,197 residents aged 16 years and older were employed in the civilian labor force, while 5.9% of the township's population aged 16 years and older were unemployed at the time of the ACS estimates. Figure 12 provides a description of worker classifications for employed individuals in the township. More than three quarters of workers in the township are employed in the private sector, while government workers comprise slightly less than 20% of the township's total employed population.

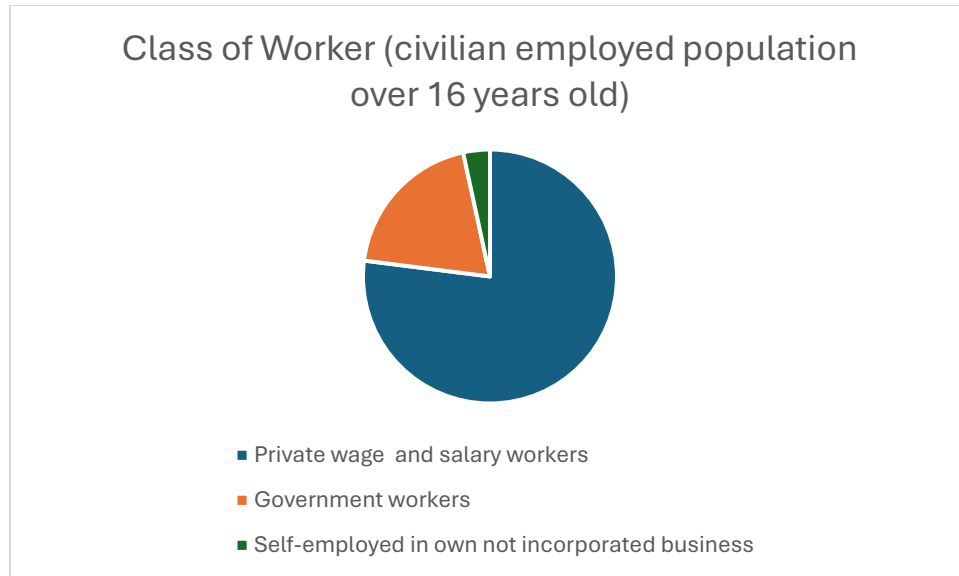


Figure 12: Class of Worker(civilian employed population 16 years + in Willingboro
 Source: American Community Survey 2022/2023: ACS 5-year Estimates Data Profiles

An analysis of the township's civilian labor force by economic sector indicates that Willingboro workers are employed by a broad array of economic sectors. As depicted in Figure 13 below, the highest concentration of workers (27.2% of the total workforce) is employed in the educational, health, and social services sector. Retail Trade professions employ almost 15% of the township's workforce followed by Transportation and Warehousing at 9.4% of the workforce in Willingboro.

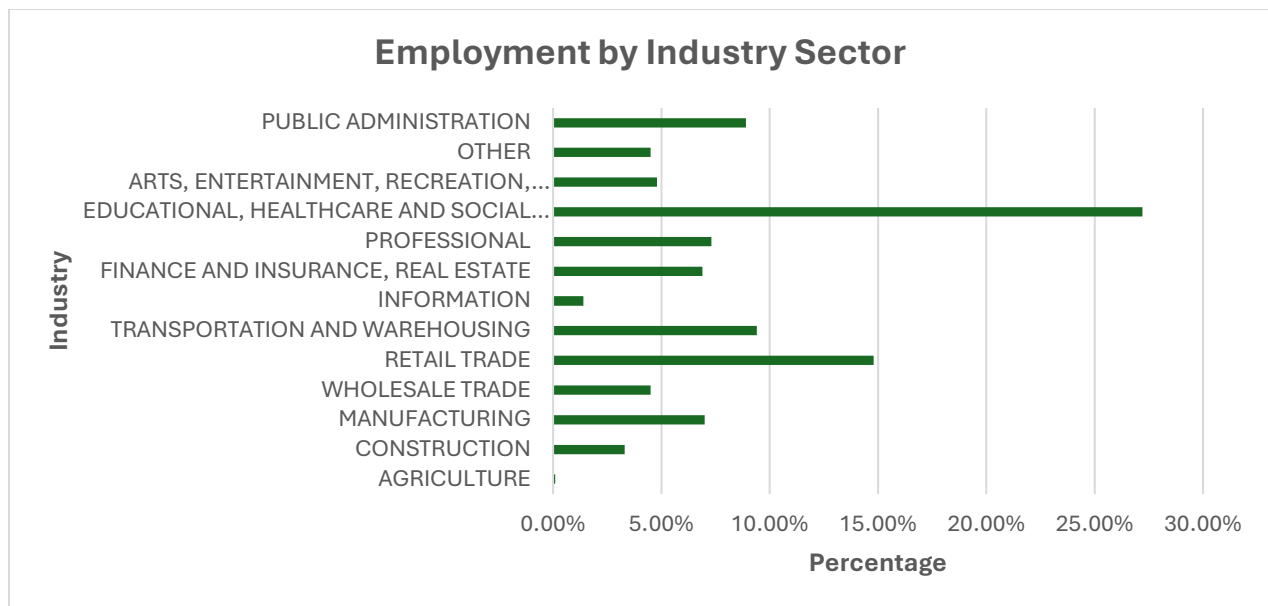


Figure 13: Employment by Industry Sector in Willingboro Township
 Source: 2023 American Community Survey 5-Year Estimates, Table DP03

New Jersey's Department of Labor (NJDOLE) is the entity that reports on employment and wages within the State of New Jersey on a quarterly basis. The latest municipal-level report was completed in 2022, which summarized the quarterly reports. According to the data, there was an average of 3,981 private sector jobs in Willingboro which were provided by 467 employers. Note that these are jobs within Willingboro, the daytime working population regardless of where the employee lives.

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	17	3.6%	135	3.4%	\$ 67,426
Manufacturing	.	.	.		.
Wholesale Trade	.	.	.		.
Retail Trade	44	9.4%	387	9.7%	\$ 34,687
Transp/Warehousing	11	2.4%	65	1.6%	\$ 30,581
Information	.	.	.		.
Finance/Insurance	16	3.4%	121	3.0%	\$ 60,873
Real Estate	.	.	.		.
Professional/Technical	17	3.6%	118	3.0%	\$ 45,411
Management	.	.	.		.
Admin/Waste Remediation	.	.	.		.
Education	.	.	.		.
Health/Social	221	47.3%	1,517	38.1%	\$ 60,832
Arts/Entertainment	.	.	.	.	.
Accommodations/Food	27	5.8%	277	7.0%	\$ 19,810
Other Services	44	9.4%	94	2.4%	\$ 22,461
Unclassified	24	5.1%	23	0.6%	\$ 34,763
Private Sector Total	467		3,981		\$ 53,656
Federal	1	12.5%	50	3.3%	\$ 65,231
State	-	-	-	-	-
State Education	-	-	-	-	-
Local	5	62.5%	897	59.8%	\$ 70,160
Local Education	2	25%	552	36.8%	\$ 75,038
Government Total	8		1,500		\$ 70,143

Table 6: Industry and Jobs in Willingboro
Source: NJDOLE

The New Jersey Department of Labor ("NJDOLE") has prepared projections which analyze the expected increase or decrease in a particular employment sector by the year 2032. These labor projections provide an estimation of anticipated employment trends at the county level over the projection period. It is projected that 8,200 jobs will be added in Burlington County over the projection period (2024 through 2034). The Healthcare Support Occupation and Transportation and

Materials sectors are poised to experience the greatest increase in jobs over the course of the projection period.

Conclusion

An analysis of demographic, housing, and employment data from the U.S. Census and American Community Survey provides critical insight into the current and evolving conditions within Willingboro Township. These data reveal a community shaped by a history of rapid suburban development, followed by demographic stabilization and gradual shifts in population characteristics.

Willingboro's population trends reflect a maturing community, with modest changes in size over recent decades and increasing diversity in household composition and age distribution. These demographic patterns point to the need for a housing strategy that supports both aging residents and new household formations, including young families and individuals seeking to establish roots in the township.

The township's housing stock is largely comprised of single-family homes developed during the mid-20th century. While homeownership remains a defining feature of the community, the uniformity and aging of the housing supply present challenges related to affordability, accessibility, and long-term sustainability. There is a growing need to promote a more diverse housing inventory that includes options for low- and moderate-income households, seniors, and those with special housing needs.

Employment data indicate that Willingboro functions primarily as a bedroom community, with a significant portion of the labor force commuting to jobs outside the township. However, the presence of a diverse and well-educated workforce presents opportunities for targeted economic development efforts aimed at attracting and retaining local employment. Strengthening the local economy will not only enhance the township's fiscal health but also improve quality of life for residents by reducing commuting times and supporting community-based job opportunities.

Collectively, this information reinforces the importance of a forward-looking, inclusive approach to housing policy. The Housing Element is designed to respond to the current needs of the community while positioning Willingboro to adapt to future demographic, economic, and housing trends.

Fair Share Plan

Introduction

On March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act. The Act sets forth the procedures for how New Jersey municipalities are assigned affordable housing obligations and how they may meet those obligations over a series of affordable housing "rounds." On July 1, 2025, the Fourth Round will begin and run for a ten-year period ending on July 30, 2035.

The Act required the Department of Community Affairs (DCA) to prepare a report calculating both regional and municipal Present and Prospective Need for the Fourth Round, using the formula established by the Amended Act. On October 18, 2024, the DCA released its report, *Affordable Housing Obligations for 2025–2035 (Fourth Round)*, which determined that Willingboro’s fair share obligations include a Present Need of 16 units and a Prospective Need of 77 units. On January 21, 2025 the Township Council passed Resolution 2025-37 (“binding resolution”) (Appendix A) committing to the Fourth Round Present and Prospective Need Affordable Housing Obligation. The Township did not receive any objections by the February 28, 2025 statutory deadline, and pursuant to the Amended FHA, the Present and Prospective Need obligations set forth in the Township’s binding resolution automatically became the Township’s Fourth Round obligations. On April 8, 2025, the Court entered an order confirming the Township’s Round 4 Present and Prospective Need obligations that were accepted in the Township’s resolution.

This Housing Element and Fair Share Plan satisfies all of the applicable requirements set forth within the MLUL, FHA, COAH's regulations for the Second Round, and the Affordable Housing Reform Statute, P.L. 2008, c.46. The Third Round (1999-2025) present and prospective need obligations alluded to herein are consistent with the Township’s Final Judgment of Compliance and Repose entered by the Court on November 1, 2018. The Township Fair Share Plan establishes how the township will satisfy its Fourth Round present and prospective need obligations. Table 1 below summarizes the township's cumulative affordable housing obligation for the period 1987-2035.

Table 1: Fair Share Obligation Summary

OBLIGATION	NUMBER
Round 4 Rehabilitation (2025-2035)	16
Prior Round (1986-1999)	268
Round 3 (1999-2025)	0
Round 4 (2025-2035)	77

Bonus Credits

The Law sets forth opportunities for bonus credits. These credits include:

- One (1) bonus credit for special needs or permanent supportive housing;
- One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- One (1) bonus credit for market rate units that are converted to affordable units;
- One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;

- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability.

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation. Given Willingboro's prospective need of 77 units, the township is eligible to claim up to **19 bonus credits**.

Prior Round Compliance

Willingboro Township secured a Third Round Final Judgment of Compliance and Repose (Final JOR) from the Superior Court on November 1, 2018, following the New Jersey Supreme Court Decision decided on March 10, 2015, 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 this decision, the Supreme Court held that since the Council on Affordable Housing ("COAH") was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek a Judgment of Compliance and Repose ("JOR") in lieu of Substantive Certification from COAH.

In response to Mount Laurel IV, Willingboro Township filed a Declaratory Judgment action on June 12, 2015, and simultaneously brought a motion to extend the immunity from exclusionary zoning lawsuits it enjoyed at the time due to the Prior Round Judgment of Compliance and Repose, which was entered by Judge Bookbinder on February 28, 2012. The township took these precautions because it had previously found itself the subject of a builder's remedy suit filed by Atlantic Delta Corp at Montgomery, Inc., in 2006, and wished to voluntarily comply.

As part of a settlement involving a builder's remedy lawsuit filed by Plaintiff Atlantic Delta Corp at Montgomery, Inc., the township was required to prepare, adopt, endorse, and submit a Housing Element and Fair Share Plan for approval by the end of 2008 (referred to as the "2008 Plan"). In compliance with this requirement, the township submitted the 2008 Plan to the Court for review and approval on December 30, 2008.

Following an unintentional administrative dismissal of the original lawsuit by the Court, the township filed a Declaratory Judgment action on August 25, 2011, as a means to demonstrate compliance. This action sought Court approval of the Prior Round and rehabilitation components, as well as selected viable elements from the third round of the 2008 Plan.

On February 28, 2012, the Court issued a Prior Round Judgment of Compliance and Repose, staying third round obligations and granting the township and its Planning Board continued immunity from all Mount Laurel lawsuits. The Court also approved a number of affordable housing credits. This Prior Round Judgment remains in full effect.

Subsequently, on March 14, 2012, the Court lifted the scarce resource restraints that had been imposed during the prior builder's remedy litigation. On June 13, 2012, COAH approved the township's Spending Plan, thereby permitting the township to allocate funds toward a rehabilitation program.

In response to the Mount Laurel IV decision, the township filed a Declaratory Judgment action and a motion for temporary immunity on June 12, 2015 (the "DJ Action"). On November 9, 2015, the Township Planning Board adopted, and the Township Council endorsed, a Housing Element and Fair Share Plan (the "2015 Affordable Housing Plan") to preserve immunity from builder's remedy lawsuits. Although the 2015 Plan relied on fair share numbers calculated by COAH in 2014 and was not formally approved by the Court, the Court did extend the township's immunity from Mount Laurel lawsuits, which also remained in effect.

Under the direction of Court-appointed Master Elizabeth C. McKenzie, A.I.C.P., P.P., the township entered into mediation with Fair Share Housing Center ("FSHC") and culminated in a Settlement Agreement between the Township and FSHC on November 9, 2016 (the "FSHC Settlement Agreement"). A duly noticed Fairness Hearing was held on June 21, 2017, and the Court approved the FSHC Settlement Agreement on that same day (Appendix B).

A revised Housing Element and Fair Share Plan was prepared based on the terms and conditions of the FSHC Settlement Agreement and was adopted by the Township's Planning Board and endorsed by the Township Council. A Final JOR was issued on November 1, 2018 (Appendix C), approving the Township's 2018 Housing Element and Fair Share Plan ("2018 Fair Share Plan"). The 2018 Fair Share Plan addressed the following obligations, as established in the Settlement Agreement:

Present Need Obligation: 325

1987-1999 Obligation: 268

Round 3 Obligation (1999-2025): 0

Fourth Round Present and Prospective Need Obligation (2025-2035)

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

§ E) "A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 P.L.2024, c.2 (C.52:27D-304.1)"

Satisfaction of Present Need Obligation

The present need rehabilitation share represents the portion of a municipality's affordable housing obligation that addresses existing substandard housing units occupied by low- and moderate-income households. This component ensures that Willingboro can not only plan for future growth but also address current deficiencies in the existing housing stock. The rehabilitation obligation focuses on bringing existing units up to habitable and code-compliant standards, thereby preserving affordable housing opportunities and improving living conditions for residents already residing in the community.

To estimate the present need, or rehabilitation share, the Department of Community Affairs (DCA) identifies housing units that are at least 50 years old, overcrowded, and occupied by LMI households. Because census data categorizes housing by decade built, pre-1980 housing serves as a proxy for 50+ year-old units. DCA uses a combination of American Community Survey (ACS) summary and microdata to estimate the number of overcrowded, adequately plumbed and equipped housing units built before 1980, as well as those lacking complete kitchen or plumbing facilities. These figures are adjusted at the Public Use Microdata Area (PUMA) level and applied to each municipality.

The final rehabilitation need is calculated by identifying the number of substandard housing units that are both deficient and occupied by LMI households. This includes pre-1980 overcrowded units with complete kitchen and plumbing, as well as all units lacking those basic facilities. The combined total of these two groups produces the municipality's present need obligation. As of the most recent analysis, the statewide total of LMI deficient housing units was estimated at 65,410, forming the foundation for this component of each municipality's fair share housing obligation. The DCA methodology establishes the township's Fourth Round rehabilitation obligation as 16 units.

For the satisfaction of the Township's Present Need Rehabilitation Obligation of 16, Willingboro can claim credits resulting from participation in the Burlington County Home Improvement Loan Program.

The County Program

Willingboro participates in the Burlington County Home Improvement Loan Program administered by the Burlington County Office of Community Development. This program is funded through the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. The County loans are 0% per annum, simple interest deferred loans up to \$20,000.00 to income eligible single-family homeowners for the repair of major systems and to bring units up to code. As defined at N.J.A.C. 5:93-5.2(b), major systems include: "weatherization, a roof, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system."

Upon completion and acceptance of the work, a lien in the amount of the loan is placed against the property which is typically satisfied at the time of transfer of title or on the occasion of the death of the individual who received the loan. The Township will continue to participate in the County program throughout the Fourth Housing Round to satisfy its 16 unit obligation.

Prospective Need Obligation

Prospective need is a measure of low-and-moderate income housing needs, based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The prospective need covers the period from 2025 through 2035 and is calculated by the New Jersey DCA to be 77 units. The township accepted the Round 4 obligations as prepared by the New Jersey DCA and reserves the right to adjust the number and amend the number in the event of a challenge to the DCA calculations or any change in legislation. On April 8, 2025, the Court entered an Order confirming the Township's Fourth Round Prospective Need of 77. The table below provides an overview of achieving the township's prospective housing needs.

In accordance with the requirements in the Amended FHA, the Township must address its 77-unit Prospective Need obligation as follows:

Unit/Credit Type	# Units/Credits
Family Units	29 minimum
Bonus Credits	19 maximum
Rental Units	15 unit minimum; 8 family unit minimum
Senior Units	17 maximum

Prospective Need Summary		
2025-2035		
Project Name	Credits	Bonus Credits
Burlington County Times Site (4284 Route 130) 100% Affordable housing project	39	
Supportive Needs Housing	19	19*
Total	77	
Surplus		
Burlington County Times Site (4284 Route 130) 100% Affordable housing project	21	
Burlington County Times Site (4284 Route 130) Townhome 5% set-aside	6	
Supportive Needs	41	
Total Surplus	68	

* One (1) bonus credit for special needs or permanent supportive housing

Supportive Needs Housing

According to N.J.A.C. 5:93-5.8, the unit of credit for an alternative living arrangement is the bedroom. As such, Willingboro can claim 19 credits, and 19 bonus credits, leaving 41 credits for future rounds, based on the number of bedrooms indicated in the chart below. Documentation for these supportive needs housing can be found in Appendix H.

Supportive Needs Housing Summary						
Owner/Sponsor	Address	Block	Lot	Type	Bedrooms	CO date
Dakota Properties, Inc.	18 Hanover Lane	635	5	Group Homes	4	7/12/2020
Oaks Integrated Care/Dakota	40 Turner Lane	1101	10	Group Homes	4	1/31/2019
NeuroRestorative NJ	1101 Lyons Court	5.01	13	Group Homes	3	4/29/2021
Innovative Life	1 East River Drive	820	1	Group Homes	5	3/29/2020
Innovative Life	88 Club House Drive	409	52	Group Homes	4	2/25/2022
ResCare NJ, Inc/ LPC Venture	18 Tillman Lane	1131	12	Group Homes	5	11/20/2020
SERV Property and Management	12 Creekview Road	421	2	Group Homes	5	1/23/2025
SERV Property and Management	40 Winterberry Lane	401	14	Group Homes	5	1/23/2025
SERV Property and Management	99 Country Club Road	410	13	Group Homes	5	3/21/2024
ARC of Burlington	28 Grayson Circle	727	31	Group Homes	3	N/A
ARC of Burlington	275 Evergreen Drive	833	4	Group Homes	4	N/A
ARC of Burlington	82 Crestview Drive	412	29	Group Homes	5	N/A
Community Options	32 Tinker Place	1135	27	Group Homes	4	N/A
Community Options	11 Needwood Lane	1001	7	Group Homes	4	N/A
Total					60	

Rental Units

4284 Route 130 100% Affordable Project: The Township is pursuing an Area in Need of Redevelopment designation for the former Burlington County Times site (Block 5.02, Lots 8, 9, 10, 11 & 17) that will include two affordable housing projects: one 100% affordable project of 60 family rental units and an inclusionary townhome project.

This proposed project is a 60-unit, 100% affordable rental community to be constructed on a 3.56-acre portion of the 16-acre site, where it will have frontage along Route 130. This development will consist of income-restricted units for very-low, low-, and moderate-income households, in full compliance with the Uniform Housing Affordability Controls (UHAC) and other applicable regulations. The project will include a unit mix of a maximum of 20% 1-bedroom, a minimum of 25% 3-bedroom, and the remainder 2-bedroom. Although this project is still in the early design phase, it is expected that it will provide 50% of the units to low-income households, of which 13% will be set

aside for very low-income, and 50% moderate income. The concept plan for this project can be found in Appendix I.

The Township is working with the property owner, AMS Acquisitions, to create the redevelopment area, redevelopment plan, and other items necessary for the 100% affordable project to move forward with tax credit funding applications for at least three rounds of funding applications in order to build the project.

Willingboro Township is claiming 39 credits for this round and allocating 21 credits for future rounds.

A site suitability assessment for this project is included in Appendix J.

For Sale Units

4284 Route 130 Inclusionary Project: This is a second phase of the above-mentioned project that will be constructed on the back 12.65 acres of the 16-acre former Burlington County Times site. It will include at least 125 for-sale townhomes, representing a critical investment in homeownership opportunities within the township. 5% of these units, approximately 6 to 7 homes, will be deed-restricted for low- and moderate-income households. These units will be seamlessly integrated into the development and subject to the same quality standards and architectural treatment as the market-rate homes, as well as complying with all UHAC regulations and phasing requirements.

Willingboro is claiming at least 6 credits for future rounds.

A site suitability assessment for this project is included in Appendix J.

Appendices

- A. R-2025-37: Resolution of the Township Council of the Township of Willingboro Committing to Fourth Round Present and Prospective Need Affordable Housing Obligations
- B. Third Round Settlement Agreement
- C. Third Round Judgement of Compliance and Repose
- D. Affordable Housing Ordinance:
 - a. The township's existing ordinance will remain in effect during the Fourth Round. The township will make necessary modifications to the ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- E. Development Fee Ordinance
 - a. The township's existing ordinance will remain in effect during the Fourth Round. The township will make necessary modifications to the ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.
- F. Copy of Resolution appointing Administrative Agent
- G. Affirmative Marketing Plan
- H. Supportive Needs Housing Documentation
- I. Concept Plan for Block 5.02, Lots 8, 9, 10, 11 & 17
- J. Site Suitability Analysis (Block 5.02, Lots 8, 9, 10, 11 & 17)

Appendix A: R-2025-37: Resolution of the Township Council of the
Township of Willingboro Committing to Fourth Round Present and
Prospective Need Affordable Housing Obligations

WILLINGBORO TOWNSHIP COUNTY OF BURLINGTON, NEW JERSEY

RESOLUTION 2025-37

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Willingboro (hereinafter the “Township” or “Willingboro”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

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

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

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

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

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

WHEREAS, the DCA Report calculates the Township’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 16 and a Prospective Need (New Construction) Obligation of 77; and

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

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

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

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

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

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

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

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

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48

hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED on this ____ day of January 2025, by the Township Council of the Township of Willingboro, Burlington County, State of New Jersey, as follows:

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

2. For the reasons set forth in this Resolution, the Mayor and Township Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 16 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 77 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

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

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

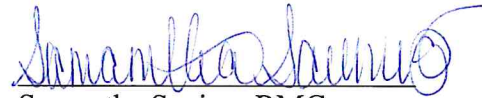
c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Township's fair share obligations.

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

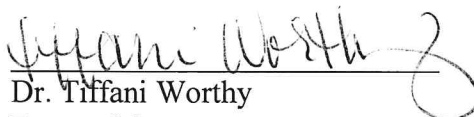
4. This Resolution shall take effect immediately, according to law.

C E R T I F I C A T I O N

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 Reorganization meeting on **January 21, 2025**.


Samantha Savino, RMC
Municipal Township Clerk

APPROVED:


Dr. Tiffani Worthy
Deputy Mayor

RESOLUTION 2025-37						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone						X
Councilman Anderson			X			
Councilwoman McIntosh		X	X			
Deputy Mayor Worthy	X		X			
Mayor Whitfield						X

Appendix B: Third Round Settlement Agreement

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

In the Matter of the Application Township of Willingboro, County of Burlington, Docket No.: BUR-L-1380-15

THIS SETTLEMENT AGREEMENT ("Agreement") made this 9th day of Nov, 2016, by and between:

TOWNSHIP OF WILLINGBORO, a municipal corporation of the State of New Jersey, County of Burlington, having an address at One Rev. Dr. Martin Luther King Drive, Willingboro, NJ 08046 (hereinafter the "Township" or "Willingboro");

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC");

WHEREAS, the Township secured a Judgment of Compliance and Repose from the Court on February 28, 2012, which granted the Township a Judgment of Compliance and Repose as to its Rehabilitation and Prior Round obligations, and preserved 105 credits for Round 3. See attached Exhibit A.

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township filed the above-captioned matter on June 12, 2015 seeking, among other things, a judicial declaration that its amended Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as may be further amended, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Township simultaneously sought, and ultimately secured, an Order protecting Willingboro from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the immunity secured by Willingboro remains in force as of the date of this Agreement; and

WHEREAS, the trial court appointed Elizabeth C. McKenzie, A.I.C.P., P.P., as the Special Court Master in this case, as is customary in Mount Laurel matters; and

WHEREAS, the Township's Planning Board adopted, and the Township endorsed, a Housing Element and Fair Share Plan in November of 2015, which will be amended to incorporate the terms of this Agreement; and

WHEREAS, with the Court Master's assistance, Willingboro and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions delineated herein; and

WHEREAS, through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court, 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; and

WHEREAS, at this time and at this particular point in the process resulting from the 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.

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereto, each binding itself, do hereby covenant and agree, each with the other, as follows:

Settlement Terms:

The Township and FSHC hereby agree to the following general terms, subject to any relevant conditions set forth in more detail below:

1. Willingboro's "Rehabilitation" obligation is 325.
2. Willingboro's "Prior Round" obligation is 268.
3. Willingboro's allocation of the Round 3 regional need is zero ("0") in accordance with the May 2016 report prepared by David N. Kinsey, PhD, P.P., F.A.I.C.P. and filed in this matter.
4. **Satisfaction of Rehabilitation Obligation:** The Township has a 325-unit rehabilitation obligation, and shall satisfy that obligation as follows:
 - a) The Township has at least 15 credits from the Burlington County Rehabilitation Program for units rehabilitated in the Township since April 1, 2010.
 - b) The Township has 6 additional rehabilitation credits from an in-house Rehabilitation Program run by TRIAD for units rehabilitated in the Township since April 1, 2010.
 - c) The Township will apply 44 age-restricted rental units from the constructed and occupied Campbell Towers project to reduce its rehabilitation obligation by 44.
 - d) The Township will continue to use the Burlington County Rehabilitation Program and its in-house Rehabilitation Program run by TRIAD to address its remaining 260 rehabilitation obligation.
5. **Satisfaction of Prior Round Obligation:** The Township has a 268-unit Prior Round obligation, and has satisfied that obligation as follows:
 - a) 70 constructed and occupied family rental affordable units from the Weiss inclusionary project.

- b) 60 age-restricted rental units from the constructed and occupied 104-unit Campbell Towers 100 percent affordable project.
- c) 11 units that were gut-rehabbed under the NJDCA Neighborhood Stabilization Grant program.
- d) 67 group home bedrooms from existing group homes in the Township.
- e) 60 bonus credits from the Weiss project, the Campbell Towers project and the existing group homes in the Township.

6. Potential Credits For Round 4: The Township has a Round 3 number of zero ("0"), so the Township is not responsible for any Round 3 obligation. Therefore, the Township has the following credits that can be preserved for Round 4, as may be credited in accordance with then applicable law:

- a) 8 family rental units from the proposed Rose Street inclusionary project.
- b) 24 units from phase one of the proposed Salt and Light gut rehabilitation project.
- c) 19 units from phase two of the proposed Salt and Light gut rehabilitation project.
- d) 5 group home bedrooms from surplus existing group homes.

7. The Township will amend its November 2015 Housing Element and Fair Share Plan, and will submit same to the Court for review and approval, incorporating the terms and conditions agreed to herein.

8. The Township agrees to require 13% of all the affordable 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 as of July 1, 2008, to be very low income units (defined as units affordable to households earning 30 percent or less of the regional median income by household size), with half of the very low income units being available to families.

9. Rental Bonuses for the Prior Round obligation shall be in accordance with N.J.A.C. 5:93-5.15(d).

10. At least 50 percent of the units addressing the Prior Round obligation shall be affordable to a combination of very-low-income and low-income households, while the remaining affordable units shall be affordable to moderate-income households.

11. At least twenty-five percent of the Prior Round obligation shall be met through rental units, including at least half in rental units available to families.

12. The Township agrees to comply with an age-restricted cap of 25 percent, and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the Township claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its Prior Round fair share obligation.

13. The Township and/or its administrative agent shall add the following entities 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): FSHC, 510 Park Blvd, Cherry Hill, NJ; the Latino Action Network, PO Box 943, Freehold, NJ 07728; Willingboro NAACP, Ms. Kyra Price, PO Box 207, Roebling, 09854, Southern Burlington County NAACP, PO Box 3211, Cinnaminson, NJ 08077, and the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its administrative agent shall also provide notice of all available affordable housing units to the above-referenced organizations.

14. All newly created affordable housing units created pursuant to the measures set forth in this Agreement shall comply with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation and all other applicable law, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be affordable to households earning at or below 35 percent of the regional median household income by household size, 13 percent of affordable units in such projects shall be required to be affordable to households earning at or below 30 percent of the regional median household income by household size subject to paragraph 8 herein. 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. The Township, as part of the Housing Element and Fair Share Plan that will be prepared, adopted and endorsed as a result of this Agreement, 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.

15. Upon full execution of this Agreement, Willingboro shall apply to the Court for scheduling of a "Fairness Hearing" seeking judicial approval the terms of this Agreement pursuant to the legal standard set forth in 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. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least 30 days in advance of the Hearing. Willingboro shall also apply to the Court for scheduling a "Compliance Hearing" seeking judicial approval of Willingboro's Housing Element and Fair Share Plan, once same is prepared, adopted and endorsed. The Fairness and Compliance Hearings can be held concurrently or sequentially, which shall be decided by the Court with consultation by the Special Master, Willingboro, and FSHC. Although it is expected that the Special Master will provide the majority of the required testimony, Willingboro shall also make its consulting planner and any other relevant witnesses available for testimony at the Hearing(s). FSHC shall not challenge the validity of any of the documents attached hereto, or the validity of the Township's Fair Share Plan provided it conforms to this terms of this agreement. If the Fairness and Compliance Hearing(s) result in approval of this Agreement and the Township's Fair Share Plan, the parties agree that the Township will be entitled to either a "Judgment of Compliance and Repose" ("JOR") or the "judicial equivalent of substantive certification and accompanying protection as provided under the FHA," 221 N.J. at 6, which shall be determined by the trial judge. Each party may advocate regarding whether substantive certification or repose should be provided by the court, with each party agreeing to accept either form of relief and to not appeal an order granting either repose or substantive certification. Among other things, the entry of such an Order shall maintain Willingboro's immunity from all Mount Laurel lawsuits through June 12, 2025.

16. The Township shall prepare a Spending Plan which shall be approved by the Court during, or prior to, a duly-noticed Compliance Hearing. FSHC reserves its right to provide any comments or objections on the Spending Plan to the Court upon review. Upon approval by

the Court, the Township and Fair Share Housing Center agree that the expenditures of funds contemplated in the Township's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing 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). Upon approval of its Spending Plan the Township shall also provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, 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.

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 FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the Township may also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level.

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 and whether the mechanisms to meet unmet need should be revised or supplemented. 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 the 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.
- c) In addition to the foregoing postings, the Township may also elect to file copies of its reports with the Council on Affordable Housing or its successor agency at the State level.

19. This agreement may be enforced by the Township or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Union County. If FSHC determines that such action is necessary, the Township consents to the entry of an order providing FSHC party status as an intervenor solely for purposes of its motion to enforce litigant's rights.

20. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement. However, if an appeal of the Court's approval or rejection of the Settlement Agreement is filed, 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 by 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 return to the *status quo ante*. In this regard, the Township and FSHC acknowledge that the parties have entered into this agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante*.

21. 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.

22. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

23. This Agreement may not be modified, amended or altered in any way except by a writing signed by both the Township and FSHC.

24. 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.

25. The Township and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the Township and FSHC and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

26. The Township and FSHC acknowledge that this Agreement was not drafted by the Township and FSHC, but was drafted, negotiated and reviewed by representatives of the Township and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The Township and FSHC expressly represent that: (a) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (b) it has conferred due authority for execution of this Agreement upon the persons executing it.

27. 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 the Township and FSHC.

28. This Agreement constitutes the entire Agreement between the Township and FSHC hereto and supersedes all prior oral and written agreements between the Township and FSHC with respect to the subject matter hereof except as otherwise provided herein.

29. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the Township and FSHC have executed and delivered this Agreement.

30. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Township and FSHC 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
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE TOWNSHIP:

Erik C. Nolan, Esq.
Jeffrey R. Surenian & Associates, LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
Phone: (732) 612-3100
Telecopier: (732) 612-3101
Email: EN@Surenian.com

Michael A. Armstrong, Esq.
Michael A. Armstrong & Associates, LLC
79 Mainbridge Lane
Willingboro, New Jersey 08046
Phone: (609) 877-5511
Telecopier: (609) 877-7755
Email: maa@armstronglawfirm.com

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

Sarah Wooding, Clerk
Township of Willingboro
One Rev. Dr. Martin Luther King, Jr. Drive
Willingboro, NJ 08046
Phone: (609) 877-2200 x1028
Telecopier: 609) 877-1278
Email: swooding@willingboronj.gov

In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of their successor.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Witness/Attest:

Donna Gonyea

FAIR SHARE HOUSING CENTER:

By: Kevin D. Walsh 11/4/2016
Kevin D. Walsh, Esq.
On Behalf of Fair Share Housing Center

Witness/Attest:

Sarah Wooding

TOWNSHIP OF WILLINGBORO:

By: N. D. Anderson
Nathaniel Anderson, Mayor
On Behalf of the Township of Willingboro

Dated: 11/9/2016

JEFFREY R. SURENIAN AND ASSOCIATES, LLC
707 Union Avenue, Suite 301
Brielle NJ 08730
(732) 612-3100

Attorneys for Declaratory Plaintiffs, the Township of
Willingboro and the Planning Board of the Township of
Willingboro

FILED with the Court
FEB 28 2012

Ronald E. Bookbinder, A.J.S.C.

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
WILLINGBORO

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
COUNTY OF BURLINGTON
DOCKET NO.: BUR-L-2822-11

Civil Action
Mount Laurel

ORDER GRANTING PRIOR ROUND
DECLARATORY JUDGMENT OF
COMPLIANCE, REPOSE FROM
LITIGATION AND STAY OF THIRD
ROUND OBLIGATIONS

WHEREAS, Atlantic Delta Corporation (hereinafter "Atlantic Delta") filed a builder's remedy suit against the Planning Board of the Township of Willingboro and the Township of Willingboro (hereinafter the "Township") on June 3, 2005; and

WHEREAS, the Township entered into a settlement agreement with Atlantic Delta, which was approved via a Court order entered on June 18, 2008 after a properly noticed Fairness Hearing; and

WHEREAS, said order granted the Township immunity from further Mount Laurel lawsuits until the Township prepared and submitted, and the Court approved, a Housing Element

and Fair Share Plan (hereinafter "Affordable Housing Plan") and said immunity has not been disturbed to this day; and

WHEREAS, the Township submitted an Affordable Housing Plan to the Court, and to the Court appointed Special Master Elizabeth McKenzie, P.P., A.I.C.P. (hereinafter "Court Master"), for review and approval in December of 2008; and

WHEREAS, before the Court could approve said Affordable Housing Plan, the Appellate Division invalidated various regulations upon which the Township based its Affordable Housing Plan and validated various other regulations; and

WHEREAS, more specifically, in In re Adoption Of N.J.A.C. 5:96 and 5:97 By New Jersey Council On Affordable Housing, 416 N.J.Super. 462 (App. Div. 2010), certif. granted 205 N.J. 317 (2011), the Appellate Division validated the regulations by which COAH assigned rehab and prior cycle responsibilities to municipalities and invalidated *inter alia* the regulations COAH used to allocate fair share responsibilities for round three; and

WHEREAS, the Appellate Division specifically contemplated that a stay would be appropriate under certain circumstances because of its invalidation of the round three regulations and various other regulations:

[A]ny municipality or other interested party may apply for a stay to COAH or the court in which a Mount Laurel case is pending. Any such application should be decided in light of the status of the individual municipality's compliance with its affordable housing obligations and all other relevant circumstances. In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462, 476 (App. Div. 2010) (emphasis added); and

WHEREAS, various petitioners and cross petitioners sought certification of a number of issues raised by the Appellate Division's 2010 decision, and the Supreme Court accepted certification on all issues, but has still not rendered a decision; and

WHEREAS, as a result of the foregoing, neither the Court nor the Township are aware of the standards with which the Township must comply as to its third round affordable housing obligation; and

WHEREAS, in August of 2011, the Governor's "reorganization plan" abolished the Council on Affordable Housing ("COAH") and transferred all of its functions over to the Commissioner of the Department of Community Affairs ("DCA"); and

WHEREAS, the Court scheduled a Case Management Conference in the summer of 2011 in the aforementioned builder's remedy suit to determine the status of compliance; and

WHEREAS, before the Court could conduct such a conference, it learned that, due to clerical error, it had prematurely terminated the builder's remedy lawsuit under which docket the Court could have approved the rehabilitation and prior round components of the Township's fair share; and

WHEREAS, in response to the suggestion of the Court, the Township filed a Declaratory Judgment action on August 25, 2011 to give the Court jurisdiction and to thereby facilitate approval of those portions of the Township's Affordable Housing Plan the Township has indicated will (1) satisfy its rehabilitation obligation, (2) satisfy its realistic development potential ("RDP"), (3) address its "unmet need" and (4) provide a surplus of credits to satisfy at least a portion of whatever third round number is eventually assigned to the Township; and

WHEREAS, a Case Management Order was entered by the Court on October 12, 2011, which scheduled a Compliance Hearing for December 20, 2011 to entertain an approval of the prior round and rehabilitation components of the Township's Affordable Housing Plan; and

WHEREAS, pursuant to said Case Management Order, the Court required the Township to provide 45 day notice of the hearing to local housing advocates and entities on the Township's Service List; and

WHEREAS, under the supervision of the Court Master, the Township's planner performed a new vacant land analysis on October 13, 2011; and

WHEREAS, the Township adopted an Affirmative Marketing Resolution on October 25, 2011; and

WHEREAS, the Court Master submitted a Compliance Report to the Court on October 31, 2011; and

WHEREAS, the Township prepared a new Spending Plan, and submitted same to the Court for preliminary approval on November 2, 2011, and the Court Master submitted a letter to the Court on November 11, 2011 recommending preliminary approval of the Spending Plan, so that it could be sent to the DCA for final approval; and

WHEREAS, on November 4, 2011, the Township gave proper public notice and actual notice of the Compliance Hearing to the entities on the Township's Service List and the entities on the list of regional housing advocates; and

WHEREAS, the Township and its professionals submitted documentation to the Court Master on the creditworthiness of the affordable units located in the Township during the fall of 2011, and made all of these proofs, along with other related documents, available for public inspection; and

WHEREAS, the Township adopted an Affordable Housing Ordinance on December 6, 2011; and

WHEREAS, in response to the Compliance Hearing notice provided by the Township, Fair Share Housing Center ("FSHC") submitted an objection on December 1, 2011 and Salt & Light submitted an objection on December 7, 2011; and

WHEREAS, the Township responded to both objections on December 12, 2011 and also submitted a certification to the Court regarding how proper notice was filed for the December 20, 2011 Compliance Hearing; and

WHEREAS, in order to provide enough time for the Township and the objectors to work out a compromise, the Court adjourned and carried the Compliance Hearing from December 20, 2011 until February 28, 2012 at 10:00am; and

WHEREAS, because all parties appeared on the record on December 20, 2011, the original date of the Compliance Hearing, and the Court advised that no other members of the public appeared on that date, no additional public or actual notice was necessary for the rescheduled February 28, 2012 Compliance Hearing; and

WHEREAS, objector Salt & Light decided to not pursue its objection any further and notified the Court of same during a Case Management Conference held on February 1, 2012; and

WHEREAS, objector FSHC and the Township came to an accord in which FSHC indicated during the Case Management Conference held on February 1, 2012 that it's objection had been satisfied as a result of the preparation of a revised vacant land analysis reflecting 2006 conditions; and

WHEREAS, the Court Master filed a supplemental Compliance Report on February 13, 2012; and

WHEREAS, in her report, the Court Master (1) stated that the Township's plan for addressing its rehabilitation obligation is acceptable; (2) agreed with the Township's revised RDP and "unmet need" calculations; (3) approved the Township' allocation of credits to satisfy its RDP and to address its "unmet need"; (4) approved the number of credits preserved by the Township to address any future third round obligation and/or "unmet need"; (5) recommended approval of the Spending Plan and forwarding of same to the DCA for immediate approval; (6) stated that the Township is entitled to a Judgment of Compliance and Repose as to the Township's plan for addressing its rehabilitation obligation, prior round obligation and "unmet need"; and (7) recommended a stay as to the Township having to prepare, submit and seek approval of a third round Affordable Housing Plan ("Third Round Plan"); and

WHEREAS, the Court Master has recommended that Willingboro's Court-approved prior round Housing Element and Fair Share Plan be forwarded to the DCA for monitoring; and

WHEREAS, as to the Township's 53 unit Rehabilitation obligation, it already has 30 units that were rehabbed by Burlington County that are creditworthy and will address the remaining 23 units by implementing its own rehabilitation program that will be available to rental units as well as continuing to participate in the Burlington County program; and

WHEREAS, the Township has satisfied its 157 unit RDP as follows: (a) 45 credits from the already constructed and occupied 104 unit age restricted Campbell Towers project, (b) 11 credits from the CGP&H gut rehabilitation project, (c) 6 credits from the 70 family rental

affordable units under construction as part of the Weiss inclusionary project, (d) 55 group home bedroom credits and (e) 40 prior round rental bonus credits from the group home bedrooms; and

WHEREAS, the Township proposes to address its 105 unit "unmet need" as follows: (a) 26 credits from the Campbell Towers project; (b) 24 credits from a gut rehabilitation (conversion) program with Salt & Light as per the MOU entered between Salt & Light and the Township; (c) 19 credits from an additional gut rehabilitation (conversion) program to be undertaken by Salt & Light upon successful completion of the initial 24 units; and (d) additional group home credits as new group homes are created in the Township; and

WHEREAS, the Township may preserve the following affordable housing credits for whatever third round obligation is assigned to the Township in the future by the Commissioner of the DCA, the Legislature or the Supreme Court: (a) 8 family rental credits from the Rose Street project; (b) up to 33 credits from the Campbell Towers age-restricted project; (c) 64 family rental credits from the Weiss inclusionary project; and (d) applicable bonus credits; and

WHEREAS, the rescheduled Compliance Hearing was held on February 28, 2012; and

WHEREAS, the following individuals appeared at the Compliance Hearing: (1) Special Court Master Elizabeth McKenzie, P.P., A.I.C.P., (2) Jeffrey R. Surenian, Esq. and Erik C. Nolan, Esq. on behalf of the Township of Willingboro and the Planning Board of the Township of Willingboro, (3) George Stevenson, P.P. of Remington & Vernick on behalf of the Township of Willingboro, (4) Kathy Packowski of Triad Associates on behalf of the Township of Willingboro and (5) Laura Smith-Denker, Esq. on behalf of Fair Share Housing Center; and

WHEREAS, no party at the Compliance Hearing objected to the relief sought by the Township; and

WHEREAS, in view of the foregoing, the Court's review of the documents submitted into evidence during the Compliance Hearing, consideration of the comments of the Township's professionals and FSHC's attorney, and consideration of the Court Master's report and testimony,

IT IS on this 28th day of February, 2012 ORDERED as follows:

1. The Township of Willingboro is entitled to a Judgment of Compliance and Repose as to its rehabilitation share and prior round obligation.
2. This case is dismissed without prejudice. The Township of Willingboro and its planning board are hereby granted a stay of third round compliance procedures and proceedings, subject to the Township's compliance with the terms, conditions and directives herein.
3. The Township and its planning board, are hereby granted continued immunity from Mount Laurel lawsuits until the date for submission of a third round compliance plan, if any, once established by regulation, statute, or decision of a court with appropriate jurisdiction, provided that immunity will without further order of the Court be extended for 60 days past the date for submission of a third round compliance plan upon the filing by the Township of a duly adopted and endorsed housing element and fair share plan for the third round, which 60-day period is intended to provide the Township with sufficient time to demonstrate to the Court that it is entitled to a further period of repose.
4. As to the Township's 53 unit rehabilitation obligation, the Township has established that it already has 30 units that were rehabilitated by Burlington County that are creditworthy, and that it will address the remaining 23 units by implementing a rehabilitation program available to rental units and continuing to participate in the Burlington County program.

5. The Township has satisfied its 157 unit RDP as follows: (a) 45 credits from the already constructed and occupied 104 unit age restricted Campbell Towers project, (b) 11 credits from the CGP&H gut rehabilitation project, (c) 6 credits from the 70 family rental affordable units under construction as part of the Weiss inclusionary project, (d) 55 group home bedroom credits and (e) 40 prior round rental bonus credits from the group home bedrooms.

6. The Township will be addressing its 105 unit "unmet need" as follows: (a) 26 credits from the Campbell Towers age-restricted housing project; (b) 24 credits from a gut rehabilitation program with Salt & Light as per the MOU entered between Salt & Light and the Township; (c) 19 credits from an additional gut rehabilitation (conversion) program to be undertaken by Salt & Light upon successful completion of the initial 24 units; and (d) additional group home credits as new group homes are created in the Township.

7. The Township may preserve the following affordable housing credits for whatever third round obligation is assigned to the Township by the Commissioner of the DCA, the Legislature or the Supreme Court: (a) 8 family rental credits from the Rose Street project, (b) up to 33 credits from the Campbell Towers age-restricted housing project; (c) 64 family rental credits from the Weiss inclusionary project; and (d) applicable bonus credits. If the Township is not assigned a new third round number, or if the new third round number is smaller than the number of preserved credits, the excess credits will be applied to cover any gap in the Township's remaining "unmet need,"

8. Within 30 days of the entry of this order, the Township will submit to the DCA for monitoring purposes its Court approved Housing Element and Fair Share Plan and all supporting documentation that was made part of the record at the Compliance Hearing, including all adopted ordinances and resolutions, documentation of compliance with all conditions of the

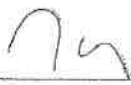
order of repose (those pertaining to the implementation of the rehabilitation program may be forwarded when available), a copy of the order of repose and the letter report of the Court Master, along with a cover letter noting the requirement in the Court Order for monitoring by the DCA and the request for approval of the Spending Plan.

9. Within 180 days of the entry of this order, the Township will implement a DCA compliant rehabilitation program including the appointment of, and contract with, a qualified Administrative Agent to administer the program, preparation and adoption of a rehabilitation manual, a firm commitment to fund the program and the initial advertising of the program.

10. The Township's Spending Plan has been reviewed by the Court Master and the Court, is consistent with COAH's third round substantive rules and is hereby preliminarily approved. Since final approval of the Spending Plan must be granted by the DCA, however, the Township is hereby ordered to submit its Spending Plan to the DCA for final review and approval within 30 days of the entry of this order.

11. Elizabeth McKenzie, P.P., A.I.C.P., shall remain as Special Court Master for the Township during the period to which the Township executes the terms, conditions and directives of this Order.

12. Counsel for the Township shall forward a copy of this Order to the Special Master and counsel for Fair Share Housing Center within five (5) days of receipt.



Ronald E. Bookbinder, A.J.S.C.

Appendix C: Third Round Judgement of Compliance and Repose

JEFFREY R. SURENIAN AND ASSOCIATES, LLC

Brielle Galleria

707 Union Avenue, Suite 301

Brielle, NJ 08730

(732) 612-3100

Attorneys for Declaratory Plaintiff, Township of Willingboro

Jeffrey R. Surenian (Attorney ID: 024231983)

Erik C. Nolan (Attorney ID: 014032006)

FILED with the Court

NOV - 1 2018

Ronald E. Bookbinder, A.J.S.C.

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BURLINGTON COUNTY

DOCKET NO.: **BUR-L-1380-15**

Civil Case
(*Mount Laurel II*)

**ORDER FINALIZING THE TOWNSHIP'S
JUDGMENT OF COMPLIANCE AND
REPOSE**

THIS MATTER having been opened to the Court by Jeffrey R. Surenian and Associates, LLC, on behalf of declaratory plaintiff, Township of Willingboro (hereinafter "the Township" or "Willingboro") via a Declaratory Judgment Complaint filed on June 12, 2015 to approve the Township's Housing Element and Fair Share Plan (hereinafter "Fair Share Plan") in response to In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"); and the Court having held a properly noticed Compliance Hearing on June 7, 2018; and the Court having entered a Judgment of Compliance and Repose Order on June 7, 2018 (hereinafter "JOR Order"), which approved the Township's Fair Share Plan, subject to the satisfaction of certain short term conditions set forth in Paragraph 7 of the JOR Order; and the Township having since satisfied all of the short term conditions, which was confirmed in a letter from the Court Master to the Court dated October 13, 2018; and good cause having been shown;

It is hereby ordered on this 1st day of November, 2018, as follows:

1. All of the short term conditions in Paragraph 7 of the Township's JOR Order have been fully satisfied, and the Township's JOR Order is now a Final Judgment of Compliance and Repose, with no conditions remaining.

2. While the JOR Order as modified by this Order is now a final judgment, the Court will retain jurisdiction for the limited purpose of allowing Fair Share Housing Center ("FSHC") and the Township the ability to enforce rights under the Settlement Agreement entered into between the Township and FSHC on November 9, 2016, and (b) subject to the consent of FSHC, allowing the Township to have the future ability to seek an amendment or amendments to its Housing Element and Fair Share Plan and/or the JOR Order should that be necessary.

3. All of the other terms and conditions set forth in the JOR Order remain in full force and effect, including the provision in Paragraph 2 of the JOR Order, that the Township has immunity from all Mount Laurel lawsuits until June 12, 2025.

4. Counsel for the Township shall provide copies of this Order to the Township's Service List within seven (7) days of receipt.



HON. RONALD E. BOOKBINDER, A.J.S.C.

Appendix D: Affordable Housing Ordinance

ARTICLE II
Affordable Housing Obligations
[Adopted 7-3-2018 by Ord. No. 2018-6¹]

§ 79-11. Purpose.

- A. This article is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This article shall apply except where inconsistent with applicable law.
- B. The Township of Willingboro Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. (hereinafter "Fair Share Plan"). The Fair Share Plan was subsequently endorsed by the governing body. The Fair Share Plan describes how the Township of Willingboro shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the settlement agreement entered into between the Township and Fair Share Housing Center ("FSHC") on November 9, 2016 (hereinafter "FSHC Settlement Agreement"), and the Court order approving same, which was entered by the Court on June 21, 2017, after a properly noticed fairness hearing.
- C. The Township of Willingboro shall track the status of the implementation of the Fair Share Plan.

§ 79-12. Monitoring and reporting requirements.

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

- A. Beginning one year after the entry of the Township's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Township agrees to provide annual reporting of its Affordable Housing 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 (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDOCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Beginning one year after the entry of the Township's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, 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 COAH or any other

1. Editor's Note: This ordinance also repealed former Art. II, Affordable Housing Obligation, adopted 12-6-2011 by Ord. No. 2011-15.

forms endorsed by the Court-appointed Special Master and FSHC.

C. The Fair Housing Act includes two provisions regarding action to be taken by the Township during its ten-year repose period. The Township will comply with those provisions as follows:

- (1) For the midpoint realistic opportunity review due on June 12, 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 and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Township, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the 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.
- (2) 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 the entry of the Township's Judgement of Compliance and Repose, 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 Township and Fair Share Housing Center on the issue of whether the Township has complied with its very-low-income housing obligation under the terms of this settlement.
- (3) In addition to the foregoing postings, the Township may also elect to file copies of its reports with COAH or its successor agency at the state level.

§ 79-13. Definitions.

The following terms when used in this article shall have the meanings given in this section:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.²

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this article, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC)(N.J.A.C. 5:80-26.1 et seq.).

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/ or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which restricted

2. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT — A housing development, all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Township's Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in the Township's Fair Share Plan prepared or implemented to address the Township's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

AGENCY — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ASSISTED LIVING RESIDENCE — A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD — A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH — The New Jersey Council on Affordable Housing.

DCA — The State of New Jersey Department of Community Affairs.

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

DEVELOPER — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development

including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

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

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. Inclusionary developments must have a minimum 20% set-aside of affordable units if the development has five or more units and is a for-sale project, or a minimum 15% set-aside if the development is a rental project. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM — The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by the Department.

MODERATE-INCOME HOUSEHOLD — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

MUNICIPAL HOUSING LIAISON — The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Willingboro.

NON-EXEMPT SALE — Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by the

Department's adopted Regional Income Limits published annually by the Department.

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

RENT — The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, "rent" does not include charges for food and services.

RESTRICTED UNIT — A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

THE DEPARTMENT — The Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 79-14. Applicability.

- A. The provisions of this article shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Willingboro pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this article shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 79-15. Alternative living arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8³ and UHAC, with the following exceptions:
 - (1) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

3. Editor's Note: The provisions of N.J.A.C. 5:93.1 et seq. expired 10-16-2016.

- B. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 79-16. Phasing schedule for inclusionary zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25 + 1	10
50	50
75	75
90	100

§ 79-17. New construction.

- A. Low/moderate split and bedroom distribution of affordable housing units:
 - (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development. At least 50% of the very-low-income units must be available to families.
 - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be very low or low-income units.
 - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and

- (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7⁴ and the following:
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (e) If all of the foregoing requirements in Subsection B(2)(a) through (d) cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7,⁵ or evidence that Willingboro has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [2] To this end, the builder of restricted units shall deposit funds within the Township of Willingboro's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the

4. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

5. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

Township of Willingboro for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Willingboro for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7,⁶ and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

(g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.⁷

C. Design:

- (1) In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum rents and sales prices:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households, which very-low-income units shall be part of the low-income requirement.

6. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

7. Editor's Note: See now N.J.A.C. 5:23-3.14(b).

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant-paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) Income limits for all units that are part of the Township's Housing Element and Fair

Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) The income limit for a moderate-income unit for a household of four shall be 80% of the HUD determination of the median income for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the median income for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the HUD determination of the median income for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA 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 the previous year.
 - (b) The income limits are based on carrying out the process in Subsection D(9)(a) based on HUD determination of median income for the current fiscal year, and shall be utilized by the Township until new income limits are available.
- (10) In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
- (a) 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 determined pursuant to Subsection D(9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 - (b) The rents of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Southern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

§ 79-18. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

§ 79-19. Occupancy standards.

In referring certified households to specific restricted units, the administrative agent shall, to the

extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 79-20. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this article for a period of at least 30 years, until Willingboro takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Township's administrative agent, or an administrative agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Township's administrative agent, or an administrative agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 79-21. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Township's administrative agent, or an administrative agent appointed by a particular developer.
- B. The Township's administrative agent, or an administrative agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Township's administrative agent, or an administrative agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 79-23.

§ 79-22. Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

§ 79-23. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Township's administrative agent, or an administrative agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the Township's administrative agent, or an administrative agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Township's administrative agent, or an administrative agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).

§ 79-24. Capital improvements to ownership units.

- A. The owners of restricted ownership units may apply to the Township's administrative agent, or an administrative agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Township's administrative agent, or an administrative agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved, by the Township's administrative agent, or an administrative agent appointed by a particular developer. Unless otherwise approved by the Township's administrative agent, or an administrative agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 79-25. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this article for a period of at least 30 years, until Willingboro takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Burlington. A copy of the filed document shall be provided to the Township's administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this article despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 79-26. Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Township's administrative agent, or an administrative agent appointed by a particular developer.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Township's administrative agent, or an administrative agent appointed by a particular developer.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the developer and/or landlord or to the Township's administrative agent, or an administrative agent appointed by a particular developer. If the fees are paid to the Township's administrative agent or an administrative agent appointed by a particular developer they are to be applied to the costs of administering the controls applicable to the unit as set forth in this article.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this article.

§ 79-27. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
- B. The Township's administrative agent, or an administrative agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

- (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsections A and B above with the Township's administrative agent, or an administrative agent appointed by a particular developer, who shall counsel the household on budgeting.

§ 79-28. Municipal housing liaison.

- A. The position of Municipal Housing Liaison (MHL) for the Township of Willingboro is established by this article. The Township shall make the actual appointment of the MHL by means of a resolution.
- (1) The MHL must be either a full-time or part-time employee of Willingboro.
 - (2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Township's website.
 - (3) The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.
 - (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Willingboro, including the following responsibilities which may not be contracted out to the administrative agent, or the administrative agent appointed by a specific developer:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (b) The implementation of the Affirmative Marketing Plan and affordability controls;
 - (c) When applicable, supervising any contracting administrative agent;
 - (d) Monitoring the status of all restricted units in the Township's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required;
 - (f) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and

- (g) Attending continuing education opportunities, on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- B. Subject to the approval of the Court, the Township of Willingboro shall designate one or more administrative agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this article. An operating manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court appointed Special Master or the Court. The operating manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the work of the administrative agent(s).

§ 79-29. Administrative agent.

An administrative agent may be either an independent entity serving under contract to and reporting to the Township, or reporting to a specific individual developer. The fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. The Township administrative agent shall monitor and work with any individual administrative agents appointed by individual developers. The administrative agent(s) shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Willingboro and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Willingboro when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Township of Willingboro: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Burlington County and Salem County Branches of NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Register of Deeds or Burlington County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Township's administrative agent, or any administrative agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low-(or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing requests from unit owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling

price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Township's administrative agent, or any administrative agent appointed by a specific developer;
- (3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Township's administrative agent, or any administrative agent appointed by a specific developer, where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Township's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Township's administrative agent, or any administrative agent appointed by a specific developer, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

- (1) The Township's administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Township's administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this article. The Township's administrative agent will be responsible for collecting monitoring information from any administrative agents appointed by specific developers.
- (3) The Township's administrative agent, or any administrative agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 79-30. Affirmative marketing requirements.

- A. The Township of Willingboro shall adopt by resolution an Affirmative Marketing Plan that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 5 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Camden, and Burlington Counties.
- D. The Township has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and re-sales and re-rentals. The Township's administrative agent designated by the Township of Willingboro, or any administrative agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Township's administrative agent, or any administrative agent appointed by a specific developer, shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Township's administrative agent, or any administrative agent appointed by a specific developer, shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 79-31. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an

owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$2,000 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Willingboro Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all

costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

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§ 79-32. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this article shall be filed in writing with the Court.

Appendix E: Development Fee Ordinance

ARTICLE I
Affordable Housing Development Fees
[Adopted 7-3-2018 by Ord. No. 2018-7¹]

§ 79-1. Findings; purpose.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH).
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH, and that are now before a court of competent jurisdiction and have a Court-approved spending plan, may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a Court-approved spending plan.

§ 79-2. Basic requirements.

- A. This article shall not be effective until approved by the Court.
- B. The Township of Willingboro shall not spend development fees until the Court has approved a plan for spending such fees (spending plan).

§ 79-3. Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act.

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

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as

1. Editor's Note: This ordinance also repealed former Art. I, Development Fees, adopted 12-23-2008 by Ord. No. 2008-9.

permitted by applicable COAH regulations.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 79-4. Residential development fees.

A. Imposition of fees.

- (1) Within the Township of Willingboro, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a bonus development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential developments.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Township of Willingboro, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of Willingboro's first adopted development fee ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the building permit is issued.

- (3) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (4) Nonprofit organizations which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- (5) Federal, state, county and local governments shall be exempted from paying a development fee.
- (6) Homes demolished and replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

§ 79-5. Nonresidential development fees.

A. Imposition of fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- (2) The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential

development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Willingboro as a lien against the real property of the owner.

§ 79-6. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority or entity shall direct its staff to notify the Township Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- G. Should the Township of Willingboro fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. 50% of the initially calculated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined at the time of issuance of the certificate of occupancy.
- I. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Such a challenge must be made within 45 days from the issuance of the certificate of occupancy. Pending a review and determination by the Board, collected fees shall be placed in an interests-bearing escrow account by the Township of Willingboro. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Willingboro. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 79-7. Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Township of Willingboro for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of affordable units or of a fraction of an affordable unit, where permitted by ordinance or by agreement with the Township of Willingboro;
 - (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (3) Rental income from municipally operated units;

- (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with Willingboro's affordable housing program.
- C. In the event of a failure by the Township of Willingboro to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Willingboro, or, if not practicable, then within the County or the Housing Region. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

§ 79-8. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Willingboro's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing nonresidential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved spending plan.

Township of Willingboro, NJ

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- B. Funds shall not be expended to reimburse the Township of Willingboro for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 2, in which Willingboro is located.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the spending plan.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the spending plan.
 - (3) Payments in lieu of constructing affordable housing units on site, if permitted by ordinance or by agreement with the Township of Willingboro, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Township of Willingboro may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
 - (1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
 - (2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

§ 79-9. Monitoring.

The Township of Willingboro shall provide annual reporting of Affordable Housing Trust Fund

activity to the State of 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 Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and nonresidential developers, payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the Township), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from Township-owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Willingboro's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the spending plan approved by the Court.

§ 79-10. Ongoing collection of fees.

- A. The ability for the Township of Willingboro to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Willingboro has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated state administrative agency, has petitioned for a judgment of compliance from the Court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its development fee ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Township of Willingboro fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).
- C. The Township of Willingboro shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Township of Willingboro retroactively impose a development fee on such a development. The Township of Willingboro also shall not expend any of its collected development fees after the expiration of its judgment of compliance.

Appendix F: Copy of Resolution appointing Administrative Agent

WILLINGBORO TOWNSHIP COUNTY OF BURLINGTON, NEW JERSEY

RESOLUTION NO. 2025 - 1

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO PROVIDING FOR THE APPOINTMENTS OF ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING, TOWNSHIP ATTORNEY, TOWNSHIP AUDITOR, TOWNSHIP BOND COUNSEL, FINANCIAL ADVISOR, LABOR COUNSEL, TOWNSHIP PLANNER, HEARING OFFICER, MUNICIPAL PROSECUTOR, ALTERNATE PROSECUTOR, CHIEF MUNICIPAL PUBLIC DEFENDER, REDEVELOPMENT COUNSEL, MUNICIPAL SPECIAL COUNSEL, TAX ATTORNEY, AND FAIR SHARE HOUSING SPEICAL COUNSEL

WHEREAS, the terms of office of ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING, TOWNSHIP ATTORNEY, TOWNSHIP AUDITOR, TOWNSHIP BOND COUNSEL, FINANCIAL ADVISOR, LABOR COUNSEL, TOWNSHIP PLANNER, HEARING OFFICER, MUNICIPAL PROSECUTOR, ALTERNATE PROSECUTOR, CHIEF MUNICIPAL PUBLIC DEFENDER, REDEVELOPMENT COUNSEL, MUNICIPAL SPECIAL COUNSEL, TAX ATTORNEY, and FAIR SHARE HOUSING SPECIAL COUNSEL, has expired; and

WHEREAS, the services to be performed in such officers are regulated by law and the persons to be appointed are practicing recognized professionals; and

WHEREAS, the Township of Willingboro has determined that it is appropriate to implement a fair and open process for the awarding of this contract; and

WHEREAS, the Township requested and received statements of qualifications in a manner that fostered a fair and open process, utilizing the criteria and specific minimum requirements to meet the requirements of the Township; and

WHEREAS, it has been determined that there are no conflicts of interest for the Township Planner position.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session on this 7th day of January 2025 that the following appointments are made pursuant to N.J.S.A. – 2B:12-27 for a term expiring December 31, 2025 unless otherwise indicated.


Administrative Agent for Affordable Housing	Triad Solutions
Township Attorney	CSG Law

Township Auditor	Bowman & Company, LLP
Township Bond Counsel	McManimon, Scotland & Baumann, LLC
Financial Advisor	Phoenix Advisors
Labor Counsel	Taylor Law Group, LLC
Township Planner	Brownfield Redevelopment Solutions (BRS)
Hearing Officer	The Garty Law Firm
Municipal Prosecutor	McGill Law Practice
Alternate Prosecutor	Law Office of Greig and Mole, LLP
Chief Municipal Public Defender	Andrew M. Duclair, P.C.
Redevelopment Counsel	McManimon, Scotland & Baumann, LLC
Municipal Special Counsel	The Platt Law Group, P.C.
Tax Attorney	The Platt Law Group, P.C.
Fair Share Housing Special Counsel	Surenian, Edwards, Buzak & Nolan, LLC

BE IT FURTHER RESOLVED, that each said appointees shall be compensated in accordance with the salary ordinance/resolution or by agreement.

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 Reorganization meeting on **January 7, 2025**.



Samantha Savino, RMC
Interim Township Clerk

APPROVED:



Samantha Whitfield
Mayor

Administrative Agent for Affordable Housing – Triad Solutions						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Township Attorney – CSG LAW						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield	X		X			

Township Auditor – Bowman & Company, LLP						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy			X			
Mayor Whitfield		X	X			

Township Bond Counsel – McManimon, Scotland & Baumann, LLC						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Financial Advisors – Phoenix Advisors						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield	X		X			

Township Labor Counsel – Taylor Law Group, LLC						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Township Planner – Brownfield Redevelopment Solutions						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield	X		X			

Hearing Officer – The Garty Law Firm						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Municipal Prosecutor – McGill Law Practice						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone		X	X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy			X			
Mayor Whitfield	X		X			

Alternate Prosecutor – The Law Office of Greig and Mole, LLP						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield	X		X			

Chief Municipal Public Defender – Andrew M. Duclair						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone	X		X			
Councilman Anderson			X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy			X			
Mayor Whitfield		X	X			

Township Redevelopment Counsel – McManimon, Scotland & Baumann, LLC						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson	X		X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Municipal Special Counsel – The Platt Law Group, P.C.						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson	X		X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Tax Attorney – The Platt Law Group, P.C.						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson	X		X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield			X			

Fair Share Housing Special Counsel – Surenian, Edwards, Buzak & Nolan, LLC						
COUNCIL MEMBER	MOTION	SECOND	AYE	NAY	ABST	ABSENT
Councilwoman Perrone			X			
Councilman Anderson	X		X			
Councilwoman McIntosh			X			
Deputy Mayor Worthy		X	X			
Mayor Whitfield						

Appendix G: Affirmative Marketing Plan



Affordability Assistance Policies and Procedures Manual

**In Accordance with the
Uniform Housing Affordability Controls
and the
New Jersey Fair Housing Act**

February 2018

Township of Willingboro
Municipal Complex
One Salem Road
Willingboro, NJ 08046
609.654.2608

Prepared by:



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