

**Township of Maurice River  
Cumberland County**

**Housing Element of the Master Plan  
Fair Share Plan**

Adopted by the Planning Board on June 26, 2025 by Resolution 2025-05  
Endorsed by the Governing Body on June 26, 2025 by Resolution 99-2025

**June 26, 2025**

Maurice River Township  
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Cumberland County**

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Fair Share Plan**

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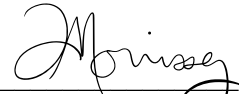
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***APPENDIX E – Municipal Housing Liaison Resolution***

## EXECUTIVE SUMMARY

The Township of Maurice River has prepared this plan in response to the enactment of Assembly Bill 4 signed by the Governor in 2024. This legislation abolished the Council on Affordable Housing (COAH), the State agency responsible for administering and overseeing affordable housing plans. The legislation also amended affordable housing regulations as provided for in the Fair Housing Act (FHA) and set deadlines for municipalities for reporting and filing a Fourth-Round Housing Element and Fair Share Plan.

In accordance with the amendments to the FHA, Maurice River accepted the Department of Community Affairs' (DCA) calculations of the Municipality's Present Need and Prospective Need in a binding resolution 39-2025 on January 16, 2025 and on January 28, 2025 the Township filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On April 24, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the municipality consistent with the DCA calculations: Present Need of 0 and Prospective Need as 8.

This plan provides for the Municipality's Fourth-Round affordable housing obligation as calculated by the DCA and fixed by the Courts. It also provides for the Township's Prior-Round and Third Round obligations, as the Township has not prepared any prior Fair Share Plans addressing their affordable housing obligations. The Township is a lower-income community and lacks public infrastructure. The Township has not seen any considerable population or housing growth over the last thirty years. Despite not participating in prior affordable housing rounds, the Township believes it is prudent and presents good planning to prepare a plan as part of the newly adopted Fourt-Round rules and regulations.

The Township's total obligation is 73 units from prior rounds and the current fourth-round. The Township lacks public infrastructure, with no access to public sewer or public water. This plan will provide for a durational adjustment of the Township's full obligation and utilize overlay zoning and mandatory set-aside ordinances to capture affordable housing units from future developments. Additionally, the Township will adopt a new Development Fee Ordinance to fund an Affordable Housing Trust Fund. Those funds will be used to fund future affordable housing opportunities.

Over the years the regulations pertaining to each Round of Affordable Housing obligations have changed. In preparing the Fourth-Round components of the Fair Share Plan, the FHA as amended (N.J.S.A. 52:27D-310, et seq.), was followed. This Plan also follows the requirements of N.J.A.C. 5:93 where appropriate, as called for by the recent FHA amendments.

## INTRODUCTION

Maurice River is the largest municipality located in Cumberland County, New Jersey. Incorporated in 1798, it consists of 94.7 square miles. Over 50% of the total land area in the Township is either State owned, in a Conservation program or publicly owned. Less than 2% of the land area is utilized for non-residential purposes and only 9% is residential. The Township contains portions of four designated Wild and Scenic rivers; the Maurice River, the Menantico River, the Manumuskin River, and the Muskee Creek. Residential development is primarily clustered in the Villages of Milmay, Cumberland, Delmont, Heislerville, Leesburg, Dorchester, Bricksboro and Port Elizabeth. Many of these villages predated the incorporation of Maurice River, dating back to the 1600's. Each of these Villages formed for different reasons related to local commerce on and proximity to the waterways.

The Township is located on one of the main travel routes for shore bound traffic, connecting Cape May County to Route 55 and the Philadelphia area. In the 1990's Route 347 was constructed as a bypass to State Highway Route 47 in an effort to divert the shore traffic off the local roadway. There are many unique and environmentally sensitive areas in the Township rich with history, scenic vistas and natural and environmental resources. The southern end of the Township contains various beaches including the areas in East Point, Thompson's Beach and Moores Beach. The only residential area remaining along the shore is on Bay Avenue in East Point. The buildings on Moores Beach and Thompson Beach have been lost in storms and reclamation efforts.

In accordance with the amendments to the FHA, the Township accepted the affordable housing obligations as calculated by the Department of Community Affairs (DCA) in a binding resolution 39-2025 on January 16, 2025 and filed the resolution on January 17, 2025 through a Complaint for Declaratory Relief Pursuant to AOC Directive #14-24. On April 24, 2025 the Court issued an order fixing Municipal

Obligations for Present Need and Prospective Need for the Fourth-Round Housing Cycle for the Township consistent with the DCA calculations: Present Need of 0 and Prospective Need as 8.

This Plan provides mechanisms to satisfy the Township's cumulative affordable housing obligations.

## AFFORDABLE HOUSING HISTORY IN NEW JERSEY

Affordable Housing has been embedded in New Jersey land use regulations and policy since the 1975 New Jersey Supreme Court decision, *Southern Burlington NAACP v Mount Laurel Township*, known as “Mount Laurel I.” Following a challenge to Mount Laurel’s zoning the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety and choice of housing types affordable to low- and moderate-income households. This decision formed the foundation of affordable housing planning and regulations in the State.

In 1983 New Jersey Supreme Court in *Southern Burlington County NAACP v. Mount Laurel Township*, 92 N.J. 158 (1983) or “Mount Laurel II” extended the constitutional obligation to all municipalities within a “growth area” as designated in the State Development Guide Plan. This decision also created an opportunity for builders to challenge municipal ordinances, in certain circumstances, for the right to build affordable housing on land that was not zoned to permit the use or density. This is what was termed a “Builder’s Remedy” for municipalities that did not provide for their constitutional obligation of affordable housing.

In response to Mount Laurel II, the State adopted the New Jersey Fair Housing Act in 1985 which created the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation. COAH was charged with promulgating regulations to establish housing regions, estimate the state’s low- and moderate-income needs, and set criteria for municipal compliance through adopted housing elements and fair share plans.

COAH established a municipality’s first round affordable housing obligation for a period of six-years, from 1987 to 1993. The rules established by COAH created both a rehabilitation (present need) obligation and a new construction (prospective



need) obligation. In 1994, COAH adopted new regulations to address the second-round obligation for the period 1993 to 1999. These regulations also recalculated a portion of the municipal's first round obligation, creating a cumulative obligation from 1987 to 1999, and what is now called the "Prior Round" Obligation.

In 2004 COAH adopted rules and regulations for the Third Round, which defined the round from 1999 to 2014. These regulations changed the way in which COAH calculated a municipality's affordable housing obligation, moving from an absolute number based on available data to what the new regulations termed a "growth share" approach that linked affordable housing obligations to the construction of both residential and non-residential development in the municipality over the third-round time period. This was short lived as the New Jersey Appellate Division invalidated key elements of these rules, including the growth share approach to calculating affordable housing obligations, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super 1 (App. Div. 2007). The Court ordered COAH to adopt new rules, which was completed in 2008. The new regulations maintained in large part the growth share approach and extended the third round from 2014 to 2018.

The 2008 regulations were challenged and in 2010 the Appellate Division, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462, upheld the COAH Prior Round regulations which assigned rehabilitation obligations. However, the Appellate Division invalidated the regulations pertaining to growth share and directed COAH to use similar methods that were set in the First and Second rounds. This decision was reviewed and upheld by the New Jersey Supreme Court in September of 2013 and ordered that COAH adopt new regulations on or before October 22, 2014. COAH failed to adopt the new regulations, and Fair Share Housing Center (FSHC) filed a motion in aid of litigant's rights with the New Jersey Supreme Court. The New Jersey Supreme Court issued a ruling on March 10, 2015, known as "Mount Laurel IV," which set the framework for the Third-Round affordable housing plans.

Mount Laurel IV transferred the responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. This meant that municipalities would need to apply to the Courts if they wish to be protected from exclusionary zoning lawsuits. A shortfall in this decision remained as to how a municipal's affordable obligation would be calculated and left that to the trial courts, with the direction that the obligations be determined in a methodology which was similar to those used in the First and Second Round rules. The decision also directed municipalities to rely on COAH's Second Round rules at N.J.A.C. 5:93 as well as the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) in preparing Third Round Housing Elements and Fair Share Plans.

FSHC was permitted to serve as an interested party in every municipal Declaratory Judgement Action. In determining an affordable housing obligation, FSHC calculated municipal affordable housing obligations, as did an expert for municipalities, and offered to settle with municipalities. Many municipalities entered into Court approved Settlements with FSHC, those that did not challenged the methodology used by FSHC to determine municipal obligations.

The Third Round, which began with COAH's 2004 rules identified the time period of 1999 to 2014. However, with COAH's stalemate in adopting regulations and the associated court challenges all cumulating past the initial third round period into the 2015 "Mount Laurel IV" decision, the third round was now identified as the period 2015 to 2025. This left a "Gap Period" of 1999 to 2015. In 2017 the New Jersey Supreme Court, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation expanded the definition of the municipal Present Need obligation to include low- and moderate- income households

formed during the gap period as a component of the new-construction obligation rather than the rehabilitation obligation.

In 2018 an unpublished decision of the NJ Superior Court, Law Division, Mercer County was rendered In re Application of Municipality of Princeton, also known as the “Jacobson Decision” which established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court’s decision in calculating Third Round affordable housing obligations<sup>1</sup>. The decision came after many municipalities had entered into settlement agreements with FSHC which established a municipality’s affordable housing obligation.

While the Courts were addressing affordable housing policy and regulations, the State of New Jersey adopted two important pieces of legislation which shaped affordable housing policy. In 2008, Governor Corzine signed P.L. 2008. C.46 (referred to as “A500”, or the “Roberts Bill”) which amended the FHA. Key components of this bill include:

- Eliminating Regional Contribution Agreements (“RCA”) which allowed a municipality to transfer a portion of their affordable housing obligation to an identified receiving municipality.
- Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing
- Created a very low-income affordable housing category and required at least 13% of all affordable housing units be restricted as very low-income housing units
- Required municipalities to commit to spend all collected development fees for affordable housing within four years of the date of collection.

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<sup>1</sup> The Jacobson decision is also referred to in the 2024 FHA amendments providing that the decision “shall be referenced as to datasets and methodologies that are not explicitly addressed” in N.J.S.A. 52:27D-304.3 of the FHA.

The second piece of legislation was adopted in 2024. Governor Murphy signed P.L. 2024, c.2 (referred to as “A4”) which further amended the FHA and abolished COAH. The legislation replaced COAH with “the Program” which is an Affordable Housing Dispute Resolution Program. Additional key components of the Act include:

- Giving responsibility to the DCA to provide calculations of municipal present and prospective need using the standards as provided for in the legislation
- Establishing monitoring deadlines for all affordable units and trust funds
- Establishing mechanisms and bonuses for a municipality to meet its affordable housing obligation
- Establishing the Fourth Round of affordable housing obligations from 2025 through 2035
- Establishing a deadline of June 30, 2025 for a municipality to file a Housing Element and Fair Share Plan in compliance with the new regulations to remain protected from an exclusionary zoning lawsuit.

This document has been completed to effectuate the requirements of the 2024 FHA amendments utilizing the affordable housing calculations as published by the DCA in October of 2024.

## HOUSING ELEMENT

The 2024 amendments to the Fair Housing Act included changes to what a Housing Element is required to address. The following is required to be part of any newly adopted Housing Element pursuant to N.J.S.A. 52:27D-310-10:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
- 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 following section of this report addresses each of the above referenced requirements.

*A Note on the Data: The following statistics and demographic data are derived from one of the following sources.*

**2023 American Community Survey 5-year Estimates:** The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year period.

**2020, 2010, 2000 and 1990 Census:** The 2020 Census is the most recent decennial census. This information is used when ACS information is unavailable, and sometimes for comparison.

**NJ Building Permit Data:** NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

## Demographic Analysis

Maurice River is unique in that a large percentage of the reported population consists of institutionalized persons. This is a result of the prison population from both the Bayside State Prison and Southern State Correctional Facility located along Route 47 in the southern portion of the Township. In 2022 the State consolidated the two facilities by closing the Southern State Correctional Facility. The reason for the closure/consolidation was due to a drop in the number of inmates in New Jersey combined with the deteriorating condition of the Correctional Facility. It was estimated that Southern State could hold more than 2,000 inmates.<sup>2</sup>

<sup>2</sup> Source: "No Job Losses Expected from Plan to Consolidate Prisons, Says State Corrections Department" written by Bill Barlow, The Press of Atlantic City, May 3, 2022

The following tables show the total population growth/decline from 1990 through 2020 in the Township. While the County and the State have seen population growth, the Township has seen a significant decline in population. At first glance this is alarming, however when you separate the general population from the institutionalized population it is clear that this rapid decline is attributable to the closing/consolidation of the Southern State Correctional Facility.

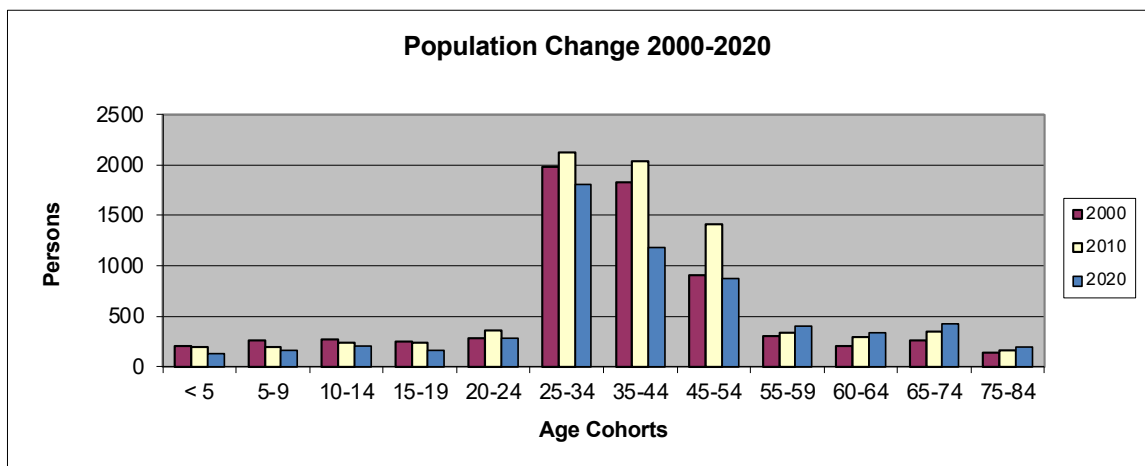
To fully understand the population growth, the institutionalized population needs to be excluded. The census data shows that the Institutionalized population has decreased by 31% from 2010 through 2020. There remains a reported decline in the Township household population over the same ten-year period, with a decrease of 10.8% or 387 persons. This shows that the Township has had essentially no residential growth over the past 50 years. This is further reflected in the housing changes reported between 2010 and 2020, where 63 units were lost from the housing stock.<sup>3</sup>

Population Trends			
	Maurice River Township	Cumberland County	New Jersey
1990	6,648	138,053	7,730,188
2000	6,928	146,438	8,414,350
2010	7,976	155,456	8,791,894
2020	6,218	154,152	9,288,994
1990 to 2000	4.2%	6.1%	8.9%
2000 to 2010	15.1%	6.2%	4.5%
2010 to 2020	-22.0%	-0.8%	5.7%
1990 to 2020	-6.5%	11.7%	20.2%
Source: US Census Data			

<sup>3</sup> There are questions as to the accuracy of the Census data as the Township housing stock has not substantially changed despite Census reporting. The disparities from 2010 and 2020 as to the population and housing counts do not reflect local conditions. While there may have been a decline in population and housing the loss of 387 persons and 63 housing units seems high for this small community.

Maurice River Residential and Institutional Population					
Year	Total Population	In Households		Institutional	
		Household Population	Percent of Total Population	Institutional Population	Percent of Total Population
1960	3,105	3,105	100.0%	0	0.0%
1970	3,743	3,455	92.3%	288	7.7%
1980	4,577	3,643	79.6%	934	20.4%
1990	6,648	3,655	55.0%	2,993	45.0%
2000	6,928	3,567	51.5%	3,361	48.5%
2010	7,975	3,571	44.8%	4,404	55.2%
2020	6,218	3,184	51.2%	3,034	48.8%
Source: US Census Data					

The Townships population in the 25-54 age cohorts is substantially higher than the other cohorts. This is another indication of the prison population which is counted as part of the Township's total population. The declines in total population are also in the same age-cohorts while the population cohorts outside of this range remained steady.





2000 - 2020 Population Profiles or Cohorts - Maurice River Township						
Age	Population					
	Year			Population Change		
	2000	2010	2020	2000 to 2010	2010 to 2020	2000 to 2020
< 5	200	190	131	-5.0%	-5.0%	-34.5%
5-9	259	197	161	-23.9%	-23.9%	-37.8%
10-14	273	232	204	-15.0%	-15.0%	-25.3%
15-19	248	233	161	-6.0%	-6.0%	-35.1%
20-24	282	360	282	27.7%	27.7%	0.0%
25-34	1983	2,124	1,810	7.1%	7.1%	-8.7%
35-44	1831	2,036	1,186	11.2%	11.2%	-35.2%
45-54	902	1,413	872	56.7%	56.7%	-3.3%
55-59	306	338	399	10.5%	10.5%	30.4%
60-64	201	293	339	45.8%	45.8%	68.7%
65-74	263	349	421	32.7%	32.7%	60.1%
75-84	141	163	196	15.6%	15.6%	39.0%
85+	39	48	56	23.1%	23.1%	43.6%
18+	6036	7,216.0	5,617.0	19.5%	19.5%	-6.9%
62+	564	723.0	861.0	28.2%	28.2%	52.7%
65+	443	560	673	26.4%	26.4%	51.9%
Median Age	36	38.1	37.4	5.8%	5.8%	-1.8%
Source: US Census Data						

As noted, the Township has seen a slight decline in population which is also reflected by the reduction of housing units. While not substantial the Census data reports a loss of 63 housing units. Interestingly the ACS 5-year estimates provide for a further reduction of housing units by an additional 259 units, for a total of 1,184 housing units. This is not consistent with the Township conditions and furthers the concerns with the reported census data and its accuracies. The State of NJ compiles reports of building permits issued for residential purposes. This data reflects a total of eight (8) new housing units, and sixteen (16) demolition permits from 2020 through 2024 for a net loss of eight (8) housing units.

Housing Trends			
	Maurice River Township	Cumberland County	New Jersey
1990	1,412	50,294	3,075,310
2000	1,461	52,863	3,310,275
2010	1,506	55,406	3,553,562
2020	1,443	56,429	3,761,229
1990 to 2000	3.5%	5.1%	7.6%
2000 to 2010	3.1%	4.8%	7.3%
2010 to 2020	-4.2%	1.8%	5.8%
Source: US Census Data			

Population by Categories						
	Maurice River Township		Cumberland County		New Jersey	
	Persons	%	Persons	%	Persons	%
<b>Total</b>	6,218	100%	154,152	100%	9,288,994	100%
<b>Sex</b>						
F	1,646	26.5%	75,349	48.9%	4,770,289	51.4%
M	4,572	73.5%	78,803	51.1%	4,518,705	48.6%
<b>Race</b>						
White	4,011	64.5%	74,606	48.4%	5,112,280	55.0%
Black or African American	1,702	27.4%	28,581	18.5%	1,219,770	13.1%
Asian	17	0.3%	2,108	1.4%	950,090	10.2%
American Indian and Alaska Native	19	0.3%	2,382	1.5%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	-	0.0%	19	0.0%	3,533	0.0%
Other	236	3.8%	28,050	18.2%	1,048,641	11.3%
Two or More Races	233	3.7%	18,406	11.9%	903,494	9.7%
Hispanic or Latino	657	10.6%	53,054	34.4%	2,002,575	21.6%
<b>Age</b>						
25-64	4,606	74.1%	81,549	52.9%	4,927,277	53.0%
65+	673	10.8%	24,435	15.9%	1,531,299	16.5%
Median Age	37.4	n/a	38.2	n/a	39.9	n/a
Source: US Census Data						

## Housing Analysis

The most recent data available from the ACS 5-year estimates reflects the total housing units of 1,184, considerably less than what was reported in the 2020 Census. The Township housing stock is primarily owner-occupied at 84.4% and 15.6% are rental units. Over 51% of all households are married couples and 20% are single-female households. The median housing value is \$217,800 and the median gross rent is \$1,527.

<b>Maurice River Township Housing Units by Tenant and Occupancy Status, 2020</b>						
<b>Year Round Housing Units</b>			<b>Owner-occupied</b>		<b>Rental</b>	
<b>Occupied</b>	<b>Vacant</b>	<b>Total</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
1,257	186	1,443	1,061	84.4%	196	15.6%
Source: US Census Data 2020						

<b>Summary of Household Characteristics - Maurice River Township</b>		
	<b>No. of Persons</b>	<b>% of Total</b>
Total Population	6,218	
In Households	3,184	51.21%
In Group Quarters	3,034	48.79%
Institutionalized	3,034	48.79%
Non-Institutionalized	0	0.00%
Total Households	1,257	
Married Couple	650	51.71%
Cohabiting Couple	110	8.75%
Single Male	242	19.25%
Single Female	255	20.29%

Selected Housing or Housing Related Characteristics (Occupied Units)					
	Median Value Housing (owner-occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
Maurice River Township	\$217,800	\$1,527	\$62,743	3.47	11.2%
Cumberland County	\$205,600	\$1,254	\$64,499	3.19	4.1%
Source: ACS 2023 5-year estimates					

Eighty-seven percent (87%) of the Township's housing stock is single-family detached units. The housing stock is older with the majority of the units constructed before 1970. More than 50% of the total housing stock is fifty years of age or older. In general, the housing stock has a median room count of 6.7 per unit and over 71% have 3 or more bedrooms per unit. No units lack complete kitchen or plumbing facilities and 46 units (4.2%) of the occupied units are heated by wood. No unit has more than 1.5 occupants for room, therefore there are no overcrowding issues.

Housing Units by Number of Units in Structure, Maurice River Township		
Number of Units	Units	Percent of Total
1-unit, Detached	1,032	87.16%
1-unit, Attached	49	4.14%
2 units	53	4.48%
3 or 4 units	7	0.59%
5 to 9 units	-	0.00%
10 to 19 units	-	0.00%
20 or more units	-	0.00%
Mobile Home	43	3.63%
Other	-	0.00%
<b>Total</b>	<b>1,184</b>	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
2020 or later	-	0.00%
2010 to 2019	55	4.65%
2000 to 2009	79	6.67%
1990 to 1999	129	10.90%
1980 to 1989	141	11.91%
1970 to 1979	81	6.84%
1960 to 1969	141	11.91%
1950 to 1959	170	14.36%
1940 to 1949	49	4.14%
1939 or earlier	339	28.63%
<b>Total</b>	<b>1,184</b>	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	-	0.0%
2	-	0.0%
3	-	0.0%
4	153	12.9%
5	177	14.9%
6	233	19.7%
7	188	15.9%
8	168	14.2%
9+	265	22.4%
<b>Total</b>	<b>1,184</b>	<b>100.0%</b>
Median Rooms	6.7	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	-	0.0%
1-Bedroom	16	1.4%
2 -Bedroom	324	27.4%
3 -Bedroom	591	49.9%
4 -Bedroom	226	19.1%
5 + Bedrooms	27	2.3%
<b>Total</b>	<b>1,184</b>	<b>100.0%</b>
Source: ACS 2023 5-year estimates		

Estimated housing values show that approximately 42% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. A large number of housing units are valued between \$200,000 and \$499,000.

<b>Housing Value, Owner-Occupied Units</b>		
<b>Value</b>	<b>Housing Units</b>	<b>Percent of Total Housing Units</b>
Less than \$50,000	44	5.3%
\$50,000 to \$99,999	48	5.8%
\$100,000 to \$149,999	80	9.7%
\$150,000 to \$199,999	178	21.5%
\$200,000 to \$299,999	284	34.3%
\$300,000 to \$499,999	145	17.5%
\$500,000 to \$999,999	42	5.1%
\$1,000,000 or more	6	0.7%
<b>Total</b>	<b>827</b>	<b>100.0%</b>
Median Housing Value	\$ 217,800	
Source: ACS 2023 5-year estimates		



## Employment Analysis

The median household income in the Township is \$62,743. The median family income is \$98,208. The poverty rate in the Township is 15% for all persons and 9.6% for families.

Income Levels			
	Maurice River Township		
	Household	Families	Non-Family
Median Income	\$62,743	\$98,208	\$50,833
Mean Income	\$121,100	\$157,728	\$41,784
Source: ACS 2023 5-year estimates			

Percent Distribution Persons and Families below Poverty Level				
	Population Below Poverty Line			Families Below Poverty Line
	All Persons	% of All Persons 18+ Years of Age	% of All Persons 65+ Years of Age	
Maurice River	15.1%	8.9%	4.4%	9.6%
Cape May County	16.3%	13.8%	12.7%	12.7%
New Jersey	9.8%	8.8%	9.5%	7.0%
Source: ACS 2023 5-year estimates				

Affordable housing units are required to be priced to be affordable to low- and moderate-income families. Maurice River is located within Region 6 for the purposes of determining housing affordability. Income limits for households ranging from 1 person to 5 persons range from a household income of \$20,655 for a one-person low-income family up to an income of \$84,983 for a 5-person moderate income household. Household income reported in the Township includes 42% of households with incomes which would fall into the affordable housing income levels.

<b>Household Income (Owner Occupied Units)</b>		
	<b>Maurice River Township Households</b>	<b>(% of Total Households)</b>
Total Households	1,089	n/a
Less than \$10,000	59	5.4%
10,000 - 14,999	12	1.1%
15,000-24,999	64	5.9%
25,000 - 34,999	101	9.3%
35,000 - 49,999	94	8.6%
50,000 - 74,999	264	24.2%
75,000 - 99,999	137	12.6%
100,000 - 149,999	122	11.2%
150,000 - 199,999	136	12.5%
200,000 +	100	9.2%
Source: ACS 2023 5-year estimates		

<b>2024 Affordable Housing Region 6 Income Limits</b>					
	<b>1 Person Household</b>	<b>2 Person Household</b>	<b>3 Person Household</b>	<b>4 Person Household</b>	<b>5 Person Household</b>
Median Income	\$ 68,852	\$ 78,688	\$ 88,524	\$ 98,360	\$ 106,228
Moderate Income(80% of Median)	\$ 55,081	\$ 62,950	\$ 70,819	\$ 78,688	\$ 84,983
Low Income (50% of Median)	\$ 34,426	\$ 39,344	\$ 44,262	\$ 49,180	\$ 53,114
Very Low Income (30% of Median)	\$ 20,655	\$ 23,606	\$ 26,557	\$ 29,508	\$ 31,868
Source: Affordable Housing Professionals of NJ, April 12, 2024					

Of the population over the age of 16, only 21% are in the labor force and 91% of those in the civilian labor force are employed. The total population 16 and over in the labor force is only 21%, which accounts for the portion of the population which is institutionalized and in the state prison. The fields of educational services, and health care/social assistance employs 35% of the population. Over 33% of the employed population work in management, business, science and arts and 22% work in service occupations.

<b>MAURICE RIVER TOWNSHIP EMPLOYMENT STATUS</b>		
	<b>Total</b>	<b>Percent of Population</b>
Population 16 years and Over	5,227	
In Labor Force	1,108	21.20%
Civilian Labor Force	1,108	100.00%
Employed	1,008	90.97%
Unemployed	100	9.03%
Armed Forces	0	0.00%
Not In Labor Force	4,119	78.80%
Source: ACS 2023 5-year estimates		

<b>Employment by Industry, Civilian Employed population 16 years and over</b>		
<b>Occupation</b>	<b>No. Persons</b>	<b>Percentage</b>
Agriculture, Forestry, Fishing and Hunting, and Mining	21	2.08%
Construction	46	4.56%
Manufacturing	79	7.84%
Wholesale Trade	8	0.79%
Retail Trade	100	9.92%
Transportation and Warehousing, Utilities	76	7.54%
Information	0	0.00%
Finance and Insurance, and Real Estate and Rental and Leasing	16	1.59%
Professional, Scientific, and Management, and Administrative and Waste Management Services	72	7.14%
Educational Services, and Health Care and Social Assistance	356	35.32%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	32	3.17%
Other Services, except Public Administration	22	2.18%
Public Administration	180	17.86%
<b>Total</b>	<b>1,008</b>	<b>100%</b>
Source: ACS 2023 5-year estimates		

<b>Employment by Occupation Civilian Employed population 16 years and over</b>		
<b>Occupation</b>	<b>No. Persons</b>	<b>%</b>
Management, Business, Science, and Arts	339	33.63%
Service	227	22.52%
Sales and Office	89	8.83%
Natural Resources, Construction and Maintenance	153	15.18%
Production, Transportation & Material Moving	200	19.84%
<b>Total</b>	<b>1,008</b>	<b>100%</b>
Source: ACS 2023 5-year estimates		

## Affordable Housing Obligation

A municipality's affordable housing obligation is spread across different time periods. The most current obligation is related to the Fourth-Round. However, a municipality must also address any prior affordable housing obligations if they have not already been fully satisfied. The following reviews all components of Maurice River's affordable housing obligation beginning in 1987 and extending through 2035.

The following table identifies the Municipality's comprehensive affordable housing obligation:

Present Need (2025 Rehab Units)	0
Prior Round (1987-1999)	22
Round 3 (Jacobson*)	43
Gap (1999-2015)	17
Prospective (2015-2025)	26
Round 4 (DCA Calculations 2025-2035)	8
<b>Total Obligation (New Units)</b>	<b>73</b>
*Jacobson represents the 2018 Legal Decision on how to calculate affordable housing obligations in Round 3 which was incorporated into the 2024 legislation. This number was calculated by Econsult Solutions	

### **Present Need / Rehabilitation Component**

The Present Need/Rehabilitation obligation is determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof. This figure was calculated by the Department of Community Affairs ("DCA") based upon its interpretation of the standards of the Amended FHA. The Township's rehabilitation obligation is **0**.

### **Prior Round Component**

The Prior Round obligation is the Township's cumulative Round 1 and 2 affordable housing obligation for the years between 1987 and 1999. The Township's Prior Round obligation is **22**.

### **Round Three Component**

Pursuant to a settlement agreement dated August 4, 2017, by and between Maurice River and Fair Share Housing Center, the Township's Third Round affordable housing obligation is **43** (per the Jacobson Decision as calculated by Econsult Solutions, including the "Gap Period" between 1999 and 2015). The Third Round Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

### **Round Four Component**

The Fourth-Round affordable housing obligation extends from 2025 through 2035. This is considered the current Prospective Need, which is a projection of housing needs based on development and growth which is reasonably likely to occur in a municipality. The Fourth-Round prospective need was determined pursuant to methodology adopted by the state pursuant to the Fair Housing Act as amended in 2024.

On October 18, 2024, the Department of Community Affairs (“DCA”) issued a report estimating the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards of the Amended FHA. The Township of Maurice River adopted a binding resolution #49-2025 on January 16, 2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **8**.

### **Durational Adjustment**

A Durational Adjustment allows for a deferral of the Township’s affordable housing obligation based on the lack of infrastructure. The Township is entitled to a durational adjustment as they lack any public sewer and public water. The only public infrastructure that is available is on land owned and operated by the State Prison. The infrastructure is not available to any other entity or property in the Township. Additionally, the areas where public sewer or package treatment plants would be permissible under State regulations is limited to Pinelands Villages (4.2% of the total land area) and the State Plan Centers and Nodes (3.8% of the total land area), which account for only 8% of the total municipal land area. Substantial new development cannot be supported in the Township unless public infrastructure is extended and/or improved. Because of the limited developable land area and the lack of infrastructure the Township is including a reduction of their affordable housing obligations through a Durational Adjustment.

Maurice River will comply with the applicable rules regarding durational adjustments to satisfy the full affordable housing obligation. As the State has not adopted new regulations the Township will follow the standards as set forth in N.J.A.C. 5:93-4.3(c). The requirement to address the Township’s full affordable housing obligation of 73 units is deferred until adequate water and/or sewer are

made available. As such, the Township commits to complying with the following, which is stated in N.J.A.C. 5:93-4.3:

1. *Notwithstanding the lack of adequate water and/or sewer, the municipality shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low- and moderate-income housing, on a priority basis.*
2. *Municipal officials shall endorse all applications to the DEP or its agent to provide water and/or sewer capacity.*
3. *Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low- and moderate-income housing identified in the housing element, the municipality shall permit such development; and*
4. *Where a municipality has designated sites for low- and moderate-income housing that lack adequate water and/or sewer and where the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low- and moderate-income housing in the housing element, the municipality shall amend its housing element and fair share housing ordinance to permit development of such site for low- and moderate-income housing.*

The Township will endorse all applications to the New Jersey Department of Environmental Protection (DEP) for water and/or sewer capacity to permit the development as per the listed sites and areas in the Fair Share Plan. These credits are provided for under Proposed Units through overlay zoning in areas where public infrastructure is permitted according to the NJDEP and Pinelands Commission.

### **Land Use Analysis**

The Township has given consideration to those sites which would be suitable for affordable housing purposes. Consistent with smart growth principles, the Township has chosen to intersperse affordable housing throughout existing



residential neighborhoods in the Township through a set-aside ordinance for all properties. The Township is predominately located within the Pinelands areas and governed by the regulations of the Pinelands Comprehensive Management Plan. As such, the Township is limited to the areas where sewer infrastructure is permitted. The Township does not have public water, all service is provided through private wells.

### **Multigenerational Family Housing Analysis**

In 2021 the FHA was amended to require an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission. Currently there are no recommendations published from the Commission. The duties of the commission are:

*“To prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”*

A review of 2020 Census data shows that 5.1% of the occupied housing units in the Township contain three plus generations of families. The Township recognizes the needs of older residents who want to age in place or continue to live independently in the Township where they raised their families. The Township ordinances do not prohibit the creation of extra living

space for family members, provided they are part of the same housekeeping unit.

### **Regional Planning Analysis**

The Township is split between the Pinelands Comprehensive Management Plan (CMP) planning areas and the New Jersey State Planning areas. Sixty-nine (69%) of the total land area in the Township is within a Pinelands Management Area. The Pinelands Areas encompass all the land area east of State Highway Route 47. Within the Pinelands areas, 6% is designated as a Pinelands Village and 11% is a Rural Development Area. The balance of the Pinelands areas, 83%, is in a forested conservation planning area, where development is not permitted or encouraged. In the Rural areas, residential development requires a minimum lot area of one acre, provided additional land area is preserved to ensure compliance with septic dilution standards.

Land which is not within the Pinelands Management Areas are within the Environmentally Sensitive Planning Area (PA5) with three designated centers and four node areas. The centers are identified as Port Elizabeth/Bricksboro, Dorchester/Leesburg, and Heislerville. The approved nodes are identified as Brickboro, North, Central and Southern Coastal. There are additional lands under the State Plan areas identified as Planning Area (PA8) which contains lands owned by the State or Federal governments and designated as parkland. The Township received Plan Endorsement for the State Planning areas and designated centers and nodes in 2021. The planning areas are as provided for in the 2024 State Development and Redevelopment Plan (SDRP) and consistent with the Township's approved Plan Endorsement.

The Office of Planning Advocacy and the State Planning Commission are currently in the process of Cross Acceptance to adopt the 2024 SDRP. This is the first update to the 2001 SDRP. In both the 2001 and 2024 SDRP the land area in the Township subject to the State Plan remains consistent except that the center areas were reduced in size through the 2021 Plan Endorsement. In the 2024 Draft SDRP the PA5 Planning Area is intended to:

- protect environmental resources;
- protect both large and small contiguous areas of land;
- promote restoring habitats and bio-diversity;
- accommodate growth only in Centers;
- confining programmed sewers and public water services to Centers;
- revitalize cities, towns, and older traditional settlements; and
- protect, enhance, and diversify the existing character of stable communities.

In the Pinelands areas of the municipality the CMP has designated the majority of the land, 83%, as Forest Planning Area. These areas are designed for preservation and protection of the Pinelands resources and development is restricted. Six-percent (6%) of the Pinelands areas include a Pinelands Pinelands Village. Development within a Pinelands Village Planning Area includes permissive residential densities of one to five acre lots as these areas are not accessible to public sewer. Where sewer is available density can be increased to match the density of the surrounding areas.

The NJ SDRP recognizes the planning areas and goals of the CMP. Based on the combined State Planning areas and Pinelands Management Areas, only the Pinelands Town and Villages areas are intended for development and public sewer infrastructure.

## FAIR SHARE PLAN

A Fair Share Plan (FSP) is prepared to address how a municipality intends to meet their constitutional affordable housing obligations. The FSP identifies the affordable housing obligations, projects that have been completed, proposed mechanisms to meet the affordable housing obligations, and addresses the requirements of the FHA and affordable housing regulations applicable to each set of obligations, including N.J.A.C. 5:93 and N.J.A.C. 5:80 where applicable.

### Affordability Requirements

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The Township of Maurice River is in Region 6, which includes Atlantic, Cape May, Cumberland and Salem counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. As required by the amended FHA (Roberts bill), there is also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e), which were amended by "emergency" in December 2024, the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than

70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

### **Affordable Housing Plan**

The following provides for the components to satisfy the Township’s Prior Round, Third-Round and new Fourth-Round affordable housing obligations.

### **Rehabilitation Obligation/Present Need:**

The Township’s Present Need obligation is **0-units**.

The Fair Housing Act, N.J.S.A. 52:27D-304.3.b., describes present need as being determined by “estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof.” The DCA calculated municipal present need obligations in Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background, released on or about October 18, 2024. This DCA Report calculated a rehabilitation obligation of 0-units for the Township.

**Prior Round:**

As set forth above, the Township of Maurice River has addressed their Prior Round (1987-1999) obligation of **22**.

Bonus credits are permitted for rental units, up to 25% of the Township's Prior Round obligation in accordance with N.J.A.C. 5:93-5.15(a). As such the Township is permitted to take a bonus credit for a maximum of 5 credits. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)1, the Township is permitted to include up to 25% of the total Prior Round obligation (less prior cycle credits) as age-restricted housing units, for a maximum of 5 units.

The Township has no public sewer or water infrastructure therefore the Township's entire Prior Round obligation is deferred under a durational adjustment. The Township will implement a mandatory set-aside ordinances as proposed in this report to provide for the Prior Round obligation. If units are created under these zoning provisions the Township will update the HEFSP to indent and permissible bonus credits.

**Third Round:**

The Township's Third-Round obligation was determined utilizing the calculations prepared by Econsult Solutions pursuant to the March 2018 unpublished decision of the NJ Superior Court, Law Division, Mercer County In re Application of Municipality of Princeton, also known as the "Jacobson Decision". This decision established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court's decision in calculating Third Round affordable housing obligations.

The Township's Third Round affordable housing obligation is **43**. The Third Round Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017). According to the Econsult Solutions Report the Gap Period (1999 through 2015) obligation is 17, and the Prospective Need (2015-2025) obligation is 26, for a total obligation of 43.

Bonus credits are permitted for rental units, up to 25% of the Township's Third-Round obligation in accordance with N.J.A.C. 5:93-5.15(a). As such the Township is permitted to take a bonus credit for a maximum of 11 credits. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)1, the Township is permitted to include up to 25% of the total Third-Round obligation as age-restricted housing units, for a maximum of 11 units.

As provided for under the Prior Round, The Township has no public sewer or water infrastructure therefore the Township's entire Third-Round obligation is deferred under a durational adjustment. The Township will implement a mandatory set-aside ordinances as proposed in this report to provide for the Third-Round obligation. If units are created under these zoning provisions the Township will update the HEFSP to indent and permissible bonus credits.

#### **Fourth Round Prospective Need:**

The Department of Community Affairs (DCA) for the State of New Jersey has calculated proposed new affordable housing obligations for each municipality for Round 4 (2025 through 2035). The Township's Fourth-Round affordable housing obligation is **8**.

The amendments to the FHA for a Fourth-Round plan require a municipality provide 50% of actual affordable units, exclusive of any bonus credits, available to families with children, for a total of **3 units**<sup>4</sup>. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units for a total of **2 units**, of which of which 50% of the rental units, or **1 unit**, to be available to families with children. (N.J.S.A. 52:27D-311.l) The Township proposes to satisfy the family rental requirement through a mandatory set-aside ordinance.

The 2024 amendments to the FHA included a new component for “Transitional Housing” which can account for up to 10% of a Fourth-Round obligation. Within the Township there is a recently approved homeless shelter and inpatient substance abuse treatment facility on Schooner Landing Road. The facility is required to be licensed and one (1) bed will go towards the Township’s Fourth-Round obligation.

As provided for under the Prior Round and Third-Round, The Township has no public sewer or water infrastructure therefore the Township’s entire Fourth-Round obligation is deferred under a durational adjustment. The Township will implement a mandatory set-aside ordinance as proposed in this report to provide for the Fourth-Round obligation. If units are created under these zoning provisions the Township will update the HEFSP to indent and permissible bonus credits.

The following table addresses Fourth-Round credits which will address a portion of the Township’s Fourth-Round Obligation.

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<sup>4</sup> The Township’s Fourth-Round obligation is 8, which is permitted to include 2 bonus credits. The Township will utilize 2 bonus credits, therefore a total of 6 actual units are required to be provided in the Plan.



<b>Maurice River Fourth Round Prospective Need Plan - 8</b>	<b>Rental</b>	<b>Senior</b>	<b>Family</b>	<b>Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
<i>Transitional Housing</i>						
New Beginnings Behavioral Health	x		x	1		1
<b>TOTAL CREDITS</b>				<b>1</b>		<b>1</b>

Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. Accordingly, the Township is permitted bonus credits for up to 25% of the total Fourth-Round prospective need, allowing for the two (2) bonus credits. The Township reserves the right to apply bonus credits in the future if they become available.

### **Elements Satisfying Obligation**

The Township of Maurice River does not have any public sewer or water infrastructure, however there are areas in the Township which would permit the extension of public infrastructure or the use of a package treatment plant. These areas are within the approved Pinelands village areas as well as the approved State Planning centers and nodes. To address the durationally adjusted obligation, the Township proposes a mandatory set-aside ordinance for any future development of five (5) or more units.

### **Mandatory Set-aside Ordinance**

The Township proposes to adopt an affordable housing set-aside ordinance requiring a mandatory affordable housing set aside for any new residential

developments of five (5) units or more. The ordinance will require an affordable housing set-aside of 20% of which at least 13% would be available to very low-income households. The ordinance would apply to any residential development created through existing zoning, variance (any type), future zone changes or redevelopment of an existing property. A draft ordinance is included in the Appendix.

***New Beginnings Behavioral Health – 1 credit***

The 2024 amendments to the FHA included a new component for “Transitional Housing” which can account for up to 10% of a Fourth-Round obligation. The FHA defines “Transitional Housing,” which qualify for affordable housing credits. The term means temporary housing which meets the following criteria:

- Includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements;
- Provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing;
- Is licensed by the department (DCA); and
- Allows households to remain for a minimum of six months.

The Township the Land Use Board approved a homeless shelter and licensed inpatient behavioral health, drug and alcohol treatment facility on Block 220, Lot 5, at 40 Schooner Landing Road. The facility is required to be licensed by the State Department of Community Affairs. One (1) bed will go to the Fourth-Round affordable housing obligation. The facility is required to be licensed by the State of New Jersey. The property is in the permitting phase and once completed a copy of the license will be provided to support the facility as a transitional housing component under the Fourth-Round plan.

***Very Low-Income Units***

Very Low-income housing is affordable to those households with a gross household income of 30% or less of the median gross household income in the region. In 2008 the FHA was amended to include a requirement that at least 13% of all affordable housing units be very low-income units<sup>5</sup>. The 2024 amendments to the FHA added a provision that at least half of the very low-income units be available to families with children.

The Township is required to provide 13% of their total affordable housing units in their Third and Fourth-Round plans as very-low-income units. Accordingly, the Township is required to provide for seven (7) very-low-income units based on the combined third and fourth round obligation of 51.

It is proposed that the very low-income units be addressed through the mandatory set-aside ordinance. The Township will use AHTF to buy-down a future unit making it a very-low-income family unit, if funds are available to assist.

**Phasing Plan for Affordable Housing Units**

All proposed units are deferred under a durational adjustment. The proposed mandatory set-aside ordinance will provide for the future development of affordable housing units. The development is subject to the availability of public water and sewer and market conditions. It is therefore not possible to address the phasing of the unit development.

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<sup>5</sup> Assembly Bill A-500 adopted in 2008, also known as the Roberts Bill, created a new definition for very low-income units and a requirement that 13% of all affordable units be made available to very low-income households.

## **Bonus Provisions**

For the Prior and Third Round, in accordance with N.J.A.C. 5:93-5.15, the municipality intends to take bonus credits for up to 25% their total obligation when units become available and qualify for bonus credits.

Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. for up to 25% of the total Fourth-Round prospective need. The Township reserves the right to apply additional bonus credits in the future if they become available.

## **Affordable Housing Trust Fund**

Township of Maurice River will adopt an affordable housing trust fund ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities. A copy of the proposed ordinance is included in the Appendix. A Spending Plan will be completed to provide for the expenditure of funds projected to be collected.

## **Cost Generation**

The Township of Maurice River will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The Township shall comply with all requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

## **Monitoring**

The Township of Maurice River shall complete all required annual monitoring reports for the municipality's Affordable Housing Trust Fund and of the affordable housing units and programs in accordance with the FHA regulations and requirements. Maurice River will appoint a Municipal Housing Liaison who will have access to the AHMS and who will regularly input the required monitoring data as it becomes available.

## **Fair Share Ordinance and Affirmative Marketing**

The Township of Maurice River will adopt an Affirmative Marketing and Fair Share Ordinance in accordance with the effective regulations including the UHAC regulations at N.J.A.C. 5:80-26.<sup>6</sup> The Township's Fair Share Ordinance will govern the administration of affordable units in the Township as well as regulating the occupancy of such units. The Fair Share Ordinance will cover the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

The affirmative marketing plan will be 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,

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<sup>6</sup> At this time the State is in the process of amending the UHAC regulations and adopting new affordable housing regulations under proposed N.J.A.C. 5:99 which will potentially require amendments to the Municipal Housing Ordinances and Marketing Plan. At such time that these regulations become effective the ordinances will be completed and adopted as required by law.

disability, age or number of children to the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties.

The affirmative marketing plan will include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the affordability controls required by the FHA and UHAC. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the Township's fair share ordinances and shall be a condition of any municipal development approval.

## **Conclusion**

The Township has seen limited development over the years, despite the size of the municipality. The impacts of the Pinelands CMP have controlled development and continue to restrict future opportunities. Additionally, the lack of sewer and water infrastructure severely limits opportunities for new development. The Township recognizes there is a need to provide future opportunities for affordable housing and therefore proposes to adopt a mandatory set-aside ordinance to ensure future residential developments provide affordable housing.

*APPENDIX A – Maurice River DJ Complaint*

*APPENDIX B - Order Fixing Municipal Obligation for “Present Need” and  
“Prospective Need” for the Fourth Round Housing Cycle*

*APPENDIX C –Draft Development Fee Ordinance*

*APPENDIX D - Draft Affordable Housing Set-Aside Ordinance*

*APPENDIX E – Municipal Housing Liaison Resolution*

**TESTA HECK TESTA & WHITE, P.A.**

By : Justin R. White (#041792005)

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424 Landis Avenue

Vineland, NJ 08360

Phone: (856) 691-2300

Fax: (856) 691-5655

Attorneys for Plaintiff, Township of Maurice River

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - CIVIL PART
In the Matter of the Application of:	:	CUMBERLAND COUNTY
	:	
<b>TOWNSHIP OF</b>	:	CIVIL ACTION
<b>MAURICE RIVER,</b>	:	
	:	Docket No:
Pursuant to <u>N.J.S.A. 52:27D-304.1</u> <i>et seq.</i> :	:	
	:	<b>DECLARATORY JUDGMENT</b>
	:	<b>COMPLAINT PURSUANT TO</b>
	:	<b><u>N.J.S.A. 52:27D-304.1</u> <i>et. seq.</i></b>
	:	
	:	

Plaintiff, Township of Maurice River, with an address of 590 Main Street, Leesburg, New Jersey (hereinafter “Township” or “Maurice River”), by way of this Declaratory Judgment Action pursuant to N.J.S.A. 52:27D-304.1 *et. seq.* hereby states as follows:

**STATEMENT OF FACTS**

1. The New Jersey Legislature passed into law P.L. 2024, c. 2 which are amendments to the Affordable Housing Regulations of the Fair Housing Act.

2. Pursuant to the amendments, the law amended the Fair Housing Act to abolish the Council on Affordable Housing (COAH) and created a new process for municipalities to come into constitutional compliance with their affordable housing obligations.



3. The new land established an Affordable Housing Alternative Dispute Resolution Program (the “Program”) within the New Jersey Judiciary for the process of resolving disputes under the Fair Housing Act (“FHA”)

4. Pursuant the statute, the New Jersey Department of Community Affairs (“DCA”) was tasked with providing non-binding calculations of municipalities present and prospective needs for affordable housing using formulas outlined in P.L. 2024, c. 2.

5. DCA outlines the data sources contained in the statute and published its 10-year affordable housing calculation needed for the Fourth Round from 2025 to 2035 that each municipality in the State.

6. On October 18, 2024, DCA published its findings for the Fourth Round of affordable housing proposed allocations for all municipalities in the State of New Jersey pursuant to N.J.S.A. 52:27D-304.1.d.

7. Pursuant to the statute, after the numbers are released by DCA, municipalities must adopt a resolution no later than January 31, 2025 accepting DCA’s determination of the present and prospective fair share obligation pursuant to N.J.S.A. 52:27D-304.1.f(1)(b).

8. If a municipality does not adopt a resolution, then it must challenge DCA’s methodology with their own to dispute the numbers determined by DCA.

9. If a municipality adopts a resolution, a declaratory judgment action must be filled with the Program within 48 hours of the adoption of said resolution.

10. The filing of said declaratory judgment action is required in order to protect the municipality from exclusionary zoning litigation and protect the municipality from losing its immunity from said litigation.

11. DCA's Fourth Round calculations released in October, 2024 set forth that Maurice River's present need is zero (0) affordable housing units and prospective need is eight (8) affordable housing units.

12. On January 16, 2025 the Township Committee of the Township of Maurice River adopted Resolution 2025-39 adopting and accepting the Department of Community Affairs' Fourth Round Affordable Housing present and prospective need calculations. A true and correct copy of Resolution 2025-39 is attached hereto as Exhibit "A".

13. The Township has filed this declaratory judgment action with the program to accept the Fourth Round affordable housing obligations prepared by Department of Community Affairs for the Township of Maurice River and to preserve the Township's immunity from exclusionary zoning litigation.

### **COUNT 1**

#### **DECLARATON THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION TO BE IN ACCORDANCE WITH DCA'S OCTOBER 2022 DETERMINATION.**

14. The Township reiterates and incorporates the aforementioned allegations as if more fully set forth herein.

15. Pursuant to N.J.S.A. 52:27D-304.1 *et. seq.*, the Township seeks declaratory judgment in accordance with the statute directing that the Township's Fourth Round Affordable Housing obligation to be in accordance with DCA's October 2024 determinations.

16. The Township should be entitled to immunity from affordable housing litigation and a judgment of repose from the year 2025 to the year 2035 in accordance with N.J.S.A. 52:27D-304.1 *et. seq.*

**WHEREFORE**, the Township of Maurice River demands Judgment as follows:

- A. Declaring that the Township's Fourth Round Affordable Housing obligation from 2025 to 2035 to be a present need of zero (0) units and a prospective need of eight (8) units in accordance with the Department of Community Affairs' Affordable Housing obligations for the Fourth Round pursuant to its October 2024 methodology report;
- B. Declaring the Township immune from exclusionary zoning and affordable housing litigation for the Fourth Round period of 2025 to 2035;
- C. A Judgment of Repose;
- D. Such other relief deemed just and equitable.

**TESTA HECK TESTA & WHITE, P.A.**

Dated: January 17, 2025

BY: s/ Justin R. White

JUSTIN R. WHITE  
Attorney for Plaintiff,  
Township of Maurice River

**CERTIFICATION PURSUANT TO R. 4:5-1**

I, JUSTIN R. WHITE, an attorney at law of the State of New Jersey and a member of the law firm of Testa Heck Testa & White, P.A., attorneys for the Plaintiff, the Township of Maurice River, do hereby certify:

- 1. I am not aware of any other action pending in any Court or of a pending arbitration proceeding regarding the matters in controversy in this civil action.
- 2. I am not aware of any contemplated arbitration proceeding.
- 3. I am not aware of the identity of any other party who should be joined in this action.

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

Dated: January 17, 2025

s/ Justin R. White

JUSTIN R. WHITE  
Attorney for Plaintiff,  
Township of Maurice River

**CERTIFICATION OF REDACTION**

I, JUSTIN R. WHITE, an attorney at law of the State of New Jersey and a member of the law firm of Testa Heck Testa & White, P.A., attorneys for the Plaintiff, the Township of Maurice River., do hereby certify:

1. All confidential identifiers have been redacted from all documents and exhibits submitted with this Verified Complaint.

2. All confidential identifiers shall be redacted from all future filings.

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

Dated: January 17, 2025

s/ Justin R. White

JUSTIN R. WHITE  
Attorney for Plaintiff,  
Township of Maurice River

# **EXHIBIT “A”**

**MAURICE RIVER TOWNSHIP  
CUMBERLAND COUNTY, NJ**

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND  
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED  
NUMBERS**

**RESOLUTION # 39**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates Maurice River Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of zero (0) and a Prospective Need or New Construction Obligation of eight (8); and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

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

**WHEREAS**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, Maurice River Township accepts the DCA calculations of Maurice River Township's fair share obligations and commits to its fair share of zero (0) units present need and eight (8) units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, Maurice River Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, Maurice River Township also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, Maurice River Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Township Committee of Maurice River Township finds that it is in the best interest of Maurice River Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

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

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

**WHEREAS**, Maurice River Township seeks a certification of compliance with the FHA and, therefore, directs its municipal attorney to file a declaratory relief action within 48 hours of the adoption of this resolution in Cumberland County.


**NOW, THEREFORE, BE IT RESOLVED** on this 16th day of January, 2025 by the Township Committee of Maurice River Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Maurice River Township hereby commits to the DCA Round 4 Present Need Obligation of zero (0) units and the Round 4 Prospective Need Obligation of eight (8) units described in this resolution, subject to all reservations of rights set forth above.
3. Maurice River Township hereby directs its municipal attorney to file a declaratory judgment complaint in Cumberland County within 48 hours after adoption this resolution, attaching this resolution.
4. Maurice River Township authorizes its municipal attorney to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.

#### CERTIFICATION

I, Denise L. Peterson, Municipal Clerk of Maurice River Township, a Municipal Corporation of the State of New Jersey, located in the County of Cumberland, do hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the Township Committee of Maurice River Township at a regular meeting held in the Municipal Building, Leesburg, New Jersey, on Thursday, January 16, 2025 at 7:30 P.M.

SIGNED: \_\_\_\_\_

  
Denise L. Peterson, Municipal Clerk

**FILED**

**April 24, 2025**

**Hon. Robert G. Malestein, P.J.Ch.**

**The Hon. ROBERT G. MALESTEIN, P.J.Ch.**

Superior Court of New Jersey  
Law Division – Civil Part  
GLOUCESTER COUNTY  
Gloucester County Courthouse  
1 N. Broad Street  
Woodbury, New Jersey 08096

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE TOWNSHIP  
OF MAURICE RIVER,  
CUMBERLAND COUNTY  
PURSUANT TO P.L. 2024,  
CHAPTER 2**

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
CUMBERLAND COUNTY  
DOCKET NO. CUM-L-40-25

Civil Action

Mt. Laurel Program

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

**THIS MATTER**, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 17, 2025 (“DJ Complaint”) by the Petitioner, TOWNSHIP of MAURICE RIVER (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;



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

**AND IT APPEARING** that, pursuant to the DCA’s Fourth Round Report, the “**present need**” obligation of the Petitioner has been calculated and reported as 0 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 8 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

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

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

**IT IS, THEREFORE**, on this 24th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 0 affordable units for the Fourth Round housing cycle.

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<sup>1</sup> See [https://nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 8 affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay..

**IT IS FURTHER ORDERED**, that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this Docket No. #CUM-L-40-25-~~1-25~~, and as provided for and in accordance with Section III.B of Directive #14-24; and

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

SO ORDERED:

*Robert G. Malestein, P.J.Ch.*

**HON. ROBERT G. MALESTEIN, P.J.Ch.**  
Designated Mt. Laurel Judge – Vicinage 15

(X) Uncontested.

# APPENDIX C

## DRAFT

### ORDINANCE # \_\_\_\_\_ OF 2025

#### AN ORDINANCE AMENDING CHAPTER 35 LAND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF MAURICE RIVER CREATING A DEVELOPMENT FEE ORDINANCE FOR AFFORDABLE HOUSING

**WHEREAS**, the purpose of this Ordinance is to amend Chapter 35 Land Development Regulations, of the Code of the Township of Maurice River to incorporate standards for affordable housing development fees in accordance with the adopted Housing Element and Fair Share Plan and Spending Plan; and

**WHEREAS**, the Land Use Board of Township of Maurice River, Cumberland County, State of New Jersey, adopted a Housing Element, Fair Share Plan and Spending Plan on \_\_\_\_\_, 2025; and

**WHEREAS**, the Township Land Use Board recommends the adoption of this ordinance pursuant to the approval of the Housing Element and Fair Share Plan to the Township Committee in accordance with the requirements of N.J.S.A. 40:55D-64. The Land Use Board found that the proposed ordinance is consistent with the adopted Master Plan Elements and made a favorable recommendation supporting the ordinance amendments at their \_\_\_\_\_, 2025 meeting; and

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body for the Township of Maurice River, County of Cumberland and State of New Jersey, that Chapter 35 Land Development Regulations is hereby amended as follows:

**SECTION I.** Within Chapter 35 Land Development Regulations, create a new Article 35-17 Affordable Housing as follows:

#### **Section 35-17.1 Development Fee Ordinance**

##### **A. Purpose**

- (1) 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).

- (2) Pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 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.
- (3) This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing low- and moderate-income housing in accordance with an approved Spending Plan.

B. Basic Requirements

- (1) This Ordinance shall not be effective until approved by the State.
- (2) The Township of Maurice River shall not spend development fees until the State has approved a plan for spending such fees (Spending Plan).

C. Definitions. The following terms, as used in this Ordinance, shall have the following meanings:

“Affordable housing development” means 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 percent affordable housing development.

“Development fee” means money paid by a developer for the improvement of property as permitted at N.J.A.C. 5:97-8.3.

“Developer” means 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.

“Equalized assessed value” means 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 (C.54:1-35a through C.54:1-35c).

“Green building strategies” means 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.

D. Residential Development Fees

- (1) Imposition of Fees. Within the Township of Maurice River, 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 in accordance with the following:

- (a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one (1%) percent of the equalized assessed value for residential development provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of two and one-half (2.5%) percent of the equalized assessed value for each additional unit that may be realized. However, 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.

Example: If an approval allows four (4) units to be constructed on a site that was zoned for two (2) units, the fees could equal one (1%) percent of the equalized assessed value on the first two (2) units; and the specified higher percentage up to six (6%) percent of the equalized assessed value for the two (2) additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(2) Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

- (a) Affordable housing developments 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 Maurice River, shall be exempt from the payment of development fees.
- (b) Developments that have received preliminary or final site plan approval prior to the adoption of this 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 Permit and/or Construction 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 Construction Permit is issued.
- (c) Improvements or additions to existing one and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

- (d) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

E. Non-Residential Development Fees

(1) Imposition of Fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (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 non-residential development fee shall be zero.

(2) Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development

- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.
- (b) The two and a half percent (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.
- (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential 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 non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

- (e) If a property which was exempted from the collection of a non-residential 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 non-residential development fees under these circumstances may be enforceable by the Borough of Woodbine as a lien against the real property of the owner.

F. Collection Procedures

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential 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.
- (3) The Construction Official responsible for the issuance of a Construction Permit shall notify the Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of such notification, the Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- (5) The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the 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.
- (7) Should the Township of Maurice River 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 (C.40:55D-8.6).

- (8) Except as provided in Section 5.A.3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction 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 Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- (9) Appeal of Development Fees
  - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Maurice River. 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.
  - (b) A developer may challenge non-residential 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 Maurice River. 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, 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.

G. Affordable Housing Trust Fund

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



- (c) Rental income from municipally operated units;
  - (d) Repayments from affordable housing program loans;
  - (e) Recapture funds;
  - (f) Proceeds from the sale of affordable units; and
  - (g) Any other funds collected in connection with Maurice River's affordable housing program.
- (3) In the event of a failure by the Township of Maurice River 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 Borough of Woodbine, 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 non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, 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.
- (4) Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

#### H. Use of Funds

- (1) 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 State to address the Township'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 non-residential 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 State and specified in the approved Spending Plan.

- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30 percent 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 percent or less of the median income for Housing Region 6, in which Maurice River is located.
  - (a) 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.
  - (b) Affordability assistance to households earning 30 percent 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 percent 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.
  - (c) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Township of Maurice River, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Township 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.
- (5) No more than 20 percent 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.
  - (a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.
  - (b) 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.

I. Monitoring

The Township shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Local Government Services or other entity designated by the State of New Jersey, using forms developed for this purpose by the New Jersey Department of Community Affairs 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 non-residential 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 Maurice River's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the State.

**NOW THEREFORE, BE IT FURTHER ORDAINED** by the Governing Body for the Township of Maurice River, County of Cumberland and State of New Jersey, that a certified copy of this ordinance is forwarded to the Pinelands Commission for certification.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, held on \_\_\_\_\_, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at \_\_\_\_\_, at \_\_\_\_\_ p.m. or as soon thereafter as the matter may be reached.

**BY ORDER OF THE GOVERNING BODY OF THE TOWNSHIP OF MAURICE RIVER**

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Township Clerk

## APPENDIX D

### DRAFT

### ORDINANCE # \_\_\_\_\_ OF 2025

#### **AN ORDINANCE AMENDING CHAPTER 35 LAND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF MAURICE RIVER CREATING A DEVELOPMENT FEE ORDINANCE FOR AFFORDABLE HOUSING**

**WHEREAS**, the purpose of this Ordinance is to amend Chapter 35 Land Development Regulations, of the Code of the Township of Maurice River to incorporate standards for affordable housing development fees in accordance with the adopted Housing Element and Fair Share Plan and Spending Plan; and

**WHEREAS**, the Land Use Board of Township of Maurice River, Cumberland County, State of New Jersey, adopted a Housing Element, Fair Share Plan and Spending Plan on \_\_\_\_\_, 2025; and

**WHEREAS**, the Township Land Use Board recommends the adoption of this ordinance pursuant to the approval of the Housing Element and Fair Share Plan to the Township Committee in accordance with the requirements of N.J.S.A. 40:55D-64. The Land Use Board found that the proposed ordinance is consistent with the adopted Master Plan Elements and made a favorable recommendation supporting the ordinance amendments at their \_\_\_\_\_, 2025 meeting; and

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body for the Township of Maurice River, County of Cumberland and State of New Jersey, that Chapter 35 Land Development Regulations is hereby amended as follows:

**SECTION I.** Within Chapter 35 Land Development Regulations, create a new Section under Article 35-17 Affordable Housing as follows:

#### **Section 35-17.2 Mandatory Set-Aside Ordinance**

- A. In all districts a mandatory affordable housing set-aside on future residential development of five or more units in the Township is required, as follows:
1. Any residential development of five or more units in the Township, developed through Planning Board approval, Zoning Board approval, redevelopment or rehabilitation plan, shall require that twenty-percent (20%) of the residential units be set aside for low- and

moderate-income households.

2. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
3. All such affordable units, including the required income and bedroom distribution, shall be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., or any successor regulation, Township ordinances, and all other applicable law.

**NOW THEREFORE, BE IT FURTHER ORDAINED** by the Governing Body for the Township of Maurice River, County of Cumberland and State of New Jersey, that a certified copy of this ordinance is forwarded to the Pinelands Commission for certification.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, held on \_\_\_\_\_, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at \_\_\_\_\_, at \_\_\_\_\_ p.m. or as soon thereafter as the matter may be reached.

**BY ORDER OF THE GOVERNING BODY OF THE TOWNSHIP OF MAURICE RIVER**

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Township Clerk

## APPENDIX E

### DRAFT

### RESOLUTION \_\_\_\_\_

#### **RESOLUTION BY THE TOWNSHIP OF MAURICE RIVER APPOINTING A MUNICIPAL HOUSING LIASON FOR THE ADMINISTRATION OF THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM**

**WHEREAS**, Maurice River Township prepared a Housing Element and Fair Share Plan on June 26, 2025; and

**WHEREAS**, The Township of Maurice River's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:80-26.1 et. seq., Maurice River is required to appoint a Municipal Housing Liaison for the administration of Maurice River's affordable housing program to enforce the requirements of N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Township of Maurice River has amended Chapter 35 Article 35-17 Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Township of Maurice River's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Maurice River in the County of Cumberland, and the State of New Jersey that \_\_\_\_\_ is hereby appointed by the Governing Body of the Township of Maurice River as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the Township's Development Regulations.

\_\_\_\_\_  
Township Clerk