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MEMBER OF THE NEW JERSEY BAR AND NEW YORK BAR

March 12, 2026

VIA E-COURTS

Honorable Aldo J. Russo, J.S.C.
Superior Court of New Jersey, Essex Vicinage
Historic Courthouse, Courtroom 108
470 Dr. Martin Luther King Jr. Blvd.
Newark, New Jersey 07102

**Re: IMO the Application of the Township of Belleville, Essex County
Docket No. ESX-L-784-25**

Resolutions of the Township of Belleville Planning Board and Housing Element & Fair Share Plan, Fourth Round (2025-2035) and Amendment thereto

Dear Honorable Judge Russo:

This law office represents the Township of Belleville (the "Township") in connection with the above referenced matter. Attached in connection therewith please find the following adopted by the Planning Board of the Township of Belleville:

1. Township of Belleville's Housing Element & Fair Share Plan, Fourth Round (2025-2035), dated May 27, 2025.
2. Belleville Planning Board Resolution – Resolution of the Belleville Township Planning Board Adopting Amendments and Updates to the Township's Master Plan Concerning the Township's Fourth Round Affordable Housing Obligations, Decided and Memorialized on June 12, 2025.
3. Amendment - Township of Belleville's Housing Element & Fair Share Plan, Fourth Round (2025-2035), dated February 27, 2026 (with approved Spending Plan).
4. Belleville Planning Board Resolution – Resolution of the Belleville Township Planning Board Adopting Further Amendments and Updates to the Township's Master Plan Concerning the Township's Fourth Round Affordable Housing Obligations, Decided and Memorialized on March 12, 2026.

Thank you for your consideration in this matter.

Very truly yours,

/s/ Dean J. Donatelli

Dean J. Donatelli

Enclosures

Cc: Ariela Rutbeck-Goldman, Esq., Fair Share Housing Center (via e-courts)
Client (via email)

TOWNSHIP OF BELLEVILLE

ESSEX COUNTY, NEW JERSEY

Housing Plan Element & Fair Share Plan

Fourth Round (2025-2035)



DATE

May 27, 2025

Prepared by:



**Consulting & Municipal
ENGINEERS**

CME Associates

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A handwritten signature in blue ink, which appears to read "Malvika Apte", is written over a horizontal line.

Malvika Apte, PP, AICP
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The original document was appropriately signed and sealed in accordance with the Chapter 41 Title 13 of the State Board of Professional Planners.

ACKNOWLEDGMENTS:

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Frank Velez III, Councilman
Vincent Cozzarelli, Councilman
Diana Guardabasco, Councilwoman
Naomy De Pena, Councilwoman

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- A. Court Order Fourth Round Present Need
- B. Final Judgement of Order
- C. Adopted Development Fee Ordinance
- D. Affirmative Marketing Plan
- E. Spending Plan Draft

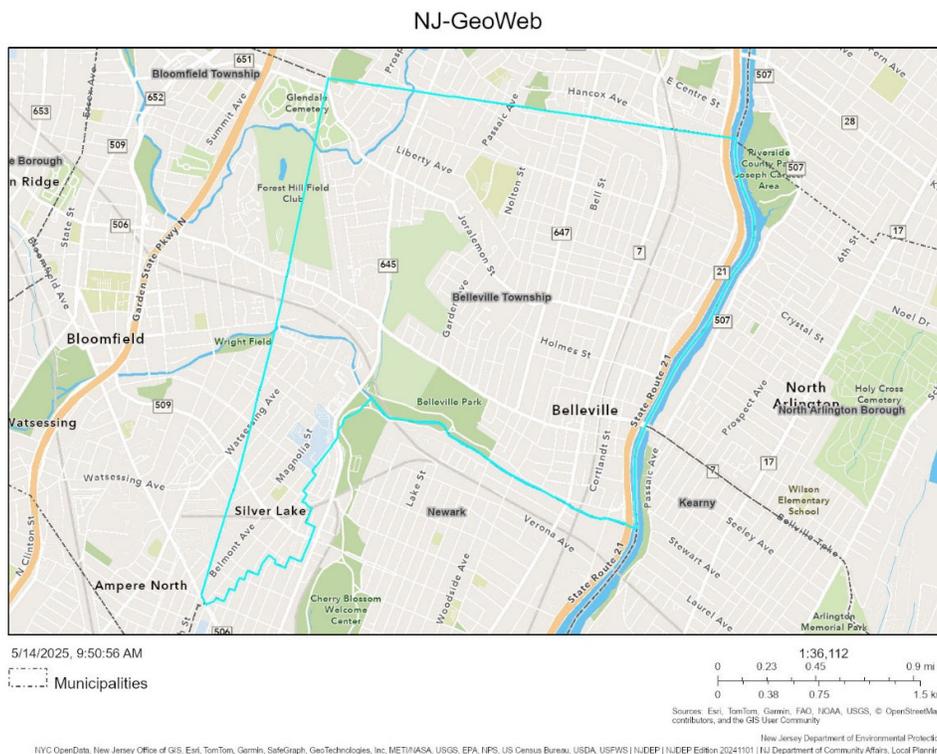
Belleville Township – Housing Plan Element and Fair Share Plan

INTRODUCTION

LOCATION AND CONTEXT

Belleville Township is 3.37 square miles in size and is located along the Passaic River in northeastern Essex County. Bordered by Nutley Township to the north, the Passaic River and Bergen County (the Borough of North Arlington and Town of Kearny) to the East, the City of Newark to the south, and Bloomfield Township to the west, the Township is part of a larger urban area that maintains a substantial industrial base, “Main Street” commercial development patterns, and established, mature residential neighborhoods. Indeed, over the course of its history, the lands that comprise the Township have transitioned from pre-Colonial agricultural outpost to post-Revolution industrial center to a residential community with an industrial base. The Township’s proximity to New York City and the City of Newark, its network of parks and recreational facilities, and ease of access to regional transportation facilities including the Garden State Parkway and several State highways each present an attractive feature of the Township for residential and commercial growth.

The Township can be characterized as a developed urban municipality and is located in State Planning Area 1 and a portion of properties in PA 8, which is known as Metropolitan Planning Area (PA 1) and Parks and Natural Area (PA 8).



Belleville Township – Housing Plan Element and Fair Share Plan

Belleville Township – Location Map Source: NJ Geo Web

AFFORDABLE HOUSING

In 1975 the New Jersey Supreme Court determined in *So. Burlington County. NAACP v. Township of Mount Laurel* (“Mount Laurel I”) that every developing municipality in New Jersey had an affirmative obligation to provide a “realistic opportunity” for its fair share of low-and moderate-income housing. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance in its “Mount Laurel II” decision. In this decision, the Court exposed municipalities that refused to comply voluntarily to the possibility of builder’s remedy relief. The Court also called for the state legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

In 1985 the Legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) (“FHA”). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary compliance and empowered municipalities to submit to COAH’s jurisdiction and voluntarily comply under the protections of the COAH process.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 (“First Round”) and for the second housing cycle in 1994; which covered the years 1993 through 1999 (“Second Round”). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the “fair share” methodology. COAH utilized a different methodology, known as “growth share,” beginning with its efforts to prepare Third Round housing-need numbers.

COAH first adopted the Third-Round rules in 2004; which were to cover the years 1999 through 2014. The “growth share” approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that along with employment opportunities there should be proportionate opportunities for affordable housing. Each municipality was required to project the amount of residential and nonresidential growth that would occur during the period 2004 through 2014 and prepare a plan to provide proportionate affordable housing opportunities. The regulations were challenged and in January 2007, the New Jersey Appellate Division invalidated key aspects of COAH’s third round rules and ordered COAH to propose and adopt amendments to its rules to address the deficiencies it had identified.

COAH adopted new Third Round rules in May of 2008 and subsequently adopted amendments that became effective on October 20, 2008. Changes to the Fair Housing Act were also adopted in July of 2008 (P.L. 2008 c. 46 on July 17, 2008). The COAH rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010

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decision the Appellate Division invalidated the “Growth Share” methodology and also indicated that COAH should adopt regulations pursuant to the “Fair Share” methodology utilized in the First and Second Rounds. The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third-Round regulations and sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in the First and Second Rounds. In October of 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party in the earlier cases, responded by filing a motion in aid of litigants’ rights with the New Jersey Supreme Court. On March 20, 2015, the Court ruled that COAH was effectively dysfunctional and consequently returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to the creation of COAH in 1986.

Since the 2015 Mt. Laurel IV decision, municipalities turned to the courts to seek a declaratory judgement of their housing plans to determine whether they are meeting their constitutional affordable housing obligations, and to be granted immunity from any “builder’s remedy” lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology following closely one proposed by Fair Share Housing Center to determine municipal obligations. In the 2018 decision by Judge Jacobson, it was further determined that the initial period of the Third Round which had not been addressed (1999 – 2015) known as the “gap period” is to be included in each municipality’s fair share calculations to address the Third Round.

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low- and moderate-income housing for the Fourth Round. This new law formally abolished COAH and established a new “Program” for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required municipalities to determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County as it related to the Third Round and adopting a binding resolution setting those obligation numbers. The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

BELLEVILLE TOWNSHIP’S COMPLIANCE HISTORY

The Township of Belleville has been identified and qualified as an Urban Aid community, thereby the municipality shall be exempt from responsibility for any fair share prospective need obligation for the upcoming ten year-round. The Township of Belleville received a Consent Order on 5th June 2019, qualifying the Township as an Urban Aid municipality that is exempt from any allocation of Third Round Prospective Need (1999-2025). The Consent Order approved Township’s Spending Plan, Affirmative Marketing Plan,

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Rehabilitation Manual and Affordable Housing Ordinance implementing the Township's Rehabilitation Manual. The Township of Belleville adopted its Home Improvement Program (HIP) Operating Manual for the program updated September 20, 2020. Due to the Global Pandemic, the Home Improvement Program was successfully launched and developed by fall 2021. The Township of Belleville has been diligently marketing and informing the Township residents of this program and has successfully completed a number of rehabilitation projects. This is discussed in the detail in later section of this plan.

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HOUSING PLAN ELEMENT

According to the Municipal Land Use Law (MLUL) (40:55D-28.b(3)), a municipality is required to adopt a Housing Plan Element of the Master Plan, as well as a Fair Share Plan for addressing its low and moderate income housing obligations in accordance with the Fair Housing Act (FHA). Pursuant to the Fair Housing Act, Section 10 of P.L. 1985, c. 222 (C. 52:27D-310), a municipality's Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with attention to low- and moderate-income housing. This updated Housing Plan Element for Belleville Township has been prepared in a manner that is consistent with the FHA and MLUL requirements, and contains the following, as spelled out in the FHA:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
7. A map of all sites designated by the municipality for the production of low- and moderate income-housing and a listing of each site that includes its owner, acreage, lot, and block;
8. The location and capacities and proposed water and sewer lines and facilities relevant to the designated sites;

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9. Copies of necessary applications for amendments to, or consistency determinations regarding, applicable area-wide water quality management plans (including wastewater management plans);
10. A copy of the most recently adopted master plan and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate, United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element may be required by the appropriate authority.

This Housing Plan Element and Fair Share Plan will address the Township's obligations to provide a realistic opportunity for the rehabilitation of low- and moderate-income housing in accordance with the Fair Housing Act, Directive # 14-24, dated December 13, 2024 issued by the Administrative office of the Courts as applicable, the MLUL, and all guidance provided by the Department of Community Affairs (DCA) and the Affordable Housing Dispute Resolution Program (Program).

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ANALYSIS OF DEMOGRAPHIC, HOUSING, AND EMPLOYMENT CHARACTERISTICS

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality’s demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township’s demographic, housing and employment characteristics based on information from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.

DEMOGRAPHICS

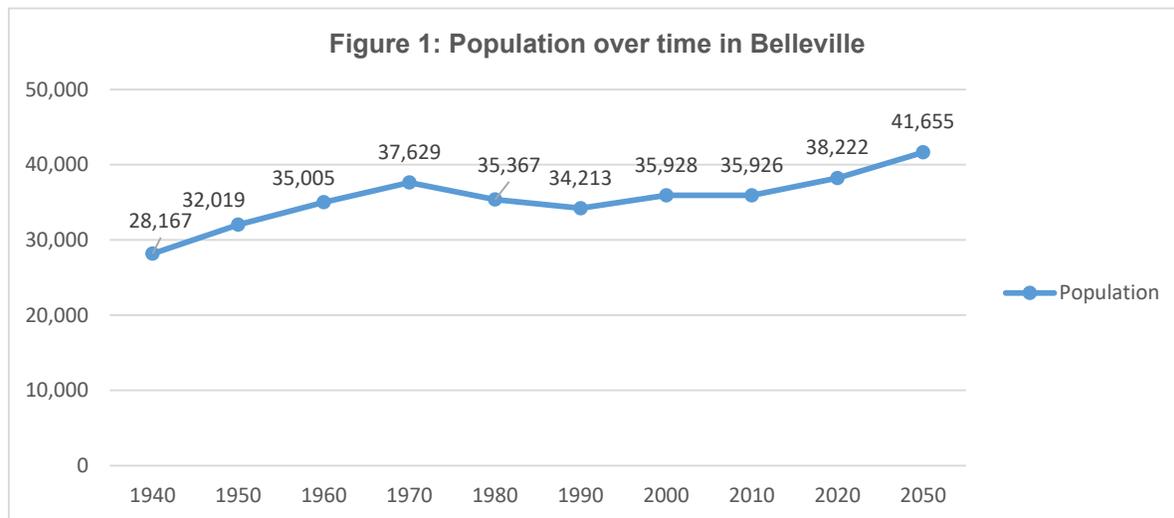
POPULATION

The Township of Belleville has experienced moderate but steady growth over the past few decades. According to the 2020 U.S Census, the Township’s population stood at 38,222 residents. This marks a 6.39% increase from the 35,926 residents recorded in 2010. In comparison, Essex County grew more rapidly from 2010 to 2020, with a 10.17% increase. To note, the population stagnated and dipped a few percentage points both at the County and Township level.

Table 1: Population Trends, 2000 - 2010

	2000	2010	2020	Percent Change 2000-2010	Percent Change 2010-2020
Belleville Township	35,928	35,926	38,222	0.0%	6.4%
Essex County	793,633	783,969	863,728	-1.2%	10.2%

Source: US Census Bureau Decennial Census (Table DP-1)



Source: US Census Bureau, Decennial Census, North Jersey Transportation Planning Authority Demographic Forecasts

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The Township’s population growth between 1940 to 2050 (actual and estimated) is illustrated in Figure 1 above. As seen in the figure, population growth hit a peak in 1970, followed by slight declines in the 1980s and 1990s. It is, however, projected that the Township’s population might experience a considerable increase by 2050, with an estimated population of 41,655.

POPULATION COMPOSITION BY AGE

The age composition of Belleville has shifted noticeably since 2000, as shown in Table 2 below. According to the U.S. Census Bureau’s Decennial Census Estimates, significant changes occurred between the older age groups. The number of elementary and pre-school-aged children has slightly decreased over this time period, as has the number of adults aged 25 to 44 years. Conversely, the Township has seen a significant increase in the number of residents aged 55 years and older. The greatest percentage increase occurred in the 60 to 64 years cohort, which grew by 79.3%, and in the 65 to 74 years, which grew by 40.1%.

Table 2: Population by Age Cohort, Belleville Township, 2000 - 2020					
Population and Cohort Type	2000		2020		Percent Change 2000-2020
	Number	Percent	Number	Percent	
Total population	35,928	100%	38,222	100%	6.4%
Under 5 years	2,133	5.9%	2,001	5.2%	-6.2%
5 to 9 years	2,164	6.0%	1,996	5.2%	-7.8%
10 to 14 years	2,271	6.3%	2,152	5.6%	-5.2%
15 to 19 years	2,063	5.7%	2,171	5.7%	5.2%
20 to 24 years	2,337	6.5%	2,479	6.5%	6.1%
25 to 34 years	6,266	17.4%	5,950	15.6%	-5.0%
35 to 44 years	5,918	16.5%	5,454	14.3%	-7.8%
45 to 54 years	4,851	13.5%	5,343	14.0%	10.1%
55 to 59 years	1,680	4.7%	2,708	7.1%	61.2%
60 to 64 years	1,439	4.0%	2,580	6.8%	79.3%
65 to 74 years	2,384	6.6%	3,341	8.7%	40.1%
75 to 84 years	1,810	5.0%	1,429	3.7%	-21.0%
85 years and over	612	1.7%	618	1.6%	1.0%

Source: US Census Bureau, Decennial Census (Table DP-1)

Essex County has also seen notable shifts in the composition of its population over the past two decades, as shown in Table 3 below. The youngest cohorts saw slight declines, while the young adult cohort (15 to 19 years and 20 to 24 years) increased by 16.6% and 5.3%, respectively. Similar to the Township, older age cohorts from 60 years and above

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have seen substantial increase of 60.3 %, reflecting an aging population at both County and Township level.

Table 3: Population by Age Cohort, Essex County, 2000 - 2020					
Population and Cohort Type	2000		2020		Percent Change 2000-2020
	Number	Percent	Number	Percent	
Total population	793,633	100%	863,728	100.0%	8.8%
Under 5 years	57,961	7.3%	51,645	6.0%	-10.9%
5 to 9 years	60,021	7.6%	56,675	6.6%	-5.6%
10 to 14 years	56,990	7.2%	58,979	6.8%	3.5%
15 to 19 years	52,725	6.6%	61,482	7.1%	16.6%
20 to 24 years	53,561	6.7%	56,412	6.5%	5.3%
25 to 34 years	119,423	15.0%	119,677	13.9%	0.2%
35 to 44 years	127,716	16.1%	122,457	14.2%	-4.1%
45 to 54 years	102,840	13.0%	117,293	13.6%	14.1%
55 to 59 years	37,352	4.7%	55,402	6.4%	48.3%
60 to 64 years	30,664	3.9%	49,164	5.7%	60.3%
65 to 74 years	48,972	6.2%	68,170	7.9%	39.2%
75 to 84 years	33,097	4.2%	32,547	3.8%	-1.7%
85 years and over	12,311	1.6%	13,825	1.6%	12.3%

Source: US Census Bureau, Decennial Census (Table DP-1)

The median age of Belleville residents increased by 8% from 2000 and 2020, rising from 36 to 39 years. This trend mirrors broader aging patterns seen across Essex County and New Jersey. Essex County experienced an increase of 6.9% in comparison to an 8.7% at the State level.

Table 4: Median Age, 2000 – 2020			
	2000	2020	Percent Change
Belleville Township	36.2	39.1	8.0%
Essex County	34.7	37.1	6.9%
New Jersey	36.7	39.9	8.7%

Source: US Census Bureau, Decennial Census (Table DP-1)

HOUSEHOLDS

A household is defined as one or more individuals, related or not, living together in a single housing unit. According to the 2023 ACS 5-Year estimates, there were 14,176 households in the Township. Of these, the share was equally divided across all household sizes with 27.7% of 1-person, 27.3% of 2-persons and 27.8% of 4 or more persons.

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As illustrated in Table 5, the Township and the County have a similar makeup of household size, with the largest being a 1-person household at 30.7% at the County level.

The Township’s average household size was 2.66 people, close to the County’s average of 2.62 and New Jersey’s average of 2.61, according to the ACS estimates.

Table 5: Household Characteristics, 2023						
	Belleville Township		Essex County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
Total Households	14,176	100.0%	317,473	100.0%	3,478,355	100.0%
1-person	3,933	27.7%	97,614	30.7%	918,897	26.4%
2-persons	3,872	27.3%	84,826	26.7%	1,081,842	31.1%
3-persons	2,432	17.2%	54,116	17.0%	594,946	17.1%
4 or more persons	3,939	27.8%	80,917	25.5%	882,670	25.4%
Average Household Size	2.66 people		2.62 people		2.61 people	

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table S2501& B25010)

Family households are defined as two or more individuals living together in the same residence, related by blood, marriage, or adoption. Of the total 14,176 households within Belleville, a total of 9,244 (65.2 %) are family households. Similarly, Essex County has 64.2% family and 35.8% non-family households.

Table 6: Household by Type, 2023				
	Belleville		Essex County	
	Number	Percent	Number	Percent
Total Households	14,176	100.0%	317,473	100.0%
Average Family Size	3.32 people		3.31 people	
Family Households	9,244	65.2%	203,865	64.2%
Married Couple Family	6,320	68.4%	127,018	62.3%
- With own children under 18 years	2,824	44.7%	59,073	46.5%
- No children under 18 years	3,496	55.3%	67,945	53.5%
Male householder, no wife present	735	8.0%	20,481	10.0%
- With own children under 18 years	280	38.1%	9,437	46.1%
- No own children under 18 years	455	61.9%	11,044	53.9%
Female householder, no husband present	2189	23.7%	56,366	27.6%
- With own children under 18 years	889	40.6%	28,896	51.3%
- No own children under 18 years	1,300	59.4%	27,470	48.7%

Belleville Township – Housing Plan Element and Fair Share Plan

Table 6: Household by Type, 2023				
	Belleville		Essex County	
	Number	Percent	Number	Percent
Nonfamily Households	4,932	34.8%	113,608	35.8%
65 years and over	1,644	11.6%	36,827	11.6%
<i>Source: US Census Bureau, American Community Survey 5-year Estimates 2023 (Table S1101)</i>				

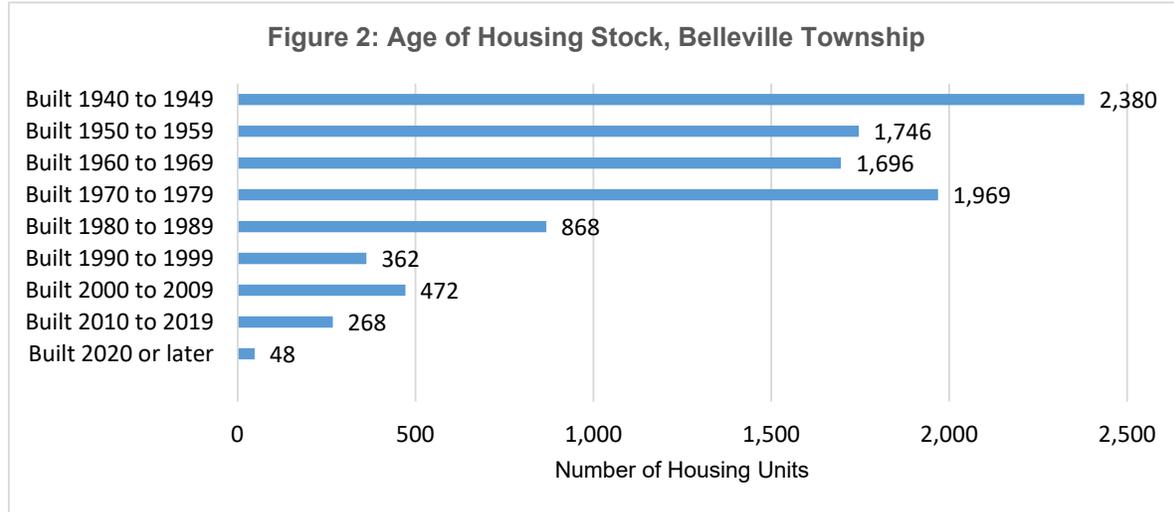
Within the Township, approximately 68.4% of family households consist of married couple householders. Among the remaining family households, 8% are headed by a single male householder and 23.7% are headed by a single female householder. The average family size in the Township is 3.32 persons. The percentage share within family households is similar at the County level as well. To note, there are about 11.6% non-family households that are aged 65 years and above both at the County and Township level.

EXISTING HOUSING CONDITIONS

Belleville’s housing stock is predominantly occupied, as indicated in Table 7. Only 6.6% of the housing units are vacant. Of the total of 14,176 occupied housing units, 56.2% are owner-occupied while 43.8% are renter-occupied.

Table 7: Housing Units, 2023, Belleville		
	Number	Percent
Total Housing Units	15,183	100.0%
Occupied Housing Units	14,176	93.4%
Owner Occupied	7,961	56.2%
Renter Occupied	6,215	43.8%
Vacant Housing Units	1,007	6.6%
For rent	38	3.8%
Rented, not occupied	132	13.1%
For sale only	78	7.7%
Sold, not occupied	35	3.5%
For seasonal, recreational, or occasional use	0	0.0%
For migrant workers	400	39.7%
Other vacant	0	0.0%
<i>Source: US Census Bureau, ACS 5-year Estimates 2023 (Tables DP04 and B25004)</i>		

Belleville Township – Housing Plan Element and Fair Share Plan



Source: US Census Bureau, ACS 5-year estimates 2023

As illustrated in Figure 2, building activity in the Township was at its peak during the early period of 1940-1949 and 1970-1979. Since 1980, construction appears to have dipped substantially, due to slower housing market post-recession.

HOUSING TYPE AND SIZE

Belleville’s housing stock is predominantly comprised of single-family detached homes, making up approximately 41.2% of the total housing units. It is followed by 2-unit duplex housing accounting for 20.4% of the total units. Multi-family housing containing 20 or more units comprise 10.1% of the total units. In terms of bedrooms, 30.8% and 34.1% are made up of 2- and 3-bedroom units, respectively.

	Number	Percent
Total Housing Units	15,183	100.0%
1-unit detached	6,250	41.2%
1-unit, attached	814	5.4%
2 units	3101	20.4%
3 or 4 units	1382	9.1%
5 to 9 units	802	5.3%
10 to 19 units	1280	8.4%
20 or more units	1530	10.1%
Mobile home	24	0.2%
Boat, RV, Van, etc.	0	0.0%
Bedrooms		
No bedroom	779	5.1%
1 bedroom	2938	19.4%

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Table 8: Housing Units by Type, 2023, Belleville		
2 bedrooms	4,680	30.8%
3 bedrooms	5,173	34.1%
4 bedrooms	1,170	7.7%
5 or more bedrooms	443	2.9%
<i>Source: US Census Bureau, ACS 5-year Estimates 2023 (Tables DP04)</i>		

HOUSING VALUES AND CONTRACT RENTS

Table 9 provides a detailed breakdown of home values for owner-occupied units within the Township. According to the ACS 5-Year Estimates, the majority of housing units in Belleville (56.8%) were valued between \$300,000 to \$499,999. However, the highest share of median value of housing units in the County was between \$500,000 to \$999,999 at 37.4%, reflecting a higher median value than the Township. The median value of an owner-occupied home in Belleville in 2023 was \$405,800, which is considerably lower than the County's median.

Table 9: Value of Owner-Occupied Housing Units, 2023				
	Belleville		Essex County	
	Number	Percent	Number	Percent
Total	7,961	100.0%	141,377	100.0%
Less than \$50,000	190	2.4%	4224	3.0%
\$50,000 to \$99,999	78	1.0%	1211	0.9%
\$100,000 to \$149,999	113	1.4%	2283	1.6%
\$150,000 to \$199,999	259	3.3%	3726	2.6%
\$200,000 to \$299,999	1263	15.9%	16654	11.8%
\$300,000 to \$499,999	4,520	56.8%	43,938	31.1%
\$500,000 to \$999,999	1,445	18.2%	52,829	37.4%
\$1,000,000 and greater	93	1.2%	16,512	11.7%
Median Value	\$405,800		\$494,400	
<i>Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)</i>				

Table 10 below provides a breakdown of gross rent paid within the Township and County. Rental prices in Belleville majorly fall between the range of \$1,000 to \$1,499 per month at 40.2%. Even at the County level, the majority share lies between the same range at 31.1%. According to the 2023 ACS 5-Year Estimates, the median gross rent in the Township was \$1,592, slightly higher than the County median of \$1,459.

Additionally, approximately 185 units in the Township did not require cash rent payments, compared to 3,459 such units across the County.

Belleville Township – Housing Plan Element and Fair Share Plan

Table 10: Gross Rent Paid, 2023				
	Belleville		Essex County	
	Number	Percent	Number	Percent
Total	6,030	100.0%	172,637	100.0%
Less than \$500	30	0.5%	17,560	10.2%
\$500 to \$999	183	3.0%	19,907	11.5%
\$1,000 to \$1,499	2,427	40.2%	53,634	31.1%
\$1,500 to \$1,999	2,053	34.0%	46,316	26.8%
\$2,000 to \$2,499	1,227	20.3%	21,870	12.7%
\$2,500 to \$2,999	92	1.5%	6,572	3.8%
\$3,000 or more	18	0.3%	6,778	3.9%
No rent paid	185	3.1%	3,459	2.0%
Median Contract Rent	\$1,591		\$1,459	

Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)

HOUSING CONDITIONS

According to the 2023 ACS estimates, 6.3% of the owner-occupied units and 8% of the renter-occupied units out of the total occupied housing units are overcrowded in Belleville, meaning that they house more than 1 persons per room. The data also reveals that there are 17 units that lack plumbing facilities and 117 units that lack kitchen equipment in the Township as of 2023. These housing deficiencies are key factors in assessing overall housing conditions across the Township and determining municipal rehabilitation needs. Table 11 below provides a breakdown of housing deficiency characteristics based on the 5-year ACS data.

Table 11: Housing Deficiency Characteristics, 2023, Belleville Township		
Housing Units with 1 or More Persons Per Room		
	Count	Percent
Owner-Occupied	513	6.4%
Renter-Occupied	500	8.0%
Plumbing Facilities		
Total Occupied Housing Units	14,176	100.0%
Lacking complete plumbing facilities	17	0.1%
Kitchen Equipment		
Total Occupied Housing Units	14,176	100.0%
Lacking complete kitchen facilities	117	0.8%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Tables B25014, S2504)

Belleville Township – Housing Plan Element and Fair Share Plan

HOUSING STOCK

According to the New Jersey Department of Community Affairs (DCA), the Township of Belleville issued building permits for 1,236 new residential units between January 2013 and December 2023. During this period, the Township also approved 7 residential demolition permits. Subtracting the demolition permits from the construction permits reveals a net increase of 1,229 residential units over the same timeframe.

Notably, the Township’s multi-family housing stock saw increased growth from 2019 compared to 1 and 2 family homes. As such, the housing market in Belleville seems to experience an upward trend in the later years.

Table 12: Building Permits and Demolition Permits Issued 2013 - 2023						
Year	1&2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2013	17	0	0	17	1	16
2014	0	86	0	86	1	85
2015	10	0	0	10	0	10
2016	0	0	0	0	0	0
2017	7	0	0	7	0	7
2018	15	16	3	34	0	34
2019	8	288	0	296	5	291
2020	9	30	0	39	0	39
2021	8	299	0	307	0	307
2022	10	150	0	160	0	160
2023	12	268	0	280	0	280
Total	96	1137	3	1236	7	1229
<i>Source: NJ DCA, Construction Reporter 2013 to 2023</i>						

EMPLOYMENT DATA

EMPLOYMENT STATUS

ACS estimates provide data on the work activity of residents aged 16 and older. As of 2023, Belleville’s working-age population was 31,387 with approximately 21,627 (68.9%) residents in the labor force. Around 31.1% of the Township’s working-age residents were not participating in the labor force at the time of the estimates, which is comparable to the County’s 33.8% non-participation rate. Most of the Township’s labor force were employed in civilian jobs, with 28 residents reported as members of the armed forces. The unemployment rate for Township residents was approximately 7%, comparable to the County’s rate of 5.5%.

Belleville Township – Housing Plan Element and Fair Share Plan

Table 13: Employment Status, 2023				
	Belleville		Essex County	
	Number	Percent	Number	Percent
Population 16 years and over	31,387	100.0%	674,746	100.0%
In labor force	21,627	68.9%	446,937	66.2%
Civilian Labor Force	21,599	68.8%	446,633	66.2%
Employed	19,409	61.8%	409,416	60.7%
Unemployed	2,190	7.0%	37,217	5.5%
Armed Forces	28	0.1%	304	0.0%
Not in Labor Force	9,760	31.1%	227,809	33.8%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

WORKER CLASSIFICATION

As shown in Table 14 below, approximately 79.1% of Township’s workers were employed in private wage and salary positions, while 4.7% were self-employed. Government employees made up 16.3% of the workforce, with no unpaid family workers.

Table 14: Classification of Workers, Belleville Township, 2023		
	Number	Percent
Total	19,409	100.0%
Private Wage and Salary Worker	15,346	79.1%
Government Worker	3,160	16.3%
Self-Employed Worker	903	4.7%
Unpaid Family Worker	0	0.0%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

WORKFORCE BY SECTOR

An analysis of employed individuals over the age of 16 by economic sector reveals while there is a diverse range of industries in which the Township’s working-age population is engaged. The sector with the highest share of workforce is educational and healthcare services at 24.7%. It is followed by retail trade and manufacturing at 12.8% and 10.9%, respectively.

Table 15: Workforce by Sector, Belleville Township, 2023		
Industry	Number	Percent
Civilian employed population 16 years and over	19,409	100.0%
Agriculture, forestry, fishing and hunting and mining	55	0.3%
Construction	1,245	6.4%
Manufacturing	2,114	10.9%
Wholesale trade	556	2.9%
Retail trade	2,482	12.8%
Transportation and warehousing, and utilities	1,395	7.2%

Belleville Township – Housing Plan Element and Fair Share Plan

Table 15: Workforce by Sector, Belleville Township, 2023		
Industry	Number	Percent
Information	234	1.2%
Finance and insurance, and real estate and rental and leasing	1,278	6.6%
Professional, scientific, and management, and administration and waste management services	1,654	8.5%
Educational services, health care and social assistance	4,797	24.7%
Arts, entertainment, recreation, and accommodation and food services	1,588	8.2%
Other services, except public administration	805	4.1%
Public administration	1,206	6.2%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

OCCUPATIONS BY TYPE

Table 16 presents a breakdown of occupations by type within the Township’s employed civilian labor force. The largest segment is engaged in management, business, science, and arts occupations (37.1%), followed by sales and office occupations (23.5%), service occupations (17.9 %).

Table 16: Occupations by Type, Belleville Township, 2023		
	Number	Percent
Employed Civilian population 16 years and over	19,409	100.0%
Management, business, science, and arts occupations	7,198	37.1%
Service occupations	3,472	17.9%
Sales and office occupations	4,552	23.5%
Natural resources, construction, and maintenance occupations	1,500	7.7%
Production, transportation, and material moving occupations	2,687	13.8%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

COMMUTING TO WORK

As shown in Table 17 below, the vast majority of residents (70.9%) commute to work alone by private vehicle, which is slightly more than the County's rate of 53.9%. At the Township level, those who carpool represent 10.2 % of the workforce, followed by those who travel by public transport (8.6%). At the County level, 16.2% of the workforce take the public transport and 14.2% work from home.

Belleville Township – Housing Plan Element and Fair Share Plan

Table 17: Means of Commute, 2023				
	Belleville Township		Essex County	
	Number	Percent	Number	Percent
Workers 16 years and over	18,994	100.0%	397,217	100.0%
Car, truck, van - Drove Alone	13,461	70.9%	213,923	53.9%
Car, truck, van - Carpooled	1,932	10.2%	31,644	8.0%
Public transportation (excluding taxicab)	1,627	8.6%	64,322	16.2%
Walked	479	2.5%	12,188	3.1%
Other means	318	1.7%	18,654	4.7%
Worked from home	1,177	6.2%	56,486	14.2%

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03)

As indicated in Table 18 below, 51.8% of Belleville residents have a commute of more than 30 minutes, which is interestingly comparable to the County at 52.3%. Similarly, 28.4% of Township residents have a commute of less than 20 minutes, slightly more than the County rate of 26%.

Mean travel time to work at the Township level is 32.4 while at the County level it is 34 minutes.

Table 18: Travel Time to Work, 2023				
	Belleville Township		Essex County	
	Number	Percent	Number	Percent
Less than 10 minutes	1,163	6.5%	21,578	6.3%
10 to 19 minutes	3,901	21.9%	66,831	19.6%
20 to 29 minutes	3,518	19.7%	74,269	21.8%
30 to 44 minutes	5,027	28.2%	84,709	24.9%
45 to 59 minutes	1,639	9.2%	31,997	9.4%
60 to 89 minutes	1,784	10.0%	41,365	12.1%
90 or more minutes	785	4.4%	19,982	5.9%
Mean travel time to work (minutes)	32.3		34	

Source: US Census Bureau, ACS 5-year Estimates 2023 (Table DP03, B08303)

Belleville Township – Housing Plan Element and Fair Share Plan

FAIR SHARE PLAN

Affordable Housing regulations define a “Fair Share Plan” as follows:

“Fair share plan” means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L., by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.”

This Housing Element and Fair Share Plan satisfies all the applicable requirements set forth within the Municipal Land Use Law, the Fair Housing Act, Directive #14-24, dated December 13, 2024, issued by the Administrative Office of the Courts as applicable, and all applicable prior rules and regulations established by COAH as applicable.

The Township’s Fair Share Plan specifically describes the completed and proposed mechanisms to address the Prior Round obligations, present need (Rehabilitation) obligation, and prospective need (Fourth Round) obligation. Belleville Township Fourth Round (2025-2035) present need number was arrived at by Court Order fixing municipal obligation for “present need” and “prospective need” for the fourth-round housing cycle, dated March 24, 2025. Per the Court’s order, Belleville’s present need is 324 and 0 prospective need.

FAIR SHARE OBLIGATION

The Township has the following cumulative affordable housing obligations for the Fourth Round (and prior):

- Rehabilitation / Present Need = 324 Units
- Prospective Need (2025-2035) = 0

INCOME LEVELS

Belleville Township is in COAH’s Region 2, which includes Essex, Morris, Union, and Warren 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. Very-low-income households are a subset of “low income” households and are defined as households earning 30% or less of the regional median income.

Belleville Township – Housing Plan Element and Fair Share Plan

REHABILITATION OBLIGATION (1999-2025)

Township of Belleville has an approved Spending Plan order through the Final Order of Judgement dated May 29, 2019. The adopted Spending Plan projected rehabilitation of up to 76 units. Municipal present need for each 10 year round of affordable housing obligations is determined by estimating the deficient housing units occupied by low and moderate income households in the region, through the use of then available datasets made available through the federal decennial census and America Community Survey. Some of these credits are being met through a combination of existing group home, age restricted housing and Essex County Rehab Program and Belleville Township Home Improvement Program. These are explained below:

REHABILITATION CREDITS:

Essex County Housing Rehabilitation Program

Between 2000 to 2018, numerous residents have taken advantage of Essex County’s housing Rehabilitation Program and a total of 78 cases have been rehabilitated in Township of Belleville. From 2019-2024, a total of additional 12 units have been rehabilitated.

The Township of Belleville is eligible for a total of 90 credits through Essex County Rehabilitation Program.

Township of Belleville Rehabilitation Program

The Township of Belleville has established a Home Improvement Program since 2021. Since its inception, a total of 16 units have been rehabilitated.

Address	Block/lot	Date	Total Project Cost
106 Cedar Hill Avenue	B6002 L13	1/9/24	\$17,168.00
117 Garden Avenue	B4105 L13	10/27/23	\$29,800.00
123 Mount Prospect Avenue	B6002 L30	8/18/22	\$20,250.00
15 Wilber Street	B3701 L21	8/2/22	\$16,325.00
17 Nolton Street	B4901 L44	8/4/23	\$23,900.00
201 Joralemon Street	B6905 L 6	7/8/24	\$20,263.00
23 Oak Street	B7001 L210	4/27/22	\$23,950.00
24 Mount Prospect Avenue	B5902 L6	4/28/23	\$19,700.00
307-303 Franklin Avenue	B2601 L22	10/25/22	\$15,360.00
354 Union Avenue	B6350 L3	3/30/23	\$16,900.00
418 Franklin	B3503 L 7	12/3/24	\$22,950.00
48-50 Lake Street	B2002 L 4	11/11/22	\$21,450.00
6 Essex Street Apt 4	B8905 L38	11/8/22	\$18,420.00
70 Chestnut Street	B3802 L21	3/11/22	\$22,000.00
76 Columbus Avenue	B6001 L7	1/9/24	\$8,300.00

Belleville Township – Housing Plan Element and Fair Share Plan

Address	Block/lot	Date	Total Project Cost
128 Willam Street	B7602 L22	4/7/25	\$26,140.00

The Township of Belleville intends to continue this program to partially satisfy its Fourth-Round present need obligation.

NEW CONSTRUCTION CREDITS

Belleville can apply a total of 165 credits towards satisfaction of its present need Third Round obligation as follows:

Arc of Essex County- 44 Maple Ave

The Arc of Essex County owns a facility located at 44 Maple Avenue on Block 2402, Lot 9. The facility has six bedrooms that serve very low income developmentally disabled adults. The home is licensed by the Department of Human Services. The facility has received HUD funding and Department of Human services. The home is eligible to receive six credits pursuant to N.J.A.C. 5:93-5.8.

Based on the above, Arc of Essex County, Maple Avenue is eligible for 6 credits.

First Cerebral Palsy of New Jersey- 9 Sanford Ave

First Cerebral Palsy of New Jersey maintains a group home located at 9 Sanford Ave. According to the First Cerebral Palsy the facility is licensed by Department of Human Services, The home serves six very low-income individuals. The home is eligible to receive six credits pursuant to N.J.A.C.5:93-5.8.

Based on the above, First Cerebral Palsy of New Jersey, Sanford Ave is eligible for 6 credits.

Project Live- Jeraldo

Project Live, Inc., a private, non-profit agency that provides a wide range of residential rehabilitation support, vocational and social services to mentally ill adults in Essex County and has a group home for chronic mentally ill adults in Belleville. The facility is located at 21 Jeraldo Street on Block 107, Lot 13 and has three bedrooms for very low-income residents. The home has received HUD McKinney funding, Federal Home Loan Bank funding, and Essex County Home Funding. Licensing is by the Department of Human Services. The home is eligible to receive three credits pursuant to N.J.A.C.5:93-5.8(alternate living arrangements).

Based on the above, Project Live, Jeraldo Street is eligible for 3 credits

Belleville Township – Housing Plan Element and Fair Share Plan

Project Live- Smith

Located at 61 Smith Street (Block 6704 Lot 9) is a second Project Live facility. The home is permanent supportive housing facility. A total of three very low-income residents live in the home. This facility has received HUD McKinney, Federal Home Loan Bank and Essex County HOME funding. Licensing is by the Department of Human Services. The home is eligible to receive three credits pursuant to N.J.A.C.5:93-5.8 (alternative living arrangements).

Based on the above, Project Live, Smith Street is eligible for 3 credits

29 Rossmore Place

Located on Block 7802, Lot 12 is 29 Rossmore Place. This facility is a licensed Class A Rooming House, licensed by the Department of Community Affairs, Division of Codes and Standards. The facility has a licensed capacity of nine units. There is no deed restriction on the property, which is typical of a boarding home facility.

Class A rooming (boarding) homes regulated by the Department of Community Affairs are eligible for crediting as an alternative living arrangement to pursuant to N.J.A.C.5:93-5.8.

Based on the above, 29 Rossmore is eligible for 9 credits.

56 Van Houten Place

Located on Block 7703, Lot 1 is 56 Van Houten Place (also known as 108 Hornblower Avenue). This facility is a licensed Class A Rooming House, licensed by the Department of Community Affairs, Division of Codes and Standards. The facility has a licensed capacity of 12 units. There is no known deed restriction on the property, which is typical of a boarding home facility.

Class A rooming (boarding) homes regulated by the Department of Community Affairs are eligible for crediting as an alternative living arrangement to pursuant to N.J.A.C.5:93-5.8.

Based on the above, 56 Van Houten is eligible for 12 credits.

Domestic Violence Shelter

Within Belleville there is a women’s domestic violence shelter. The shelter has 40 beds and provides temporary housing for battered women. In order to keep the anonymity of

Belleville Township – Housing Plan Element and Fair Share Plan

the property, the address is not included in the report. The definition of alternative living arrangement includes transitional facilities for the homeless, boarding homes and congregate living arrangements. This facility is a haven for women who would otherwise be homeless. Based on this information and intent of the rules, the Township believes this facility should be eligible for crediting under N.J.A.C.5:93-5.8

Based on the above, this facility is eligible for 40 credits.

Franklin Manor- Age Restricted Units

The Township of Belleville adopted a Redevelopment Plan for the aforementioned property identified as Block 3101, Lot 2.02, located at 608 Mill Street. The property contains a total of 86 age restricted units consisting of 75 one-bedroom units and 11 two bedroom units. The units are deed restricted for 30 years since 2016.

Based on the above, Franklin Manor will be eligible for 86 credits.

Belleville Township – Housing Plan Element and Fair Share Plan

Mechanism	Credit Type	Credit
Essex County Rehab Program	Rehabilitation	90
Arc- 44 Maple	Group Home	6
First Cerebral Palsey	Group Home	6
Project Live I	Group Home	3
Project Live II	Group Home	3
29 Rossmore Place	Alternative Living	9
56 Van Houten Place	Alternative Living	12
Franklin Manor	Age Restricted	86
Domestic Violence Shelter	Alternative Living	40
Belleville Home Improvement Program	Rehabilitation	16
Total		271

Belleville Township – Housing Plan Element and Fair Share Plan

PRESENT NEED (REHABILITATION) OBLIGATION (JULY 1, 2025-JUNE 30, 2025)

The Township has a rehabilitation obligation of **324 units** to satisfy the Present Need.

Belleville Township will continue to participate in the Essex County Housing Improvement Program in order to rehabilitate the owner occupied units. Based on the history, Township of Belleville anticipates at least 20 units to be rehabilitated through the program.

In addition, the Township shall also continue its established municipal Home Improvement Program to rehabilitate and repair major systems of existing dwellings in the Township that are owned or occupied by low- and moderate-income households. The Township of Belleville has an established Affordable Housing Trust Fund, which will ensure sufficient funds to meet the rehabilitation obligation. In addition to the Rehabilitation Program, the Township shall continue to explore other opportunities and mechanisms in order to create affordable housing opportunities within the Township.

Belleville Township – Housing Plan Element and Fair Share Plan

HOUSING ADMINISTRATION

AFFORDABLE HOUSING REHABILITATION PROGRAM

The Township Code at Chapter 32 governing the Affordable Housing Rehabilitation Program within the Township was adopted on November 27, 2018, and is compliant with all Fair Housing Act and Uniform Housing Affordability Controls (UHAC) requirements.

- The Township of Belleville shall establish a rehabilitation Program in order to meet its Rehabilitation Share.
- All rehabilitated rental or owner-occupied units shall remain affordable to very low, low and moderate income households for a period of 10 years.
- The Township of Belleville shall dedicate a minimum of \$10,000 in hard costs for each unit to be rehabilitated through this Program.
- All affordable units shall be affirmatively marketed in accordance with UHAC and applicable laws.

DEVELOPMENT FEE ORDINANCE

The Township's current development fee ordinance at Chapter 31 of the Town Code requires that all new residential construction make a contribution equal to 1.5% of the equalized assessed value of the construction, and all new non-residential construction provides a contribution of 2.5% of the equalized assessed value of the construction, to the Township's dedicated Affordable Housing Trust Fund.

AFFORDABLE HOUSING TRUST FUND

The Township has an interest-bearing affordable housing trust fund in place, and consistent with the updated development fee ordinance discussed above, will impose development fees on all applicable residential and non-residential development, and said fees shall be deposited into the affordable housing trust fund.

The Township will adopt by resolution an updated Spending Plan for the affordable housing trust fund. The Spending Plan will provide an outline of how the Township intends to utilize these funds to further the goals and mechanisms established in this Plan, and in accordance with prior COAH regulations found at N.J.A.C. 5:97 et seq, and with the Fair Housing Act. This will include a summary of revenues and expenditures to date from the affordable housing trust fund, identify mechanisms to collect revenues, project anticipated future revenues and interest, as well as outline all proposed spending from the trust fund. Funds will be spent on appropriate housing activity, affordability assistance, and administrative expenses consistent with applicable prior COAH regulations.

Belleville Township – Housing Plan Element and Fair Share Plan

In the event that funding sources identified in the Spending Plan prove to be inadequate to complete the affordable housing programs outlined in this Housing Plan, the Township shall provide sufficient funding to address any such shortfalls.

MUNICIPAL HOUSING LIAISON

Pursuant to Chapter 2 of the Township Code, the Township will appoint a municipal staff member as the designated Municipal Affordable Housing Liaison, who will be responsible for overseeing all affordable housing regulations and corresponding with administrative agent(s), the public, and all other related affordable housing professionals.

AFFORDABLE HOUSING ADMINISTRATIVE AGENT

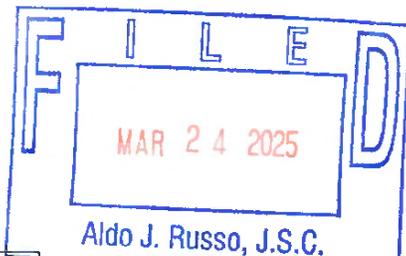
Pursuant to Chapter 2 of the Township Code, the Township will ensure that all future Rehabilitation projects are administered by a qualified affordable housing professional and will appoint an Administrative Agent to administer all projects that do not have their own administrative agent.

Pursuant to N.J.A.C. 5:80-26.15(f), the Township will adopt an updated Affirmative Marketing Plan to ensure that all available affordable units are marketed to the appropriate populations through robust marketing programs, mailings, and community meetings.

All of the above referenced Chapters of the Belleville Township Code will be updated and revised to reflect and incorporate, as appropriate, the provisions of the 2024 legislation governing the Township's Fourth Round Obligations and all related legislative updates.

Belleville Township – Housing Plan Element and Fair Share Plan

APPENDICES



PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF TOWNSHIP OF
BELLEVILLE, ESSEX COUNTY
PURSUANT TO P.L. 2024, CHAPTER
2**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ESSEX COUNTY
DOCKET NO. ESX-L-784-25**

Civil Action

**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 29, 2025 (“DJ Complaint”) by the Petitioner, Township of Montclair (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

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 **324** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **0** 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 **24** day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **three hundred and twenty four (324)** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **zero (0)** 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 a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



HON. ALDO J. RUSSO, J.S.C.

Designated Mount Laurel Judge- Essex Vicinage

Uncontested.

FILED

10:56 am, Jun 06, 2019

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Attorneys for Petitioner,
The Township of Belleville

IN THE MATTER OF THE TOWNSHIP OF
BELLEVILLE.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

Civil Mt. Laurel Action

Docket No.: ESX-L-4759-15

**Final Order for Judgement Regarding
Belleville Township's Spending Plan,
Affirmative Marketing Plan, Rehabilitation
Manual, and Affordable Housing Ordinance
Implementing the Township's
Rehabilitation Manual**

THIS MATTER having been opened to the Court jointly by Inglesino, Webster, Wyciskala & Taylor, LLC, counsel for Petitioner, the Township of Belleville (the "Township"), and Kevin Walsh, Esq., counsel for Fair Share Housing Center ("FSHC" and, collectively with the Township, the "Parties"), upon notice to the Court-Appointed Special Master, Elizabeth C. McKenzie, A.I.C.P., P.P., for entry of a Consent Order approving the Township's Spending Plan, Affirmative Marketing Plan, Rehabilitation Manual, and Affordable Housing Ordinance Implementing the Township's Rehabilitation Program, and the Township's governing body having considered and formally approved the foregoing documents, and the Parties acknowledging that the Township is a qualifying Urban Aid municipality pursuant to N.J.A.C. 5:93-2.3(b) that is

exempt from any allocation of Third Round Prospective Need (1999-2025), and the Special Master having reviewed and approved this Consent Order and accompanying documents, and good cause having otherwise been shown;

IT IS on this ^{June}~~5TH~~ day of ~~May~~, 2019, **ORDERED** as follows:

1. The Township's Spending Plan, Affirmative Marketing Plan, Rehabilitation Manual, and Affordable Housing Ordinance Implementing the Township's Rehabilitation Manual be and are hereby approved.

2. The Township's adoption of the foregoing documents and implementation of the rehabilitation program set forth therein is consistent with applicable law and units rehabilitated under that program may be credited toward the municipality's Present Need.

3. The Township be and is hereby authorized (to the extent it was not previously) to impose, collect, and/or expend fees and maintain an affordable housing trust fund in accordance with its Spending Plan.

4. The proposed expenditure of funds set forth in the Spending Plan is consistent with and authorized by the Fair Housing Act and other applicable law and such funds have been timely "committed for expenditure" as required, if at all, by the 2008 amendments to the Fair Housing Act.

5. This matter be and is hereby dismissed with prejudice, but nothing herein shall preclude the Township from seeking future relief from the Court under this docket number to amend its Spending Plan or related documents or otherwise effectuate its affordable housing programs, on notice to Fair Share Housing Center and other interested parties.

6. A copy of this Order shall be served on all parties by counsel for the Township in accordance with the Rules of Court within seven (7) days of the date herein.

Robert H. Gardner, JSC

THE HONORABLE ROBERT H. GARDNER, J.S.C.

On consent:

**INGLESINO, WEBSTER,
WYCISKALA & TAYLOR, LLC**
*Attorneys for Petitioner,
The Township of Belleville*

By: *Derek W. Orth*
DEREK W. ORTH

FAIR SHARE HOUSING CENTER

By: *Kevin D. Walsh*
KEVIN D. WALSH

Dated: May 29, 2019

Date: *Aug 12, 2016* 1st Reading
Sept 1, 2016 Legal Adv.
Sept 19, 2016 Legal Adv.
Sept 13, 2016 2nd Reading
and Final Passage

Ordinance No. *3451*
01R#5 9.12.16
02R#5 9.13.16

ORDINANCE
of the
Township of Belleville, N. J.

Approved as to Form and Legality

Factual contents certified to by

..... Township Attorney Title

Mayor Council Member *Thomas Murphy*, Township Attorney Presents the following Ordinance

Council Member *Kennedy* Moved for the adoption of the Ordinance

Seconded by Council Member *Rosell*

AMENDMENTS TO DEVELOPMENT FEE REGULATIONS OF THE AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF BELLEVILLE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF BELLEVILLE, NEW JERSEY:

WHEREAS, Chapter XXXI, entitled Affordable Housing Requirements Regarding Development Fees, is hereby amended by inserting the text below to include revisions consistent with the most recently adopted requirements of the New Jersey Council on Affordable Housing (COAH) regarding DEVELOPMENT FEES;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Belleville, in the County of Essex that Chapter XXXI, entitled Affordable Housing Requirements Regarding Development Fees shall read as follows:

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) 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 is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of a court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- c) Pursuant to the March 10, 2015 Supreme Court Order, the Court transferred all functions, powers, and duties to the Courts. Any and all references to COAH shall mean the Courts.
- d) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Court's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This Ordinance shall be interpreted within the framework of COAH's last adopted rules on development fees, codified at N.J.A.C. 5:97-8, as same may be interpreted and applied by the Court.

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2. Basic Requirements

- a) This Ordinance shall not become effective until approved by the Court pursuant to N.J.A.C. 5:96-5.1.
- b) The Township of Belleville shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **"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 development.
 - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing (M-392-14) 067126, any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division-Essex County.
 - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. **"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.
 - v. **"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.197], c.123 (C.54:l-35a through C.54:l-35c).
 - vi. **"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.

4. Residential Development Fees

- a) Imposed fees
 - i. Within the all Township zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a density variance) has been approved, developers

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shall be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include a set-aside of affordable housing units. 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.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be **exempt** from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The applicable development fee percentage shall be vested on the date that the building permit is issued. X
 - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be **exempt** from paying a development fee.
 - iv. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - v. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, which requires the issuance of a Certificate of Occupancy (for example, when a single-family home is converted to a two-family home or a single-family home is converted to an apartment building). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - viii. Development fees shall be imposed and collected when a Certificate of Occupancy is issued for a new residential unit on a newly created lot that is the result of a subdivision. The development fee shall be calculated on the equalized assessed value of the land and improvements.
 - vii. Additions to existing homes and improvements such as decks, patios and like shall be **exempt** from the payment of a development fee.

5. Non-Residential Development Fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized

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assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

- ii. Non-residential developers, except for developers of the types of development specifically exempted herein, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. 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 preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, at the time the 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.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the nonresidential development fee pursuant to P.L.2008, c.46 shall be subject to the development 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.
- v. 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 nonresidential development fees under these ^circumstances may be enforceable by the Township of Belleville as a lien against the real property of the owner.

6. Collection Procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) 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

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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.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Township of Belleville 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).
- h) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees:

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Belleville. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge 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 Belleville. 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.

7. **Affordable Housing Trust Fund**

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

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b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

- 1) payments in lieu of on-site construction of affordable units;
- 2) developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
- 3) rental income from municipally operated units;
- 4) repayments from affordable housing program loans;
- 5) recapture funds;
- 6) proceeds from the sale of affordable units; and
- 7) any other funds collected in connection with the Township of Belleville's affordable housing program.

c) Within seven days from the opening of the trust fund account, the Township of Belleville shall provide the Court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and the Court to permit the Court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

d) All interest accrued in the housing trust fund shall only be used to fund eligible affordable housing activities approved by the Court.

8. Use of Funds

a) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Belleville'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, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or 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, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse the Township of Belleville for past affordable housing activities.

c) At least thirty percent (30%) of all development fees collected and interest earned 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 (1/3rd) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.

- i. 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.

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- ii. 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.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township of Belleville may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.
9. **Monitoring**
- a) The Township of Belleville shall complete and return to the New Jersey Department of Community Affairs (NJDCA), Local Government Services, all monitoring forms required in connection with the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Belleville's housing program, as well as in connection with the expenditure of revenues and implementation of the plan approved by the Court.
- b) All monitoring reports shall be completed on forms designed by the NJDCA for that purpose.

10. **Ongoing Collection of Fees**

- a) The ability for the Township of Belleville to impose, collect and expend development fees shall expire with the end of the repose period covered by its judgment of compliance unless the Township of Belleville has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated administrative entity of the State of New Jersey, has petitioned for a judgment of compliance or substantive certification, and has received approval of its development fee ordinance by the entity that will be reviewing the Housing Element and Fair Share Plan.
- b) If the Township of Belleville fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Belleville shall not impose a development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Township of Belleville retroactively impose a development fee on such a development. The Township of

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Belleville shall not expend any development fees after the expiration of its judgment of compliance.

BE IT FURTHER ORDAINED by the Governing Body of the Township of Belleville, New Jersey:

1. All prior Ordinances inconsistent with the language hereinabove are hereby repealed.
2. This Ordinance shall take effect upon passage and publication as required by law.

Adopted by the Municipal Council of the Township of Belleville, N. J. — Date <u>Sept. 13, 2016</u>									
RECORD OF VOTE									
COUNCIL MEMBER	YES	NO	N.V.	AB.	COUNCIL MEMBER	YES	NO	N.V.	AB.
COZZARELLI	X				NOTARI	X			
KENNEDY	X				ROVELL	X			
LONGO	X				STRUMOLO BURKE	X			
KIMBLE	X								
Sign: _____									
X—Indicates Vote N.V.—Not Voting AB—Absent									

Adopted on first reading at a meeting of the Municipal Council of the Township of Belleville, N. J. on July 12, 2016
 Adopted on second reading and final passage on Sept. 13, 2016 after public hearing.
 Certified to by me this 13th day of September 2016.

 Keeey D. Coe
 Township Clerk