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March 13, 2026

### VIA eCOURTS

**Honorable Aldo J. Russo, J.S.C.**

Essex County  
Historic Courthouse  
470 Dr. Martin Luther King Jr., Blvd.  
Chamber/Courtroom 108  
Newark, New Jersey 07102

**RE: In the Matter of the Application of the Township of Maplewood**  
**Docket No. ESX-L-622-25**

Dear Judge Russo:

This Firm represents the Township of Maplewood as Special Affordable Housing Counsel in the above matter. The Township hereby files this letter and attached documentation to meet the March 15, 2026 deadline in the Fair Housing Act ("FHA"). See N.J.S.A. 52:27D-304.1(f)(2)(c). The letter is also being submitted to satisfy the Program's February 11, 2026 recommendation, the Court's February 17, 2026 Order, and the conditions in the December 16, 2025 Mediation Agreement entered into between the Township and Fair Share Housing Center (hereinafter "FSHC Mediation Agreement"). In addition to the documentation being submitted herewith, the Township submitted an earlier letter on November 11, 2025 via eCourts to the Program, the Court, FSHC and all other parties, which attached additional compliance documentation.

To that end, please see the following documents that are being submitted on behalf of the Township to the Court for review and to meet the March 15, 2026 statutory deadline:

1. The Township's adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, along with the February 26, 2026 Planning Board resolution adopting the plan, and the March 3, 2026 Township Committee resolution endorsing the plan. See attached Exhibit A.

2. The Township's Fourth Round Spending Plan, along with the March 3, 2026 Township Committee resolution adopting the Spending Plan. See attached Exhibit B.
3. An updated Affordable Housing Ordinance adopted on March 11, 2026, which includes a section updating the Township's Mandatory Set-Aside Ordinance and a section updating the Township's Development Fee Ordinance. See attached Exhibit C.
4. A Fourth Round Affirmative Marketing Plan, along with the March 3, 2026 Township Committee resolution adopting same. See attached Exhibit D.
5. An updated Administrative Agent Operating Manual and an updated Affordability Assistance Manual, along with the March 3, 2026 Township Committee resolution adopting both manuals. See attached Exhibit E.
6. An Affordable Housing Overlay Zone Ordinance adopted on March 11, 2026, which helps address the Township's unmet need. See attached Exhibit F.
7. An adopted Ordinance adopted on March 11, 2026 enacting an amendment to the amended and supplemented Redevelopment Plan for Redevelopment Area 2. See attached Exhibit G.

As discussed in the Township's February 18, 2026 submission to the Court, after the Township filed its original adopted and endorsed Fourth Round Housing Element and Fair Share Plan to the Program and the Court by the FHA imposed June 30, 2025 deadline, FSHC and developer 161 Maplewood Investors, LLC (hereinafter "161 Maplewood" or the "Developer") filed challenges to the Township's plan. The Township, FSHC and 161 Maplewood all engaged in mediation before the Program during the fall of 2025, which resulted in an executed written Mediation Agreement between the Township and FSHC, but did not result in a written executed Mediation Agreement between the Township and 161 Maplewood. The Program entered a recommendation to the Court on February 11, 2026, and the Court issued an order regarding the March 15, 2026 deadline on February 17, 2026.

The Developer had indicated that it needed a parcel known as 11 Inwood Place in order to construct a proposed project consisting of 65 total units. To be proactive during the ongoing negotiations with 161 Maplewood regarding their proposed project, the Township began the process of designating the parcel as an area in need of redevelopment. Unexpectedly and through no fault of the Township, during the statutorily required Planning Board meeting with respect to the proposed designation held on February 10, 2026, the Planning Board voted down designating the 11 Inwood Place parcel as an area in need of redevelopment.

With the March 15, 2026 deadline rapidly approaching, and the very real probability that the Planning Board would not approve an Amended Fourth Round Housing Element and Fair Share Plan that included the 11 Inwood parcel, the Township had no other choice but to move forward with the adoption and endorsement of a different version of its amended plan (hereinafter "Revised Amended HEFSP").

The Revised Amended HEFSP, which due to noticing requirements had to be put on file on February 13, 2026, and was eventually adopted by the Planning Board on February 26, 2026 and endorsed by the Township Committee on March 3, 2026, reduced the number of units of any proposed inclusionary project on 161 Maplewood Avenue from 65 to 50 units, which in turn reduced the affordable housing set-aside from 13 to 10 affordable units. The Revised Amended HEFSP also includes a new proposed 25-unit inclusionary project that includes 5 affordable units located on 245 Parker Avenue that makes up for the 3 lost affordable units and adds 2 additional affordable units to the Township's plan.

After 161 Maplewood filed a letter with the Court on February 14, 2026 in response to the Planning Board's actions, representatives of the Township met with 161 Maplewood on February 17, 2026 to try to resolve what happened before the Planning Board amicably. On February 18, 2026, the Township submitted a letter to the Court with the consent of both FSHC and 161 Maplewood, which asked the Court for an extension of the March 15, 2026 deadline to allow for additional settlement discussions to occur between the Township and 161 Maplewood, rather than go down the path of the extensive amount of litigation outlined in 161 Maplewood's February 14, 2026 letter.

Now that the Township has filed its Amended HEFSP, and all of the required implementing resolutions and ordinances that were due to be adopted by March 15, 2026, the Township wants to stress that it is still open to settling with 161 Maplewood.

In light of the above, the Township once again requests that a Case Management Conference be held before any motion practice is initiated by the Developer or FSHC to try to forge an amicable path moving forward.

I thank Your Honor for your time and attention to this matter.

Very truly yours,



Erik C. Nolan

ECN/sp

cc: All attorneys of record (*via ecourts*)  
Marc E. Leibman, Esq. (*via email*)  
Ariela Rutbeck-Goldman, Esq. (*via email*)  
Laura Smith-Denker, Esq. (*via email*)

# EXHIBIT A

## TOWNSHIP OF MAPLEWOOD



### PLANNING BOARD

#### **RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF MAPLEWOOD ADOPTING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the "Program"); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the Township timely submitted its Fourth Round Housing Element and Fair Share Plan ("HEFSP") to the Program for review in June of 2025; and

**WHEREAS**, the Township received challenges to its Fourth Round Plan from Fair Share Housing Center ("FSHC") and 161 Maplewood Investors, LLC ("161 Maplewood"); and

**WHEREAS**, the Township went through mediation with the Program to resolve Fair Share Housing Center's challenge, which resulted in a Mediation Agreement being entered into on December 16, 2025; and

**WHEREAS**, as per the FHA and the Mediation Agreement with FSHC, the Township is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Mediation Agreement; and

**WHEREAS**, the Township has prepared an Amended Fourth Round Housing Element and Fair Share Plan ("Amended Fourth Round Plan"), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Amended Fourth Round Plan on February 26, 2026; and

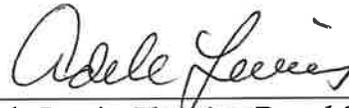
**WHEREAS**, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Maplewood, County of Essex, State of New Jersey, that the Planning Board hereby adopts the Township's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

  
Karen Pisciotta, Chair of the Planning Board

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Township of Maplewood at a regular meeting held on the 26<sup>th</sup> day of February, 2026.



\_\_\_\_\_  
Adele Lewis, Planning Board Secretary

**EXHIBIT A**

**AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN**

## **TOWNSHIP OF MAPLEWOOD**



### **RESOLUTION NO. 100-26**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD ENDORSING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the Township timely submitted its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) to the Program for review in June of 2025; and

**WHEREAS**, the Township received challenges to its Fourth Round Plan from Fair Share Housing Center (“FSHC”) and 161 Maplewood Investors, LLC (“161 Maplewood”); and

**WHEREAS**, the Township went through mediation with the Program to resolve Fair Share Housing Center’s challenge, which resulted in a Mediation Agreement being entered into on December 16, 2025; and

**WHEREAS**, the Township and 161 Maplewood did not enter into a written Mediation Agreement; and

**WHEREAS**, the Program entered an Order on February 11, 2026 and the Court entered an order on February 17, 2026 requiring the Township to meet a deadline of March 16, 2026, to adopt an Amended Housing Element and Fair Share Plan, along with all implementing ordinances and resolutions; and

**WHEREAS**, in accordance with the Program and Court Orders, and the Mediation Agreement with FSHC, the Township drafted an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board adopted the Amended Fourth Round Plan after a public hearing was held on February 26, 2026; and

**WHEREAS**, the Township Committee has reviewed the Amended Fourth Round Plan and concurs with the Planning Board’s determination that the Amended Fourth Round Plan is consistent with the Township’s Master Plan, promotes the public health, safety, and general welfare, and is in the best interests of the Township,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that the Township Committee hereby endorses the Township’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Township Committee at a regular meeting of said Committee held **March 3, 2026**.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Township of Maplewood, in the County of Essex and State of New Jersey, this **3<sup>rd</sup>** day of **March, 2026**.

**Certified to be a true copy of a Resolution adopted by the Governing Body of the Township of Maplewood at the duly held Meeting on March 3, 2026.**

**MOTION:** Collins-Colding      **SECOND:** Adams

**YES:** Adams, Collins-Colding, Dafis, Herman, De Luca

**NO:** None

**ABSTAIN:** None

**ABSENT:** None

**ATTEST**

Elizabeth J. Fritzen, Township Clerk

**Exhibit A**

**Amended Fourth Round Housing Element and Fair Share Plan**

(see attached)



**February 12, 2026**

**Amended Fourth Round Housing Element & Fair Share Plan (“HEFSP”)**

The Township of Maplewood filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”), entitled “In the Matter of the Application of the Township of Maplewood,” Docket No. ESX-L-622-25, on January 23, 2025. The Court entered an order on March 24, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 20 units and a Prospective Need of 216 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025. The Township’s Fourth Round HEFSP was adopted by the Planning Board on June 12, 2025 and was endorsed by the Township Committee on June 17, 2025 by Resolution No. 222-25. The Township filed its Fourth Round HEFSP with the Program and the Court on June 13, 2025. 161 Maplewood Investors, LLC (“161 Maplewood”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP on August 29, 2025. On August 30, 2025, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP and seeking additional compliance information and documentation before the HEFSP is approved by the Program and/or the Court. The Township and FSHC agreed to amicably resolve the issues set forth in FSHC’s challenge through a Mediation Agreement dated December 16, 2025 (“December 2025 FSHC Mediation Agreement”), which further clarifies the Township’s compliance mechanisms through specific amendments to its Fourth Round HEFSP.

One of these amendments was to add the property identified as 11 Inwood Place (Block 12.02, Lot 169), which is owned by Greenpoint NJ, LLC (an affiliate of 161 Maplewood Investors, LLC), as part of the Township’s compliance with its Fourth Round Prospective Need obligation. 11 Inwood Place is adjacent to the property identified as 161 Maplewood Avenue (Block 12.02, Lot 173), which Lot 173 was included as a site contributing to the Township’s Fourth Round Prospective Need obligation in its Fourth Round HEFSP filed on June 13, 2025. In order that 11 Inwood Place and 161 Maplewood Avenue could be developed with one project, the December 2025 FSHC Mediation Agreement required the Township to include 11 Inwood Place in a redevelopment area, and to adopt a redevelopment plan for the two properties.

On February 10, 2026, after a public hearing, the Township Planning Board voted that 11 Inwood Place should not be added to the redevelopment area. Under the circumstances the addition of 11 Inwood Place as a redevelopment area has been inhibited, therefore this proposed amendment sets forth a revised plan for satisfying the Township’s Fourth Round Prospective Need without 11 Inwood Place.

This proposed amendment to the Fourth Round HEFSP implements the following: 1) sets the number of units to be constructed by 161 Maplewood Investors, LLC at a maximum of 50 units (including a minimum of 10 affordable units) on the property identified as 161 Maplewood Avenue (Block 12.02, Lot 173); and 2) includes the site identified as 275 Parker Avenue (Block 42.08, Lot 146) in RDP, and sets the permitted residential yield on the site at a maximum of 25 units (including a minimum of 5 affordable units). On February 11, 2026, Township representatives met with the property owner of the 275 Parker Avenue site who agreed to the minimum affordable unit yield for the site as provided for in this amended HEFSP.

This proposed amendment to the Township’s Fourth Round HEFSP, consisting of the crediting chart below, shall amend and supplement the Fourth Round HEFSP adopted by the Planning Board on June 12, 2025 and endorsed by the Township Committee on June 17, 2025 by Resolution No. 222-25. The statutory requirements for a Housing Element and Fair Share Plan have been satisfied within the Fourth Round HEFSP adopted by the Planning Board on June 12, 2025. This document is to serve as an amendment to the HEFSP.

<b>Amended Fourth Round Housing Element &amp; Fair Share Plan (“HEFSP”) dated February 12, 2026</b>						
<b>Existing and Proposed Projects and Bonus Credits Addressing the Fourth Round Prospective Need Obligation</b>						
<b>Township of Maplewood, Essex County, NJ</b>						
<b>Fourth Round Obligation</b>		<b>216</b>				
<b>Fourth Round RDP</b>		<b>63</b>				
<b>Mechanism</b>	<b>Completed Affordable Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>	<b>TOTAL UNITS (MARKET + AFFORDABLE)</b>	
<b>Ingerman 100% Affordable Site</b> 357 Boyden Avenue Rear, 244 Tuscan Road, 244 Road Rear, and 333-5 Boyden Avenue Block 48.47, Lots 123, 124, 131, and 140.01	-	48 (F)(R)	15 (BC)	<b>63</b>	<b>48</b> <b>(0 market; 48 affordable)</b>	
<b>161 Maplewood, LLC</b> 161 Maplewood Avenue Block 12.02, Lot 173	-	10 (F)(R)	-	<b>10</b>	<b>Max. 50</b> <b>(Max. 40 market; Min. 10 affordable)</b>	
<b>275 Parker Avenue Site</b> Block 42.08, Lot 146	-	5	-	<b>5</b>	<b>Max. 25</b> <b>(Max. 20 market; Min. 5 affordable)</b>	
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD RDP</b>	<b>63</b>		-	-	-	
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD RDP</b>	-		<b>15 (BC)</b>	-	-	

TOTAL UNITS AND CREDITS CONTRIBUTING TOWARD RDP		78			Max. 123
Fourth Round Unmet Need		138			
Mechanism	Completed Affordable Housing Units	Proposed Affordable Units	Bonus Credits	TOTAL AFFORDABLE UNITS AND BONUS CREDITS	
<b>"Likely to Redevelop" Mechanisms</b>	-	35	-	35	Max. 170
<b>Movie Theater Redevelopment Area</b> <i>Block 12.02, Lots 100.01, 174, 175, 175.01, and 176</i>	-	10	-	10	Max. 50 (Max. 40 market; Min. 10 affordable)
<b>88 Burnett Avenue</b> <i>Block 48.47, Lot 5</i>	-	5	-	5	Max. 25 (Max. 20 market; Min. 5 affordable)
<b>2128-2144 Millburn Avenue</b> <i>Block 21.12, Lot 61</i>	-	15	-	15	Max. 75 (Max. 60 market; Min. 15 affordable)
<b>1734-44 Springfield Avenue</b> <i>Block 30.04, Lot 127</i>	-	5	-	5	Max. 25 (Max. 20 market; Min. 5 affordable)
<b>Inclusionary Overlay Zoning</b>	-	3	-	3	Max. 15
<b>2017 Springfield Avenue Overlay Zone</b> <i>Block 29.04, Lot 536</i>	-	2	-	2	Max. 10 (Max. 8 market; Min. 2 affordable)
<b>79 Dunnell Road Overlay Zone</b> <i>Block 17.16, Lot 161</i>	-	1	-	1	Max. 5 (Max. 4 market; Min. 1 affordable)
<b>Inclusionary (Assisted Living)</b>	-	1	-	1	Max. 6-8
<b>333 Elmwood Avenue</b> <i>Block 31.34, Lot 4</i>	-	1 (AL)	-	1	Max. 6-8 (Max. 5-7 market; Min. 1 affordable)
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD UNMET NEED</b>		39	-	-	-

<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD UNMET NEED</b>	-	-	-	-
<b>TOTAL CREDITS AND UNITS TOWARDS UNMET NEED</b>	39			<b>Max. 191-193</b>
<b>TOTAL FOURTH ROUND AFFORDABLE UNITS</b>	102	-	-	-
<b>TOTAL FOURTH ROUND BONUS CREDITS</b>	-	15 (BC)	-	-
<b>TOTAL FOURTH ROUND CREDITS AND UNITS</b>	117			<b>Max. 314-316</b>
<p>(F) = Family                      (R) = Rental</p> <p>(AL) = Assisted Living        (BC) = Bonus Credit</p>				

# EXHIBIT B

## **TOWNSHIP OF MAPLEWOOD**



### **RESOLUTION NO. 101-26**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD APPROVING A FOURTH ROUND AFFORDABLE HOUSING TRUST FUND SPENDING PLAN AND REQUESTING COURT APPROVAL OF THE SPENDING PLAN**

**WHEREAS**, the Township of Maplewood (hereinafter “Township” or “Maplewood”) has an approved Development Fee Ordinance that was adopted on July 21, 2009, which established standards for the collection, maintenance, and expenditure of development fees; and

**WHEREAS**, the Township’s previous Affordable Housing Trust Fund Spending Plan was approved by the Court on November 26, 2018; and

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

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

**WHEREAS**, the Township has prepared a Fourth Round Spending Plan consistent with the Amended FHA, AOC Directive #14-24, and applicable regulations, which projects anticipated revenues to the Township’s Affordable Housing Trust Fund and describes the anticipated expenditures of funds,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, as follows:

1. The Township Committee of the Township of Maplewood hereby approves the Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Court review and approve the Township’s Fourth Round Spending Plan.
2. This Resolution shall take effect immediately.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a

resolution adopted by the Township Committee at a regular meeting of said Committee held **March 3, 2026.**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Township of Maplewood, in the County of Essex and State of New Jersey, this **3<sup>rd</sup>** day of **March, 2026.**

**Certified to be a true copy of a Resolution adopted by the Governing Body of the Township of Maplewood at the duly held Meeting on March 3, 2026.**

**MOTION:** Herman      **SECOND:** Adams

**YES:** Adams, Collins-Colding, Dafis, Herman, De Luca

**NO:** None

**ABSTAIN:** None

**ABSENT:** None

  
ATTEST      Elizabeth J. Fritzen, Township Clerk

**Exhibit A**

**Fourth Round Spending Plan**

(see attached)

Amended March 2026

## **TOWNSHIP OF MAPLEWOOD FOURTH ROUND AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

### **I. INTRODUCTION**

The Township of Maplewood's affordable housing trust fund was first established through the adoption of the Township's Development Fee Ordinance ("DFO") on June 19, 2007 via Ordinance No. 2409-07, which formally created a dedicated revenue source for affordable housing in the Township. The DFO was subsequently amended in its entirety on July 21, 2009 via Ordinance No. 2599-09, and was once again amended on October 16, 2018 via Ordinance No. 2929-18 in response to regulatory changes during the Third Round. As part of the Township's compliance with its Fourth Round affordable housing obligations, the existing DFO was repealed and replaced with a comprehensive Affordable Housing Ordinance ("AHO"), which is inclusive of updated development fee regulations, implementing the Fourth Round affordable housing regulations consistent with the amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), and other applicable laws. This new AHO was adopted via Ordinance No. 3181-26 on March 3, 2026.

As part of the Third Round, a Spending Plan was prepared to be adopted as part of the Township's Third Round Housing Element and Fair Share Plan ("HEFSP") detailing how the Township of Maplewood intended to spend its affordable housing trust fund revenues pursuant to N.J.S.A. 52:27D-329.2 and in alignment with the housing programs outlined in the HEFSP. During the course of the Third Round, the Township prepared a HEFSP, which was adopted by the Planning Board on March 13, 2018. On May 21, 2018, a Declaratory Judgment of Compliance and Repose ("JOR") was granted, which approved the Township's Third Round HEFSP and associated appendices. As a condition of the JOR, the Township prepared a Spending Plan to address comments made by Special Master Elizabeth C. McKenzie, PP, AICP. On November 26, 2018, a final JOR was issued by the Court confirming the Township's compliance with all the conditions of the 2018 JOR. On July 1, 2020, the Township prepared a Midpoint Review Report for its 2018 Housing Element and Fair Share Plan.

As part of the Township's compliance with its affordable housing obligations for the Fourth Round, the Township has prepared this Spending Plan for the Fourth Round period in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). The use of the Township's affordable housing trust fund shall comply with the regulations of the Fair Housing Act, the Uniform Housing Affordability Controls, the Township's Affordable Housing Ordinance, and any other applicable law, as amended, and this Fourth Round Spending Plan shall be adopted and subject to revision to maintain consistency with the Township's Fourth Round HEFSP and any other order issued by the Program Judge or Superior Court Judge related to the Township's Fourth Round HEFSP, as may be amended. This Spending Plan is submitted to the Superior Court of New Jersey for approval as an appendix to the Township's Fourth Round Housing Element and Fair Share Plan.

Per the Township's affordable housing trust fund bank statement ending on December 31 2025, the Township had a balance of \$604,438.94 in its affordable housing trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing

affordable housing trust fund at Valley Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99 as described in the sections that follow.

## 1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated through the Fourth Round period (July 1, 2025 - June 30, 2035), the Township has considered the following:

(a) Development fees:

1. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL)

(c) Other funding sources:

May include reimbursements from overpayments of administrative expenses, reconciliations of errors within the trust fund account ledger, municipal contributions, and/or unit sales.

(d) Projected interest

## 2. REVENUE PROJECTION

One of the primary sources of revenue for the Township's affordable housing trust fund is through development fees. Development fees are issued as a percentage of the equalized assessed value for residential and non-residential development, with this percentage differing based on the type of development. The collected payments of residential and non-residential development fees are then deposited into the Township's affordable housing trust fund and are to be used and expensed in accordance with N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99. The process for the imposition and collection of residential development fees, including any applicable exactions and exemptions, is provided in §150.W3 of the Maplewood Township Code. The process for the imposition and collection of non-residential development fees, including any applicable exactions and exemptions, is provided in §150.W.4 of the Maplewood Township Code.

Given that this Spending Plan has been prepared at the start of the ten-year Fourth Round period, and assuming the variability of development trends over the next decade, the projection of revenue in the Township's affordable housing trust fund during the Fourth Round is simplified by combining the income from residential development fees, non-residential development fees, fees from Redevelopment Agreements, interest, and other income over the last five years to calculate an annual income average. This annual income average is then redistributed over the forthcoming ten-year Fourth Round period.

Per the Township's Affordable Housing Monitoring System (AHMS), which is used to report the Township's trust fund transactions to the DCA, over the five-year period of December 31, 2019 to December 31, 2024, the Township collected approximately \$427,348.84 in development fees and other income (which may include reimbursements from overpayments of administrative expenses, reconciliations of errors within the trust fund account ledger, municipal contributions, and/or unit sales), and approximately \$53,771.90 in interest, therefore totaling to \$481,120.74 in total income in the affordable housing trust fund during this period. Therefore, on average, the Township collected approximately \$96,224.15 per year (consisting of approximately \$85,469.77 in development fees and other income and approximately \$10,754.38 in interest), or approximately \$8,018.68 per month (consisting of approximately \$7,122.48 in development fees and other income and approximately \$896.20 in interest), in its affordable housing trust fund. Based on a conservative assumption that development occurs at a similar rate over the next decade and interest rates have limited fluctuation, a total of \$962,241.50 (consisting of approximately \$854,697.70 in development fees and other income and approximately \$107,543.80 in interest<sup>1</sup>) is projected to be collected from July 1, 2025 to June 30, 2035.

Based on a projected existing balance, exclusive of any expenditures, of \$546,925.18 at the start of the Fourth Round period (calculated by summing the December 2024 trust fund balance of \$498,813.10 + January 1, 2025 through June 30, 2025 projected income of \$48,112.08 from development fees, Redevelopment Agreement fees, and interest) and the projected income over the ten-year Fourth Round period (\$962,241.50), this Spending Plan projects a total balance of approximately \$1,509,166.68 by June 30, 2035 prior to any expenditures from the account.<sup>2</sup>

Furthermore, all revenue from the affordable housing trust fund collected during the Third Round period shall be allocated as provided in the adopted Third Round Spending Plan. This Fourth Round Spending Plan therefore only provides an allocation of funds projected to be collected during the Fourth Round, as the remaining revenue within the affordable housing trust fund has been set aside to be spent as outlined in the adopted Third Round Spending Plan. Should any change in circumstances necessitate the allocation of funds as detailed in the Third Round Spending Plan to be modified, the Township reserves the right to amend the Fourth Round Spending Plan to address any adjustments to the apportionment of existing trust fund monies.

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<sup>1</sup> For simplification purposes, interest is projected over a ten-year period and distributed evenly across each year; however, in reality, the collected interest each year will vary subject to the timing and amount of funds expended from the affordable housing trust fund.

<sup>2</sup> This Spending Plan, amended as of March 2026, has been prepared with the acknowledgment that an additional year of affordable housing trust fund transactions have occurred through December 2025 which have not been factored into the revenue projection calculations of this amended Spending Plan. However, given the uncertainty of development trends that may occur over the ten-year Fourth Round period, and considering the balance projected in the affordable housing trust fund by December 2025 (\$595,037.25) is relatively consistent with the actual balance per the December 2025 bank statement (\$604,438.94), the projections remain unchanged for the purposes of this Spending Plan and may be subject to further amendment throughout the Fourth Round period.

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### 3. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of Development Fee revenues:

Collection of development fee revenues shall be consistent with the Township of Maplewood's development fee regulations for both residential and non-residential developments as provided in §150 of the Township Code and in accordance with P.L. 2024, c.2 and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

Pursuant to a development approval by the Board having jurisdiction, the Township Clerk will notify the construction official of the approval. At the time of construction permit application, the construction official will notify the tax assessor and request an initial calculation of the equalized assessed value (EAV) of the proposed development and the resulting fee to be posted. One-half of the fee will be due at the time of issuance of the first building permit. For non-residential development only, the developer will be provided a copy of Form N – RDF "State of New Jersey Non-Residential Development Certification/Exemption." This form will be used by the tax assessor to verify exemptions and to prepare estimated and final assessments.

At the time of request for the final inspection, the construction official will notify the tax assessor and request confirmation of, or modification of, the initial (EAV) as the case may be. The final (EAV) will be provided to the developer within ten (10) days of the request for final inspection. Payment of the fee will then become a condition of issuance of the certificate of occupancy.

(b) Distribution of Development Fee revenues:

A general description of the distribution of revenues is provided below:

The Township's Municipal Housing Liaison forwards a requisition of affordability assistance and administrative costs (routine expenditures) and costs for municipally sponsored 100% affordable housing development (significant expenditures) to the Finance Department recommending the expenditure of development fee revenues as set forth in this spending plan. The Finance Department reviews the request for consistency with the spending plan.

Once a request is approved by the Finance Department, the request is presented to the Township Committee for approval. After receiving Township Council approval, the Township Administrator releases the requested revenue from the trust fund for the specific use.

#### 4. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

Based on the \$962,241.50 in revenue from development fees, interest, and other income projected to be collected in the Township's affordable housing trust fund during the Fourth Round period, the Township anticipates to expend available funds as detailed below. Upon approval by the Court, the Township acknowledges that the expenditures of funds contemplated herein shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2, with the ten-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). Expenditures are not detailed on an annual basis for the purposes of this expenditure plan to avoid misrepresentation of the availability of funds throughout the Fourth Round period. This Spending Plan shall be subject to future amendment to represent the actual funds collected and expended throughout the progression of the Fourth Round.

(a) **Fourth Round Projects**

i. **Rehabilitation Projects (N.J.S.A. 52:27D-329.2)**

The Township will continue to operate and participate in the Maplewood Township Affordable Housing Program, which is administered by the Township's Administrative Agent, until the rehabilitation obligation has been fully satisfied.

ii. **Costs Associated with the New Construction of Affordable Units (N.J.S.A. 52:27D-329.2)**

The Township will dedicate funding towards the new construction of affordable units during the Fourth Round period for projects set forth in the Township's Fourth Round HEFSP, as amended, or projects proposed while the Fourth Round progresses. Specifically, the Township may elect to allocate funds from its affordable housing trust fund for the following 100% affordable projects:

- 1) 48 affordable rental units to be constructed at the Ingerman Site, identified as 357 Boyden Avenue Rear, 244 Tuscan Road, 244 Tuscan Road Rear, and 333-5 Boyden Avenue (Block 48.47, Lots 123, 124.01, 131, and 140.01)

Funds for the construction of new affordable units will be allocated on a project-by-project basis as a project realistically moves forward. Additional funding towards the project(s) will likely be sought through and be the subject of a 9-percent NJHMFA tax credit application or other funding source. The Township may also elect to use funds dedicated for new construction towards the creation and/or maintenance of special needs/supportive housing and group homes.

Per N.J.AC. 5:99-2.3, "A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or court of competent jurisdiction or as approved by the Division

as an emergent opportunity to create affordable housing. Such activities include, but are not limited to... Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development.” In accordance with N.J.A.C. 5:99-2.3, as part of the expenditures dedicated towards costs associated with the new construction of affordable units provided for in this Spending Plan, the Township may elect to use affordable housing trust funds towards infrastructure improvements demonstrated to directly serve affordable developments.

**iii. Costs Associated with the Extensions of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k))**

The Township may dedicate funding towards units for which extensions of controls will be completed in the Fourth Round. Should the Township elect to extend affordability controls for units in compliance with the regulations provided in N.J.A.C. 5:97-6.14 and UHAC, the Township agrees to put forth a minimum contribution for each unit if and/or as may be required by N.J.A.C. 5:97-6.14 and UHAC. The Township reserves the right to amend this Spending Plan as necessary to reflect the available funds within the municipal affordable housing trust fund which shall be expended for executing extensions of affordability controls on eligible units.

**(b) Affordability Assistance (N.J.S.A. 52:27D-329.2)**

The enabling legislation for the Fourth Round, at N.J.S.A. 52:27D-329.2.c(3), specifies that municipalities must set aside a portion of their development fee trust fund for the purpose of providing affordability assistance — without providing a minimum percentage of what this portion shall be. For the purposes of this Spending Plan, the Township proposes to dedicate a portion of its development fee revenue collected throughout the Fourth Round for affordability assistance. The total funds used for affordability assistance shall be subject to the Township’s use of available funds for Fourth Round projects, and the other project expenditures identified in this Spending Plan and in compliance with the 20 percent administrative expenses cap as outlined in Sections I.4(a) and I.4(c) of this Spending Plan.

Per N.J.A.C. 5:99-2.5, the Township may use funds for affordability assistance as follows:

- (a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very-low-, low-, and moderate-income households in affordable units included in the municipality’s fair share plan pursuant to N.J.S.A. 52:27D-329.1.

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

An Affordability Assistance Manual will be prepared by the Township's Administrative Agent.

(c) **Administrative Expenses (N.J.S.A. 52:27D-329.2)**

Per N.J.S.A. 52:27D-329.2, "Not more than 20 percent of the revenues collected from development fees shall be expended on administration, in accordance with rules of the department." The actual administrative expense maximum is calculated on an ongoing basis based on actual revenues. The Township commits to expending Fourth Round affordable housing trust fund revenues on administrative costs below the 20 percent cap as required by statute.

Per N.J.A.C. 5:99-2.4, funds for administrative expenses may be used as follows:

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

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

## 5. EXCESS OR SHORTFALL OF FUNDS

The Township of Maplewood acknowledges that the actual revenue collected may be less than what is projected in this Spending Plan for a variety of reasons including, but not limited to: (a) a moratorium on collection of development fees may be imposed by law; and (b) the actual amount of development in the Township may be less than what is anticipated. Should there be a shortfall of funds, the Township agrees that in no event shall it utilize more than 20% of the revenue collected from development fees, Redevelopment Agreement fees, and interest for administration.

The Township intends to expend all current and future revenues toward the mechanisms as described in this Spending Plan. In the event of an excess of funds, these would be dedicated toward supplementing any programs or projects within the regulatory limits as described herein. The Township reserves the right to use the remainder first toward emerging mechanisms and for additional assistance where needed to support mechanisms included in the Township's Housing Element and Fair Share Plan as needed, in accordance with the requirements set forth in P.L. 2024, c.2. Should there be a surplus beyond emerging mechanisms, et. al., the Township reserves the right to use the remainder toward the next round of affordable housing, which will be addressed by an adopted Spending Plan in a timeframe that will satisfy the requirements of N.J.S.A 52:27D-329.2. The Township reserves the right to submit an updated Spending Plan to reflect any change in circumstance of the mechanisms and funds detailed herein.

Maplewood has made Township contributions to fund the Home Improvement Program and administration expenses. The Township adopted a resolution agreeing to fund any shortfall of funds required for implementing the affordable housing plan. In the event that a shortfall of anticipated revenue occurs, the resolution includes an intent to bond for the projected shortfall of funds.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund the Home Improvement Program or the Homeownership Program.

## II. SUMMARY

The Township of Maplewood intends to spend affordable housing trust fund revenues pursuant to N.J.S.A. 52:27D-329.2 and consistent with the housing programs outlined in the Housing Element and Fair Share Plan, as amended, that evolves from the Township's ongoing compliance efforts.

The Township recognizes that the projections in this Spending Plan are generated from a baseline assumption that development over the last five years will continue at a similar rate over the ten-

year Fourth Round period, and the Township therefore reserves the right to amend the contents of this Spending Plan to reflect a change in the Township’s development climate, Fourth Round HEFSP, development fee regulations, and/or any circumstance impacting the projections detailed herein.

Regarding the Fourth Round period, the Township projects approximately \$962,241.50 to be collected from development fees, Redevelopment Agreement fees, interest on existing funds, and other income from July 1, 2025 through June 30, 2035. Of this projected \$962,241.50 to be collected during the Fourth Round, the Township intends to dedicate a portion towards affordability assistance (which shall be subject to the Township’s use of available funds for Fourth Round projects and in compliance with the 20 percent administrative expenses cap as outlined in Sections 1.4(a) and 1.4(c) of this Spending Plan) and no more than 20% of actual income collected to cover administrative costs. The remaining amount of income collected in the Township’s affordable housing trust fund during the Fourth Round is intended to be used towards Fourth Round projects in accordance with Section 1.4(b) of this Spending Plan (which includes rehabilitation projects and new construction of affordable units — including funds that may be used towards special needs/group home units — and/or extensions of expiring controls), which will be allocated on a project-by-project basis as the specificity of these projects becomes more apparent over the Fourth Round period. The Township anticipates that the balance of revenues collected less expenses from July 1, 2025 to June 30, 2035 will be as close to zero dollars (\$0) as possible whereas any excess funds would be dedicated toward supplementing any programs or projects within the limits as described herein, toward emerging mechanisms pursuant to N.J.S.A. 52:27D-329.2, or reserved toward compliance with the next round of affordable housing in accordance with the Fair Housing Act.

<b>TABLE 1: FOURTH ROUND SPENDING PLAN SUMMARY MAPLEWOOD, ESSEX COUNTY, NEW JERSEY</b>	
<b>PROJECTED REVENUE 7/1/2025 – 6/30/2035</b>	
Development fees, Redevelopment Agreement Fees, Other Income	+ \$854,697.70
Interest on existing funds	+ \$107,543.80
<b>TOTAL PROJECTED REVENUE 7/1/2025 – 6/30/2035</b>	
<b>= \$962,241.50</b>	
<b>PROJECTED EXPENDITURES 7/1/2025 – 6/30/2035</b>	
Funds towards Fourth Round Projects (new construction/rehabilitation/extensions of controls/special needs and group homes)	- TBD (Minimum of \$769,793.20 minus TBD portion used for affordability assistance)
Affordability assistance	- Portion TBD (subject to the Township’s use of available funds for the 100% Affordable Housing Development, Fourth Round projects, and in compliance with the 20 percent administrative expenses cap)

Township of Maplewood

Spending Plan

Administration	- Maximum 20% of actual funds (up to \$192,448.30)
<b>TOTAL PROJECTED EXPENDITURES 7/1/2025 – 6/30/2035</b>	<b>= \$962,241.50</b>
<b>REMAINING BALANCE</b>	<b>= \$0</b>

# EXHIBIT C

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE # 3181-26

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150 (HOUSING, AFFORDABLE) OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT (FHA), AS AMENDED, AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC), AS AMENDED, REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS, AND REPEALING ANY PORTION OF THE TOWNSHIP CODE INCONSISTENT THEREWITH**

### *"Interpretive Statement"*

*This Ordinance will enact new affordable housing regulations within the Township to reflect amendments to the Fair Housing Act and the Uniform Housing Affordability Controls, and to repeal any current Township Ordinance to the extent that it is inconsistent with those amendments.*

**WHEREAS**, the Township of Maplewood filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et seq. (the "Fair Housing Act"), entitled "In the Matter of the Application of the Township of Maplewood," Docket No. ESX-622-25 on January 23, 2025; and

**WHEREAS**, the Township of Maplewood entered into a mediation agreement, filed December 17, 2025, with Fair Share Housing Center; and

**WHEREAS**, the Township of Maplewood wishes to amend its local affordable housing regulations consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented; and

**WHEREAS**, the Township of Maplewood Planning Board adopted a Housing Element and Fair Share Plan on June 12, 2025 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq.; and

**WHEREAS**, the Housing Element and Fair Share Plan have been endorsed by the Township Committee by Resolution Number 222-25 on June 17, 2025; and

**WHEREAS**, prior to the final adoption of this Ordinance, an Amended Housing Element and Fair Share Plan will have been adopted by the Planning Board and endorsed by the Township; and

**WHEREAS**, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Maplewood, in the County of Essex, State of New Jersey as follows:

**SECTION 1. Recitals.** The recitals hereto are incorporated herein as if set forth at length.

**SECTION 2. Affordable Housing Regulations Amended and Supplemented.** Chapter 150 (Housing, Affordable) of the Code of the Township of Maplewood is hereby amended and supplemented as follows:

### **CHAPTER 150 AFFORDABLE HOUSING**

#### A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Township of Maplewood consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Planning Board of the Township of Maplewood has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.

- b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

## B. Definitions

As used herein the following terms shall have the following meanings:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

"Affirmative Marketing Process" or "Program" means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance

expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

"Affordability average" means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

"Affordable Housing Dispute Resolution Program" or "the Program" refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

"Affordable Housing Monitoring System" or "AHMS" means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

"Affordable unit" means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

"Age-restricted housing" means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

"Assisted living residence" means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

"Barrier-free escrow" means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

"Builder's remedy" means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques,

such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

"Certified household" means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

"CHOICE" means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

"COAH" or the "Council" means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

"County-level housing judge" means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

"DCA" and "Department" mean the State of New Jersey Department of Community Affairs.

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

"Department" means the New Jersey Department of Community Affairs.

"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.

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

"Development fee" means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

"Dispute Resolution Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

"Division" means the Division of Local Planning Services within the Department of Community Affairs.

"Emergent opportunity" means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

"Equalized assessed value" or "EAV" 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 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

"Equity share amount" means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

"Exit sale" means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

"Exclusionary zoning litigation" means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

"Extension of expiring controls" means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

"Fair share obligation" means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

"Fair share plan" means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional 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 which 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.

"FHA" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the 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.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Household income" means a household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

"Housing element" means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

"Low-income household" means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Mixed use development" means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

"Moderate-income household" means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"MONI" means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

"Municipal housing liaison" or "MHL" means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

"Municipal affordable housing trust fund" means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

"Municipal development fee ordinance" means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

"New construction" means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

"New Jersey Affordable Housing Trust Fund" or "NJ AHTF" means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the NJ AHTF.

"New Jersey Housing Resource Center" or "Housing Resource Center" means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

"95/5 restriction" means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

"Non-exempt sale" means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as

a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

"Nonprofit" means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

"Non-residential development" means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

"Non-residential development fee" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

"Order for repose" means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

"Payment in lieu of constructing affordable units" means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

"Qualified Urban Aid Municipality" means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

"Price differential" means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the

difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

"Prior round unit" means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

"Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

"Random selection process" means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the

replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Regional median income" means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

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

"Residential development fee" means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

"State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

"Supportive housing household" means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal

or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Very-low-income unit" means a restricted unit that is affordable to a very-low-income household.

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.

"Veterans' preference" means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

### C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
  - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
  - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal 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, for the previous year from January 1st to December 31st.

- c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

#### D. Municipality-wide Mandatory Set-Aside

1. A mandatory on-site affordable housing set-aside requirement shall apply beginning with the effective date of this article to any residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units. The minimum mandatory on-site affordable housing set-aside shall be 20% for both for-sale and rental units.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance, the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit, regardless if the fractional unit is less than 0.5. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirement above, the developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units.

- E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting

municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

- a. Design of 100 percent affordable developments:

- i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- ii. Each bedroom in each restricted unit must have at least one window.
- iii. Restricted units must include adequate air conditioning and heating.

- b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

- i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
- ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
- iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
- iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development.

Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

- v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
  - vi. Each bedroom in each restricted unit must have at least one window.
  - vii. Restricted units must be of the same unit type as market-rate units within the same building.
  - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
  - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
  - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
  - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
  - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools,

fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

- vii. Each bedroom in each restricted unit must have at least one window; and
  - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
  - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
  - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The municipality has chosen to allow rounding.
  - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
  - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
    - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
    - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
    - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
    - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units. The municipality has chosen to allow rounding.
    - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The municipality has chosen to allow rounding.
    - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
    - a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
    - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
      - i. An adaptable toilet and bathing facility on the first floor;
      - ii. An adaptable kitchen on the first floor;
      - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
      - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
      - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
      - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
        - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- (b) To this end, the builder of restricted units shall deposit funds within the municipal Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
  - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the municipal Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

#### F. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311 m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Inclusionary zoning and new construction programs shall be implemented in accordance with the Township’s adopted Fourth Round Housing Element and Fair Share Plan, as amended.
3. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation). The Township will continue to operate its municipal Affordable Housing Program to satisfy its rehabilitation obligation.
  - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income

- households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
- b. Both ownership and rental units shall be eligible for rehabilitation funds.
  - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
  - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
  - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
  - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
    - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
    - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
    - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
    - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
4. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
- a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units .
  - b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.

- c. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.
  - d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
  - e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
  - f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
5. Market to Affordable program (per N.J.A.C. 5:97-6.9).
- a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
  - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
  - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
  - e. The units shall comply with UHAC with the following exceptions:
    - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
    - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
  - f. Affordability average (N.J.A.C. 5:80-26.4); however:
    - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
6. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).

- a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
    - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
    - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
    - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
    - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
    - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
    - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
7. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
  - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
  - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
  - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
  - e. Low- and moderate-income residents cannot be charged any upfront fees.
  - f. The units shall comply with UHAC with the following exceptions:
    - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
    - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
    - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and

- g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
8. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
    - i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
    - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
    - iii. Occupancy shall not be restricted to youth under 18 years of age.
    - iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
    - v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
      - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
      - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
    - vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
    - vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
    - viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
      - (a) An Affirmative Marketing Plan in accordance with I.1 below; and
      - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey

Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

- viii. The sponsor/owner shall complete annual monitoring as directed by the MHL.
- ix. The section ‘Zoning for Inclusionary Development’ at N.J.A.C. 5:97-6.4 details the standards for municipalities to rezone specific sites through the establishment of an inclusionary zoning district in the municipal code, but not necessarily to be included in with these affordable housing provisions to administer affordable units. Any new inclusionary zoning districts should also reference adherence with the municipal affordable housing provisions found herein. In addition, the FHA was amended per P.L. 2024, c.2 to eliminate N.J.S.A 52:27D-329.3 which had been the statutory authority for payments in-lieu of constructing affordable units.
- x. The section ‘Redevelopment’ at N.J.A.C. 5:97-6.6 details the standards for municipalities to include formally designated redevelopment sites in their HEFSP. Any redevelopment sites should also reference adherence with the municipal affordable housing provisions found herein.
- xi. The section ‘Municipally sponsored and 100 percent affordable developments’ at N.J.A.C. 5:97-6.7 details the standards for municipalities to include 100% affordable housing sites in their HEFSP. Any such sites should also reference adherence with the municipal affordable housing provisions found herein to the extent such provisions are not superseded by state or federally funded affordable housing programs per the applicability section of UHAC at N.J.A.C. 5:80-26.1.

#### G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

#### H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income

for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.

4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;
  - c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;

- b. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
  10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.
- I. Affirmative Marketing.
1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
  2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities

toward Housing Region 2 and is required to be followed throughout the period of deed restriction.

3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
  - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
  - b. There shall be a regional preference for all households that live and/or work in Housing Region 2 comprising Essex, Morris, Warren, and Union Counties.
  - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The Affirmative Marketing Plan shall include Fair Share Housing Center, the Latino Action Network, the New Jersey State Conference of the NAACP, East Orange

NAACP, Newark NAACP, Morris County NAACP, Elizabeth NAACP, and the Supportive Housing Association.

8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

J. Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

K. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
  - b. Provide a bedroom for every two adult occupants;
  - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  - d. Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.

4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
  - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
  - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
    - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
    - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative

annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
    - i. those that render the unit suitable for a larger household or the addition of a bathroom.
    - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
  - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there

is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
  4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
    - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
    - c. The household is currently in substandard or overcrowded living conditions;
    - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments
- O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit;
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
  - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.

2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
  - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

#### R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to

N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
  - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - b. The oversight of the Affirmative Marketing Plan and affordability controls.
  - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
  - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

- h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in S.3.h. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
  - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
  - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
  - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
  - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
  - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
  - b. Affirmative marketing:
    - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
    - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
  - c. Household certification.
    - i. Soliciting, scheduling, conducting and following up on interviews with interested households.

- ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
  - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
  - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
  - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
  - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
  - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
  - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
- i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
  - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.

- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
  - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
  - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
  - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
- i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
  - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
  - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

- 1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
  - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - b. The total number of units in the project and the number of affordable units.

- c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
  - e. A projected construction schedule.
  - f. The location of any common areas and elevators.
  - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to the items in U.1. above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
- a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
  - b. Provide to the administrative agent a description of any applicable fees.
  - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
  - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
  - e. Provide to the administrative agent a proposed form of lease for any rental units.
  - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
  - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to the items in U.1. above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
  - b. Condominium or homeowner association fees and any other applicable fees.
  - c. Estimated real property taxes.
  - d. Sewer, water, trash disposal, and any other utility assessments.

- e. Flood insurance requirement, if applicable.
- f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

#### V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - i. A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the municipal Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a

judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

- a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
- e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality,

- with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
- f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
  6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
  7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
  8. Appeals
    - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

## W. Development Fees.

1. Purpose
  - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, 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 very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

## 2. Basic Requirements

- a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

## 3. Residential Development Fees

### a. Imposed fees

- i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- ii. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a 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 an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless

the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
4. Non-Residential Development Fees
- a. Imposition of 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 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
    - ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
    - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the 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 a 2.5% development fee, unless otherwise exempted below.
    - ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within 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 of the non-residential development, whichever is later.
- e. If a property that 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 municipality as a lien against the real property of the owner.

## 5. 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 by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on 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 tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, 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 tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. 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.
- g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).



- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
  - d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
    - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
    - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
    - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
    - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
    - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
    - vi. Revocation of compliance certification or a judgment of compliance and repose;
    - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
    - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
  - e. All interest accrued in the municipal affordable housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
8. Use of Funds
- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the 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; 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 Superior Court and specified in the approved Spending Plan.

- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
  - 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, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- d. No more than 20% of all municipal affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall 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 and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

#### 9. Monitoring

- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all 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, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

#### 10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
  - b. If the municipality 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 Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
11. Emergent Affordable Housing Opportunities. Requests to expend municipal affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

**SECTION 3. Referral To Planning Board.** Concurrently with the introduction of this Ordinance, it is hereby referred to Planning Board for the Planning Board's review as to the consistency of the Ordinance with the Township Master Plan.

**SECTION 4. Repealer.** All ordinances or code provisions or parts thereof inconsistent with this Ordinance, including but not limited to Chapter 107 (Affordable Housing Development Fees) and Section 1 (Affordable Housing Mandatory Set-Aside) in Article VII (Affordable Housing) in Chapter 271 (Zoning and Development Regulations), of the Code of the Township of Maplewood are hereby repealed to the extent of such inconsistency.

**SECTION 5. Severability.** If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION 6. Effective Date.** This ordinance shall take effect as required by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance 3181-26 was introduced at a meeting of the Township Committee of the Township of Maplewood, held on February 17, 2026 and that the Township Committee will meet again on March 3, 2026, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee will hold a hearing and proceed to consider the said Ordinance on final reading and final passage.

Copies of the full ordinance will be available at no cost and during regular business hours at the Township Clerk's office for the members of the general public who shall request the same.

**MOTION: Adams      SECOND: Collins-Colding**

**YES:** Adams, Collins-Colding, Herman, De Luca

**NO:** None

**ABSTAIN:** None

**ABSENT:** Dafis

**Introduction:** February 17, 2026

**Adoption:** March 11, 2026

  
\_\_\_\_\_  
**ATTEST      Elizabeth J. Fritzen, Township Clerk**

# EXHIBIT D

## **TOWNSHIP OF MAPLEWOOD**



### **RESOLUTION NO. 102-26**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD ADOPTING AN AFFIRMATIVE MARKETING PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, on November 6, 2025, the Uniform Housing Affordability Controls (“UHAC”) were updated and amended;

**WHEREAS**, on August 30, 2025, Fair Share Housing Center (“FSHC”) filed a challenge to the Township’s Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the Township participated in the mediation process before the Program which resulted in a Mediation Agreement being entered into between the Township and FSHC on December 16, 2025; and

**WHEREAS**, the Mediation Agreement with FSHC requires the Township to satisfy several conditions, including the adoption of an updated Affirmative Marketing Plan; and

**WHEREAS**, the Township has prepared an updated Affirmative Marketing Plan that is consistent with the applicable statutes and regulations,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey as follows:

1. The Township of Maplewood (“Township”) does hereby adopt the Affirmative Marketing Plan attached hereto as Exhibit A.
2. This Resolution shall take effect immediately.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Township Committee at a regular meeting of said Committee held **March 3, 2026**.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Township of Maplewood, in the County of Essex and State of New Jersey, this **3<sup>rd</sup>** day of **March, 2026**.

**Certified to be a true copy of a Resolution adopted by the Governing Body of the Township of Maplewood at the duly held Meeting on March 3, 2026.**

  
\_\_\_\_\_  
**ATTEST** Elizabeth J. Fritzen, Township Clerk

**MOTION:** Dafis      **SECOND:** Adams

**YES:** Adams, Collins-Colding, Dafis, Herman,  
De Luca

**NO:** None

**ABSTAIN:** None

**ABSENT:** None

**Exhibit A**

**Fourth Round Marketing Plan**

(see attached)

February- 2026

### **Maplewood Township Affirmative Marketing Plan**

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Maplewood is located in Housing Region 2, consisting of Essex, Morris, Union and Warren Counties.
- B. The Township of Maplewood has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Township of Maplewood or the Administrative Agent of any specific developer approved by the municipality.
- D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Township of Maplewood or on behalf of a specific developer, shall meet the following requirements at a minimum:
  - 1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the

number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

2. The advertisements shall, at a minimum, include:
  - a. The name and location of the housing project;
  - b. An address sufficient to find directions to the housing units;
  - c. A range of prices or rents for the affordable housing units;
  - d. The sizes, as measured in number of bedrooms of the affordable housing units;
  - e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;
  - f. The number of units available to very low-, low-, and moderate-income households;
  - g. The accessibility features, if any, of the affordable housing units;
  - h. The maximum income permitted to qualify for the affordable housing units;
  - i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
  - j. Where applications (paper and online) for the affordable housing units may be found;
  - k. The expected lease-up/closing date(s) for the affordable housing units;
  - l. The expected date of the random selection;
  - m. The business hours when interested households may obtain paper applications for the affordable housing units;
  - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
  - o. The name of the sales agent and/or rental manager; and
  - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules. All newspaper articles, announcements and requests for applications for very low, low and moderate income housing shall appear in the Star Ledger.

4. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the state.
  5. Affordable units must be listed on the New Jersey Housing Resource Center's website ([www.njhrc.gov](http://www.njhrc.gov)) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
  6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
    - a. All county administration buildings in the Region
    - b. All county libraries in the Region
  7. Copies of all newspaper articles, announcements and requests for applications for very low, low and moderate income housing shall be sent to the following community and regional organizations:
    - Fair Share Housing Center
    - The New Jersey State Conference of the NAACP
    - The Latino Action Network
    - East Orange NAACP
    - Newark NAACP
    - Morris County NAACP
    - Elizabeth NAACP
    - The Supportive Housing Association
  8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Union and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
- H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Essex, Morris, Union and Warren Counties that will aid in the affirmative marketing program.
- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d) This Affirmative Marketing Plan provides a state-wide and regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 2 which is comprised of Essex, Morris, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an

agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, with the exception of resales, subject to the direction and supervision of the municipality's Administrative Agent.

## AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in **(REGION 2)**

### I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

Administrative Agent Name, Address, Phone Number  CGP&H 1249 South River Road, Suite 301 Cranbury NJ 08512		Development or Program Name, Address	
Number of:	Affordable Rental Units	Affordable For-Sale Units	
Affordable Units Total			
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range	Approximate Starting Dates		
From:	Advertising:	Occupancy:	
To:			
Counties <b>Essex, Morris, Union, Warren</b>	Preferences, if any: Regional Preference: There will be a preference for applicants who live and/or work in Housing Region 2 (Essex, Morris, Union, Warren Counties) NJ State Preference: There will be a preference for applicants who live and/or work in the State of New Jersey		
Managing/Sales Agent's Name, Address, Phone Number			
Application Fees (if any):			

**A spreadsheet with information about all units, including number of bedrooms, income level, rent or price, accessibility features, and square footage must be attached to this plan.**

Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.

### II. RANDOM SELECTION

Describe the random selection process that will be used once applications are received.  The Administrative Agent will assign random numbers to each applicant through a computerized random number generator thereby creating a waiting list. After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date that the households submits their preliminary application ("Interest Date").  In addition to the random number assigned to the household and/or the interest date, there are other factors impacting waiting list priority which are described below:
---

**Regional Preference:** Applicants that indicated that they live or work in the Affordable Housing Region will be contacted first. Once those applicants are exhausted, applicants outside the region will be contacted.  
**State Preference:** Subsequent to the Regional Preference, applicants that indicated that they live or work in the State will be contacted first. Once those applicants are exhausted, applicants outside of the State will be contacted.  
**Household Size:** Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no in or out of region or state households with a person for each bedroom size, units will be offered to smaller sized households that do not have a person for each bedroom. The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor. A household can be eligible for more than one unit category.

III. MARKETING

Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)   
  Black (non-Hispanic)   
  Hispanic   
  American Indian or Alaskan Native  
 Asian or Pacific Islander   
  Other group:

**REQUIRED**

5:80-26.16(g)1 requires you to advertise your project on the New Jersey Housing Resource Center for at least sixty days before conducting the random selection.

**HOUSING RESOURCE CENTER** ([www.njhousing.gov](http://www.njhousing.gov)) A free, online listing of affordable housing

**Regional Newspapers**

5:80-26.16(g)3 requires you to advertise your project in at least one regional newspaper (either online or in print). You may also select several papers with partial regional coverage, as long as all counties in the region are covered.

TARGETS ENTIRE HOUSING REGION 2				
Daily Newspaper				
<input checked="" type="checkbox"/>	Star-Ledger (online only)	<a href="https://www.nj.com/starledger/">https://www.nj.com/starledger/</a>	Essex, Morris, Union, Warren	<b>D-Digital or ND-Non-Digital</b>

TARGETS PARTIAL HOUSING REGION 2				
<input type="checkbox"/>	Daily Record	<a href="https://www.dailyrecord.com/">https://www.dailyrecord.com/</a>	Morris	
<input type="checkbox"/>	Lehigh Valley News	<a href="https://www.lehighvalleynews.com/">https://www.lehighvalleynews.com/</a>	Warren	
Weekly Newspaper				
<input type="checkbox"/>	Belleville Times	<a href="https://enewspaper.northjersey.com/ee/bellevilletimes/">https://enewspaper.northjersey.com/ee/bellevilletimes/</a>	Essex	
<input type="checkbox"/>	The Jersey Bee	<a href="https://jerseybee.org/">https://jerseybee.org/</a>	Essex	
<input type="checkbox"/>	Essex News Daily	<a href="https://essexnewsdaily.com/">https://essexnewsdaily.com/</a>	Essex, Union	
<input type="checkbox"/>	Morris News Bee	<a href="https://www.newjerseyhills.com/morris_news_bee/">https://www.newjerseyhills.com/morris_news_bee/</a>	Morris	
<input type="checkbox"/>	Hanover Eagle	<a href="https://www.newjerseyhills.com/hanover_eagle/">https://www.newjerseyhills.com/hanover_eagle/</a>	Morris	
<input type="checkbox"/>	Independent Press	<a href="https://www.nj.com/independentpress">https://www.nj.com/independentpress</a>	Morris, Union, Essex	

<input type="checkbox"/>	Cranford Monthly	<a href="https://rennamedia.com/publications/cranford-monthly/">https://rennamedia.com/publications/cranford-monthly/</a>	Union	
<input type="checkbox"/>	Union News Daily	<a href="https://unionnewsdaily.com/">https://unionnewsdaily.com/</a>	Union	
<input type="checkbox"/>	Spirit of Union	<a href="https://rennamedia.com/">https://rennamedia.com/</a>	Union	
<input type="checkbox"/>	Warren Monthly	<a href="https://rennamedia.com/publications/warren-monthly/">https://rennamedia.com/publications/warren-monthly/</a>	Warren	
<input type="checkbox"/>	Warren News	<a href="https://www.nj.com/warren/">https://www.nj.com/warren/</a>	Warren	
<input type="checkbox"/>	Warren Daily Voice	<a href="https://dailyvoice.com/nj/warren/">https://dailyvoice.com/nj/warren/</a>	Warren	

**Housing Search Websites – D – Digital**

5:80-26.16(g)4 requires you to advertise your project on at least one housing search website in addition to the NJHRC. This can include the AA website. List below all housing search websites to be used:

Affordablehomesnewjersey.com

**ELECTIVES**

If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.

If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.

**Specific Radio and Television Stations – D – Digital**

5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

<input type="checkbox"/>	

**AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital**

5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.

<input type="checkbox"/>	Google Ads
<input type="checkbox"/>	Microsoft Ads
<input type="checkbox"/>	Bing Ads
<input type="checkbox"/>	Other (please list)

**X Specific Newspapers and Other Publications**

5:80-26.16(e)2 lists “specific newspapers and other publications circulated within the housing region” as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

		<b>D-Digital or ND-Non-Digital</b>
--	--	------------------------------------

<input checked="" type="checkbox"/>	El Especial/El Especialito	elespecialitomk.com	Elespecial.com	
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

**Employers Throughout the Housing Region – ND – Non-Digital**

5:80-26-16(e)3 offers outreach to regional employers as an option. A comprehensive and regularly updated list of employers is available in the Marketing Outreach Tool. Please reach out to each listed employer in the region; you may add more if desired. If an employer no longer exists or has moved, please inform DCA.

**Community Organizations Throughout the Housing Region – ND – Non-Digital**

5:80-26-16(e)4 offers community and regional organizations as an option, including nonprofit, religious, governmental, fraternal, civic, and other organizations. A comprehensive and regularly updated list of organizations is available in the Marketing Outreach Tool. Please reach out to each listed organization in the region. You may add more if desired. If an organization no longer exists or has moved, please inform DCA.

**Municipal and County Websites – D – Digital**

5:80-26-16(e)5 offers municipal and county website advertising as an option. Insert the URL for the municipality. To ensure regional outreach, advertise in all county websites listed below.

Municipality: [Maplewood, NJ | Home](#)

<https://essexcountynj.org/>

<http://morriscountynj.gov/>

[www.ucnj.org](http://www.ucnj.org)

[www.warrencountynj.gov](http://www.warrencountynj.gov)

**Social Media – D – Digital**

5:80-26.16(e)6 offers social media as an option. Some common platforms are listed below. You may place ads on these platforms or market for free on your own page.

<input checked="" type="checkbox"/>	Facebook
<input type="checkbox"/>	TikTok
<input checked="" type="checkbox"/>	Instagram
<input type="checkbox"/>	Reddit
<input type="checkbox"/>	YouTube
<input type="checkbox"/>	Snapchat
<input type="checkbox"/>	Other (please list)

**Public Transit Stops – ND – Non-Digital**

A comprehensive and regularly updated list of NJ Transit stops is available at <https://www.nj.gov/dca/hmfa/about/has/>, or in map form at [njogis-newjersey.opendata.arcgis.com](http://njogis-newjersey.opendata.arcgis.com). Note that you **must** get permission from NJ Transit to post flyers.

**Other Advertising Efforts to Groups Least Likely to be Reached**

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

V. APPLICATIONS

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region:	
BUILDING	LOCATION
X Morris County Administration	PO Box 900, Morristown, NJ 07963 (973)285-6000
X Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981 (973)285-6930
X Warren County Administration	165 County Route 519 South, Belvidere, New Jersey 07823 (908)475-6200
X Warren County Library Administrative Offices	2 Shotwell Dr., Belvidere, NJ 07823 (908) 818-1280
X Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
X Essex County Library	303 University Avenue, Newark, NJ 07102 (973) 877-3233
X Union County/Administration Building	10 Elizabethtown Plaza, Elizabeth, NJ 07202 (908)527-4100
X Union County Library	1980 Morris Avenue, Union, NJ 07083 (908) 851-5450
Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Maplewood Township 574 Valley Street Maplewood, NJ 07040	Municipal Housing Liaison: (973)-762-8120
Maplewood Memorial Library 51 Baker Street Maplewood, NJ 07040	Library Director: <a href="mailto:library@maplewoodlibrary.org">library@maplewoodlibrary.org</a>
Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's compliance and/or any state funding.	
Erin Stankiewicz, CGP&H Administrative Agent, Maplewood Township	
_____	_____
Signature	Date

# EXHIBIT E

## **TOWNSHIP OF MAPLEWOOD**



### **RESOLUTION NO. 103-26**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD ADOPTING AN ADMINISTRATIVE AGENT OPERATING MANUAL AND AN AFFORDABILITY ASSISTANCE PROGRAM MANUAL**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act; and

**WHEREAS**, on November 6, 2025, the Uniform Housing Affordability Controls (“UHAC”) were updated and amended; and

**WHEREAS**, to ensure that the Township’s Administrative Agent Operating Manual and Affordability Assistance Program Manual both comply with UHAC as amended, updated manuals were prepared,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey as follows:

1. The Township Committee does hereby adopt an updated Administrative Agent Operating Manual and an updated Affordability Assistance Program Manual, which are attached hereto as Exhibit A and Exhibit B, respectively.
2. This Resolution shall take effect immediately.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Township Committee at a regular meeting of said Committee held **March 3, 2026**.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Township of Maplewood, in the County of Essex and State of New Jersey, this **3<sup>rd</sup>** day of **March, 2026**.

Certified to be a true copy of a Resolution adopted by the Governing Body of the Township of Maplewood at the duly held Meeting on March 3, 2026.

**MOTION:** Adams    **SECOND:** Dafis

**YES:** Adams, Collins-Colding, Dafis, Herman, De Luca

**NO:** None

**ABSTAIN:** None

**ABSENT:** None



ATTEST      Elizabeth J. Fritzen, Township Clerk

**Exhibit A**

**Administrative Agent Operating Manual**

(see attached)

**Exhibit B**

**Affordability Assistance Program Manual**

(see attached)

# Township of Maplewood

## AFFORDABLE HOUSING ADMINISTRATIVE AGENT

*Policies and Procedures Manual*

FEBRUARY 2026

### **Administration of Affordable Units**

Prepared by:

Community Grants Planning & Housing

1249 South River Road, Suite 301

Cranbury, NJ 08512-3633

609/664-2769 [www.cgph.net](http://www.cgph.net)

[www.affordablehomesnewjersey.com](http://www.affordablehomesnewjersey.com)



# Township of Maplewood

## Administration of Affordable Units Operating Manual

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## EXECUTIVE SUMMARY

This Operating Manual, prepared for **Township of Maplewood** hereafter referred to as “Municipality”, (1) sets forth the policies and procedures for placing eligible individuals and families into the Municipality’s affordable units and (2) provides instructions for working with developers, owners and landlords as new affordable units become available. This document is designed to ensure compliance with the State’s Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq.) and with the Municipality’s Affordable Housing Ordinance, its Affirmative Marketing Plan if applicable, and other local laws and requirements. In addition to being a valuable tool for the Municipality’s Administrative Agent and Municipal Housing Liaison as we implement Affordable Housing in the Municipality, it will also be a resource for other Affordable Housing professionals and interested members of the public to understand the intricacies of implementing a program such as this.

This manual details the tasks involved in the day-to-day administration of Affordable Housing units under the direct control and oversight of the Municipality. This document covers how new units are created and priced and how units are marketed to prospective applicants. Other information includes the following: waiting list and random selection procedures; required and permitted preferences; procedures for determining income eligibility; resale by income-eligible owners of affordable property to other eligible buyers; process for property managers to fill affordable rental vacancies; refinancing and mortgage modification procedures; waivers of program requirements. The administrative steps outlined in this manual are the thread that holds the fabric of the entire program together, setting out the fundamental obligations and responsibilities of the program administrators.

This manual reflects changes to UHAC that went into effect in December 2025. These UHAC changes impact every aspect of the Administration of affordable units from income qualification to deed restrictions and there are many outstanding questions about the applicability of the rules and how to implement the regulations. Future changes to the manual will be required after The Department of Community Affairs (DCA) launches its educational program for Administrative Agents. In addition, the New Jersey Housing and Mortgage Finance Agency (NJHMFA) has indicated on their website that they will be publishing and an updated “Understanding UHAC” manual that will provide additional clarification to Administrative Agents on the updated regulations.

The **Glossary** at the end of this Operating Manual provides definitions of terms, abbreviations and acronyms used throughout the Operating Manual.

## I. INTRODUCTION

The purpose of this manual is to describe the policies and procedures used to create Affordable Housing units in the Municipality and fill them with income-eligible families.

The policies outlined in this manual are derived from the December 2025 version of UHAC (N.J.A.C. 5:80-26.1 et seq.) The manual will be updated after DCA launches its educational program for Administrative Agents and NJHMFA publishes additional guidance on their website. This manual does not include all provisions of UHAC, and UHAC is a companion document to this manual. Instead, this manual highlights instances where additional guidance is provided by the NJHMFA, DCA staff or by local ordinance. The manual also provides additional clarification and direction on items that are not in UHAC in order to ensure fairness to applicants, owners, and renters.

### **I-A. What is Affordable Housing?**

Affordable Housing, unlike market-rate housing, has affordability controls establishing initial set prices and rents, and then controlling annual increases for many years. For example, new units that fall under these controls will be restricted for at least 30 years. The New Jersey Affordable Housing rules consider housing to be “affordable” if the household<sup>1</sup> expends approximately 28% or less of the household’s gross income on housing costs. See footnote below and Glossary for definition of “**Household**.” Affordable Housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the Affordable Housing is located.

An Affordable Housing unit for the purposes of this manual can be specifically defined herein as “a housing unit proposed or created pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“**Affordable Unit**”).

The Affordable Units referenced in this manual are not the same as public housing units that are funded largely by governmental programs such as those administered by the U.S. Department of Housing and Urban Development (“**HUD**”) programs and that are owned, operated and managed by a public housing authority (“**PHA**”). As defined by HUD, “public housing was established to provide

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<sup>1</sup> In accordance with US Department of Housing and Urban Development (“**HUD**”) definitions and UHAC practice, “**household**” references the number of persons in the unit and not the size of the unit. See for example, HUD’s definition of household as “[o]ne or more persons occupying a housing unit” -- in other words, the number of persons in the home. HUD website accessed June 13, 2016. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/library/glossary/](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/glossary/), See also, UHAC regulation N.J.A.C. 5:80-26.4, “In determining the initial rents and initial sales prices for compliance with the Affordability Average requirements for restricted units ... the following standards shall be used: 1. A studio shall be affordable to a one-person household.”

decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments for elderly families. There are approximately 1.2 million households [in the US] living in public housing units[.]”<sup>2</sup> Some municipalities create their own PHAs which operate and manage public housing within the municipality.

**I-B. Who Qualifies for Affordable Housing?**

To be eligible for Affordable Housing in New Jersey, a household’s income must be below the established income limit for the region in which the Affordable Housing is located. There are three eligibility levels: very low, low, and moderate. A moderate-income household is classified as earning less than 80 percent of the area median income. A low-income household is classified as earning less than 50 percent of area median income, and a very low-income household is classified as earning less than 30 percent of median income. See Glossary for definitions of “**Low- Income Household**” and “**Very Low-Income Household**”. There are different median incomes in each of the six Affordable Housing regions shown in Figure 1 below, with the Municipality located in **Region 2**. The income limits are adjusted annually.

**Figure 1: Affordable Housing Regions**

Regions	Counties
1	Bergen, Hudson, Passaic, Sussex
2	Essex, Morris, Union, Warren
3	Hunterdon, Middlesex, Somerset
4	Mercer, Monmouth, Ocean
5	Burlington, Camden, Gloucester
6	Atlantic, Cape May, Cumberland, Salem

**I-C. Equal Housing Opportunity**

Title VIII of the Civil Rights Act of 1968 (the “**Fair Housing Act**”), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

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<sup>2</sup> [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph), US HUD Website, accessed June 7, 2016.

The **New Jersey Law Against Discrimination** (“LAD”) prohibits discrimination when selling or renting property. The law covers owners, agents, employees and brokers and makes it unlawful to refuse to rent, show or sell property based on a person's race, creed, color, national origin, nationality, ancestry, marital status, domestic partnership or civil union status, familial status, affectional or sexual orientation, gender identity or expression, sex, or mental and physical disability, including AIDS and HIV-related illness. In addition, the LAD prohibits discrimination in the housing context based on one's source of lawful income or rent subsidy.

The **New Jersey Fair Chance in Housing Act** prohibits a housing provider from considering arrests or charges not resulting in a conviction, expunged convictions, executively pardoned convictions, vacated or nullified convictions, juvenile adjudications of delinquency, or sealed records. Housing providers cannot ask about or consider a potential tenant's criminal history – including on their initial application materials, in interviews, or in any other way – before making a conditional offer of housing. There are two exceptions for when a landlord may inquire about criminal histories without making a conditional offer: A conviction for the manufacture or production of methamphetamine on the premises of federally assisted housing; and A conviction that requires the applicant to register as a sex offender for life.

## **II. CREATION OF NEW UNITS**

This manual applies to UHAC eligible units whether for rent or for purchase, 100 percent affordable developments, market-to-affordable projects, gut-rehab projects, and other innovative Affordable Housing mechanisms. It does not apply to projects exempt from portions of UHAC including low-income housing tax credit projects and group homes. (See UHAC for a full list of exempt programs.)

### **II-A. Review Project Requirements**

When a new project is planned, the administrative agent designated by the Municipality for the administration of Affordable Units (the “**Administrative Agent**”) will gather the information about the development. The first step is to review development approvals and/or developer agreements, the Housing Element and Fair Share Plan, and the municipal Affordable Housing Ordinance, including its Affirmative Marketing Requirements if applicable.

### **II-B. New Purchase Units**

#### ***1. Initial Pricing and Bedroom Distribution of Purchase Units***

The Administrative Agent will determine the initial pricing stratification in compliance with UHAC. The Administrative Agent will also review the municipal housing ordinance and other planning documents to determine if units are prior round units and if there any other additional requirements when setting initial sale prices.

The pricing calculation will take into consideration costs that exist at that time including such factors as the mortgage rate, tax rate, equalization ratio, condominium/homeowner association fee, and Private Mortgage Insurance (“**PMI**”). PMI must be included in the pricing calculation even if a new development will provide financing that will not require PMI. This will ensure that the price is affordable at future sales when PMI will be required. The maximum restricted sales price (“**MRSP**”) will be affected by mortgage interest rates when an affordable Unit is initially priced. At resale, the prevailing mortgage interest rate will be used to determine the affordability of that particular unit to the applicant household. 2

#### ***2. Upgrades from Builder***

The builder may offer buyers of new Affordable Units the opportunity to purchase upgrades such as granite countertops or hardwood flooring at additional cost. If upgrades are offered, the following guidelines apply:

- a. These upgrades must be optional. The buyer must be able to choose NOT to purchase the upgrades and be able to buy the base home at or below the MRSP.
- b. The sale price of the home will be at or below the MRSP without the cost of the upgrades.
- c. All future sales will be based on the sale price without the upgrades. In other words, the buyer will not be able to recoup the cost of the upgrades at the next sale.
- d. The buyer cannot finance more than the MRSP. As a result, the buyer will not be able to finance the cost of the upgrades.

**3. Deed Restriction**

Affordable Units created under this program will be deed restricted as affordable for a period of at least 30 years. All legal instruments to secure the affordability will be modeled after the applicable instruments published in the UHAC Appendices. The affordability control period start date for each unit begins when the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

A market-rate appraisal will be required to calculate the repayment amount on the affordable Recapture Mortgage Note. (This amount is the difference between the market appraisal and the affordable sale price and is due at the first non-exempt sale at the end of the control period.) The developer is responsible for providing the market rate appraisal. One appraisal can be used for similar unit types (all one bedrooms that are the same models, for example) if the appraisal is less than six months old. If the buyer's mortgage company completes a market-rate appraisal, that appraisal can be used instead. (See additional discussion in Section V.)

**4. Earnest Money (Deposit) for Ownership Properties**

The Affordable Housing rules do not specify a minimum or a maximum amount that a buyer must put down on a property when the Purchase Agreement and/or Contract of Sale is executed. However, while not required, a down payment is recommended because banks will almost never lend without a 5% minimum contribution.

**II-C. NEW RENTAL UNITS****1. Initial Pricing and Bedroom Distribution of Rental Units**

Rents will be set according to the pricing guidelines outlined in UHAC. The Administrative Agent will also review the municipal housing ordinance and other planning documents to determine if units are prior round units and if there are any other additional requirements when setting initial rents.

**2. Deed Restriction**

Control periods shall be at least 30 years as applicable unless otherwise indicated for rental units that meet the definition of prior round units. Other than for prior round units, control periods for restricted rental units shall be at least 40 years. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent. All legal instruments to secure the affordability will be modeled after the applicable instruments published in UHAC.

The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction.

The units cannot be “swapped” during the control period. *For example, after the deed restriction is filed, the affordable designation of the unit cannot be changed from a Low-Income to a Moderate-Income unit.* Moreover, it is important to note that the prevailing regulations (UHAC) do not require annual recertification, and therefore while the unit remains as a Low/Moderate-Income unit during the term of the deed restriction, the income of the current tenant is no longer relevant following initial eligibility. The same rules relating to initial eligibility certification and no annual recertifications will continue to apply to each subsequent tenant throughout the duration of the deed restriction.

**3. Mandatory and Optional fees**

At vacancy, all fees for affordable tenants will comply with the current UHAC regulations summarized below. If a tenant had previously signed a lease, the existing fee structure may be maintained until the tenant vacates the unit.

**Figure 1: Rental Fees**

<b>1. Certificate Of Occupancy Fees</b>	Prohibited
<b>2. Move-In Fees</b>	Prohibited
<b>3. Move-Out Fees</b>	Prohibited
<b>4. Mandatory Internet Fees</b>	Prohibited
<b>5. Mandatory Cable Fees</b>	Prohibited
<b>6. Mandatory Utility Submetering Fees</b>	Prohibited
<b>7. Parking Fees</b>	Prohibited EXCEPT developments may charge parking fees for 1 car if the development has fewer than one and a half off-street parking spaces per unit.
<b>8. Amenity Fees</b>	Any fee structure that would remove or limit affordable renters’ access to any amenities or services that are required or included for market-rate renters is prohibited.
<b>9. Pet Fees</b>	Pet fees may not exceed \$30.00 per month per household (not per pet) and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
<b>10. Optional Fees (storage spaces, bike share programs, party room rental)</b>	Permitted but may not exceed the amounts charged to market-rate tenants.
<b>11. Application Fees (including credit check)</b>	Fees greater than 5% of rent prohibited.

Utility allowances are factored into the initial pricing and are not considered mandatory or optional fee.

The developer may require that all renters purchase *rental insurance*. The rental insurance cost is not considered a mandatory fee and will not be included in the initial rental calculation or part of the minimum income calculation.

#### **4. Hold Fees**

After the household passes the landlord's tenant selection criteria, the landlord *may* choose to collect an additional fee from the applicant to process the Affordable Housing application. Landlords may choose to implement this optional fee so only serious applicants move through the income certification process. If this optional fee is collected, the following rules apply:

- The fee cannot be higher than one month's rent.
- If the applicant is income-certified and rents the unit, the fee will be applied to the first month rent and/or down payment.
- If the applicant is income certified and they choose not to rent the unit, the landlord is not required to return the fee.
- If the applicant is determined to not be income eligible, the landlord must return the fee.

#### **5. Security Deposit**

Security deposits for Affordable Units are governed by New Jersey Landlord-Tenant regulations. The requirements are the same for Affordable Units as they are for market-rate units.

#### **6. Tenant Selection Criteria**

Affordable units are "private" market units (as opposed to public housing units) where rents are set (and deed restricted as to time) to be affordable to very low, low, and moderate income persons. Although deed restricted, the units still are under the "control" of the private owner/landlord, with oversight by the Administrative Agent. Accordingly, other than the set rent and deed restriction requirement, the landlord may establish its own non-discriminatory legal criteria for tenant selection. Such tenant selection criteria must be the same in renting Affordable Units as for leasing market rate units. All tenant selection criteria must comply with all New Jersey landlord tenant law including the New Jersey Fair Chance in Housing Act.

### III. MARKETING OF UNITS, WAITING LIST, AND MATCHING HOUSEHOLDS TO AVAILABLE UNITS

The following section describes the steps that will be taken to identify very low, low, and moderate income families that may be interested in renting and purchasing Affordable Units created by the Municipality. All marketing initiatives must comply with the Affirmative Marketing rules established by UHAC, as presently set out in NJAC 5:80-26.16 and in accordance with any additional Affirmative Marketing Plan developed by the Municipality.

Development-specific Affirmative Marketing Plans would outline required marketing, including paid advertising that must be conducted before a random selection is completed. (See Random Selection and Waiting List Priority in Section B, below.)

While the waiting list is open, Affirmative Marketing will continue in the form of listing of units on NJHRC.gov, affordablehomesnewjersey.com, and/or quarterly mailings to community groups, major employers, and government agencies in the New Jersey Affordable Housing region where the Municipality is located. If the waiting list is ever closed because of the long length of the list, paid advertising as outlined in the Affirmative Marketing Plan will be required to reopen the waiting list.

#### **III-A. Preliminary Application**

All households that wish to be considered for Affordable Housing must submit a preliminary application. Households will be encouraged to submit their preliminary application online. For those applicants who do not have internet access, the Administrative Agent will work with interested applicants by phone and mail. The preliminary application will include questions about household income and its composition in order to determine preliminary eligibility. Please note that preliminary eligibility is based solely on self-reported information by the applicant and is in no way a guarantee of eligibility.

If the applicant indicates that their total household income is below the moderate income limit for their family size, they will be eligible for placement in the applicant pool. The Administrative Agent will also set a minimum income that is required to be added to the waiting list. (See *Minimum Income Requirements* in this Chapter.) Applicants will be required to provide written documentation of their income at the time of the full income certification as discussed in *Chapter IV*.

#### **III-B. Random Selection and Waiting List Priority**

The Administrative Agent will assign random numbers to each applicant through a computerized random number generator thereby creating a waiting list.

After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date that the household submits their preliminary application (“**Interest Date**”).

At the time a unit is available, a separate list of applicants is created for each property, deriving from a municipality-specific waiting list of applicants who have added themselves to that waitlist up to the day of the creation of the separate development list.

The household with the highest lottery number (or oldest Interest Date) may not always be the next person contacted for a specific available unit because of factors impacting waiting list priority. In addition to age-restricted requirements, these factors include the number of persons in the household, household income level, households with a person with physical disabilities, veterans preference, regional preference, and New Jersey preference as may be established in the Municipal Affordable Housing Ordinance. The municipality has selected to use a regional preference, a New Jersey preference and a veterans preference, which appears in the municipality's Affordable Housing Ordinance. Each of these six waiting list priority factors are further described in *Figure 2*. In addition, with respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

### **III-C. Matching Applicants on Waiting list to Available Units**

When an applicant becomes eligible to be offered an Affordable Unit, they will be asked to complete an Interest Form. The Interest Form will assess whether they continue to meet the income requirements and whether they remain interested in purchasing or renting a specific unit or unit type.

The Administrative Agent will strive to fill available affordable units as quickly as possible in order minimize vacancy times and thereby assisting more households with affordable housing. Instead of inviting one applicant at a time for each available unit, the Administrative Agent will invite a group of households that meet the eligibility requirements to complete an Interest Form for each available unit. This method reduces the time it takes to fill an affordable housing vacancy. Waiting list priority will be established by the factors outlined in *Figure 2*. Households will have 24 hours to respond to the Interest Form to determine if they are interested in being potentially referred to the unit. If they do not want to pursue the unit or even if they do not respond at all, they will **not** be removed from the waiting list and will be notified of the next available vacancy. The Administrative Agent will prescreen the applicant's responses to the Interest Form.

**Figure 32: Additional Factors Impacting Waiting List Priority**

<b>1. Age-Restricted</b>	Only households that meet the age-restricted requirements will be offered age-restricted units.
<b>2. Regional Preference</b>	Municipalities may choose to give preference to households that live or work in the local Affordable Housing region. The municipality has elected to give preference to households that live or work in the local Affordable Housing region, such regional preference shall be established by ordinance. In such instance, applicants who indicate that they live or work in the Affordable Housing region will be contacted before those outside the region. Once those applicants are exhausted, applicants outside the region will be contacted.
<b>3. New Jersey Preference</b>	Subordinate to the regional preference, the municipality has elected to give preference to households that live and/or work in New Jersey.
<b>4. Household Size (Number of Members)</b>	Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no households with a person for each bedroom, units will be offered to smaller sized households that do not have a person for each bedroom. An applicant household cannot be required to take an Affordable Unit with a greater number of bedrooms as long as overcrowding is not a factor. (A maximum of two people are permitted per bedroom.) A household can be eligible for more than one unit category. An applicant may request a reasonable accommodation for an extra bedroom to accommodate large medical equipment. Applicants must provide Doctor’s note at time of income certification.
<b>5. Maximum Minimum Income</b>	Only households that are under the income limit of the Affordable Unit AND meet the minimum income requirements will qualify to apply for the next Affordable Unit. See <i>Figure 5</i> for a full discussion of minimum income requirements.
<b>6. Fully Accessible Units</b>	A household with a person with physical disabilities will get preference on the waiting list for accessible units because of the very limited number of handicapped accessible units. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.
<b>7. Veterans Preference</b>	The Municipality and developer may enter into an agreement to provide preference to veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. If applicable, veterans who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy.

Another way the Administrative Agent will strive to minimize vacancy times is by determining when to invite applicants to submit a full application during the screening process. There are three primary avenues. All applicants applying for the same unit will follow the same path.

- 1. Referral after Interest Form** - For most resales, applicants are referred to the seller of the affordable home after the Interest Form is submitted and screened before being invited to submit a full application. This method is generally preferred because each resale unit varies in condition and finishes. Not requiring applicants to submit full applications prior to referral allows applicants to see the opportunity before they invest time completing the full income certification application with supporting documents.
- 2. Referral after Full Application Prescreen** – For all rental units and some sale units, potentially eligible applicants will be invited to submit a full income certification application after the interest form is screened. CGP&H will also prescreen the full income certification application. Ineligible applicants will be notified that they do not qualify for the unit based on self-reported information. This prescreening of the full application does not include a review of required supporting documentation. Potentially eligible applicants will be referred to the landlord or owner after the full application prescreen.
- 3. Referral after Full Income Certification** – In some cases, applicants will be referred to the landlord or owner after the applicant is fully income certified.

Another way the Administrative Agent can expedite the filling of vacancies is by contacting all eligible households for a specific unit when the waiting list is very short. This approach allows the Administrative Agent to move through the waiting list as quickly as possible. Waiting list priority will be established by the factors outlined in *Figure 2*. If more than one household qualifies and is interested, the household with the highest priority number will be offered the unit first.

### III-D. Determining Preliminary Eligibility

The Administrative Agent will review the Interest Form to determine whether the applicant meets or continues to meet the requirements to rent or purchase the unit. All information will be verified during the full application process. The following sections describe the factors that will be reviewed to determine preliminary eligibility as well as final eligibility during the full income certification process.

#### **1. Regional and State Preference**

Should a municipality determine that households that live or work within the Municipality's Affordable Housing Region and/or New Jersey are to be given preference in being contacted, such preferences shall be set out in the municipality's Affordable Housing Ordinance. Upon the adoption of such an ordinance, the Administrative Agent will confirm that the household either lives or works within the region and/or New Jersey. If they no longer live or work within the region and/or New Jersey, they will remain on the waiting list for consideration after all in-region and/or in-state applicants have been considered. The municipality does have a regional preference. The municipality does have a New Jersey preference.

**2. Determining Household Composition**

The household is composed of all permanent members of the household, and the composition will determine both the size of the unit needed by the household and the maximum income limit of that household. Some household members may be considered in the bedroom calculation who are not counted in the maximum income calculation as shown in *Figure 3*. If applicant’s divorce decree states that both parents share legal and residential custody but the former spouse has primary custody for school purposes, the child may be included in the applicant’s household when determining household size during the income certification process.

**Figure 3: Determining Household Size (Number of Members)**

	<b>Maximum Household Income Limit</b>	<b>Bedroom Size Calculation</b>
<b>Foster Children</b>	Do not count in household (do not include foster care income either)	Count
<b>Live in Health Aid or Nanny</b> (This must be a paid position and proof of contract with caregiver is required)	Do not count (Must provide proof that person is hired)	Count
<b>Child Whose Primary Residence is Not the Applicant Household</b>	Do not count unless custody is 50/50 (see narrative)	Count
<b>Unborn Child</b>	Count (Cannot ask for documentation because of privacy)	Count
<b>Child being adopted</b>	Count	Count
<b>Full time college student not living at home</b> (Full time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester)	Count (Do not count any part time income earned where part time is any income earned on less than a 35 hour work week)	Count

**3. Maximum Income Limits**

The Administrative Agent will confirm that the household’s income reported on the Interest Form falls under state mandated maximum income limit for the unit for which they are applying. Maximum income limits are provided annually by the NJ HMFA for each of the six Affordable Housing regions.

#### **4. Minimum Income Requirements**

Unlike maximum income limits, the State does not set minimum income limits. Instead, the State provides different income-to-housing expense ratios for rental and purchase units and different standards for age-restricted homes. The purpose of these ratios is to provide guidelines so applicants will be able to sustain their monthly housing expenses in the Affordable Units.

Evaluating minimum income requirements is complicated because the permitted ratio of monthly income that can be spent on housing expenses varies for different unit types and waivers are permitted. *Figure 4* details the minimum income ratios that will be utilized at each stage of the outreach process as well as during the full income certification. Since waivers from UHAC are allowed (see below), outreach is extended to households that do not quite meet the minimum income requirements. *For example, UHAC stipulates that households must not pay more than 35 percent of their monthly income for housing expenses if they are purchasing a home unless they meet a waiver requirement. When a specific home is for sale, outreach is expanded to all households whose housing expenses are under 37 percent instead of 35 percent. At the time of income certification, the exact percentage and whether they meet a waiver requirement is confirmed.*

Precise waiver requirement standards are not stipulated in UHAC, and *Figure 4* provides guidance when evaluating waiver requests. The State permits the Administrative Agent to give waivers to households to purchase a unit when their existing monthly housing expenses exceed 35 percent of their monthly income under the following conditions:

- The household can provide evidence that they have completed a HUD-certified home budgeting course; and
- The household obtains a firm mortgage loan commitment at the higher housing expense percentage of income level from a licensed financial institution.

Likewise, rental waivers may be given under the circumstances described below, and the household must receive a budgeting counseling class.

- The household can document that the housing expense of the Affordable Unit is less than the housing expenses of their current housing; or
- The household currently pays more in rent and the proposed rent will reduce the household's housing costs; or
- The household has consistently paid more than 35 percent (40 percent for households eligible for Age-Restricted Units) of eligible monthly income for rent in the past and has proven its ability to pay; or
- The household is currently in substandard or overcrowded living conditions;
- The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
- The household documents proposed third party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the Owner of the unit. (This includes applicants with a Section 8 Voucher.)

When reviewing a waiver request, the Administrative Agent may take into consideration whether the applicant is receiving other assistance such as SNAP Benefits (Food Stamps).

#### **5. Regional Asset Limit**

The administrative agent shall deny the certificate of eligibility if the applicant household meets income eligibility requirements but possesses net household assets valued at an amount greater than the Regional Asset limit published annually by NJMFA. Administrative agents shall determine household net assets in accordance with the procedure for calculating "net family assets" stipulated at 24 CFR 5.603(b), as it may be updated from time to time.

The estimated net value of an applicant's primary residence shall be excluded from the calculation of net total assets if any of the following apply:

- The applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium or homeowner association fees, as applicable) exceed 38 percent of the household's eligible monthly income;
- The applicant is receiving assistance for the residence pursuant to 24 CFR 982.620 or pursuant to the Homeownership Option at 24 CFR 982;
- The applicant jointly owns the residence with an owner-occupant who is not part of the applicant household and with whom the applicant does not reside;
- The residence is a restricted ownership unit subject to the requirements of this subchapter or a unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, including any 95/5-restricted unit;
- Any member of the applicant household is a victim of domestic violence, as defined by the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.); or
- The applicant demonstrates that the residence is not suitable for occupancy, according to any of the criteria listed at 24 CFR 5.618(a)(2)(i) through (v).

The administrative agent must accept self-certification from any member of an applicant household claiming to be a victim of domestic violence for purposes of the exception.

Figure 4: Minimum Income Calculations <sup>1</sup>

<b>RENTALS</b>		
<i>Monthly Housing Expense Calculation is rent + utilities not included in rent – monthly rental Assistance (if accepted by landlord)</i>		
	<b>FAMILY UNITS</b>	<b>AGE-RESTRICTED UNITS</b>
<b>To Submit Preliminary Application</b>	Any household with income over <b>\$8,000/year</b>	Any household with income over <b>\$8,000/year</b>
<b>To Be Invited To Submit Interest Form</b>	<b>37%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup>	<b>42%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup>
<b>To Be Invited To Submit Full Application</b>	<b>37%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup>	<b>42%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup>
<b>To Be Income Certified To Rent Unit</b>	<b>35%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup> If applicant meets minimum income requirement with rent only, case manager will review utility allowance <sup>3</sup>	<b>40%</b> of income toward housing expenses <b>45%</b> of income toward housing expenses with rental waiver <sup>2</sup> If applicant meets minimum income requirement with rent only, case manager will review utility allowance <sup>3</sup>
<b>UHAC Requirement (Without Waiver)</b>	<b>35%</b> of income toward Housing Expenses	<b>40%</b> of income toward housing expenses
<b>OWNERSHIP</b>		
<i>Monthly Housing Expense Calculation is mortgage cost +HOA fee + property tax + insurance</i>		
	<b>FAMILY AND AGE-RESTRICTED UNITS</b>	
<b>To Submit Preliminary Application</b>	Any household with income over <b>\$8,000/year</b> .	
<b>To Be Invited To Submit Interest Form</b>	<b>37%</b> of income toward housing expenses No minimum down payment required	
<b>To Be Invited To Submit Full Application</b>	<b>37%</b> of income toward housing expenses	
<b>To Be Income Certified To Purchase Unit</b>	<b>35%</b> of income toward housing expenses <b>37%</b> of income toward housing expenses with ownership waiver <sup>2</sup>	
<b>UHAC Requirement (Without Waiver)</b>	<b>35%</b> of income toward housing expenses	
<sup>1</sup> Minimum income and percentages may be adjusted as needed to administer the program. Minimum income should not restrict eligible applicants and is designed to prevent applicants who do not have enough income from being added to the waiting list. All minimum income requirements will be clearly posted on the Administrative Agent’s website. <sup>2</sup> Rental and Purchase waiver requirements are explained in the <i>Minimum Income</i> Section of this Chapter (see Section 4). <sup>3</sup> The utility allowance review will determine whether the applicant will be able to afford the monthly expenses. This is sometimes required because the new utility allowance greatly exceeds the original utility pricing or their household’s actual utility costs may be less because of energy improvements.		

**6. Separated Applicants**

Separated applicants who have not finalized their divorce settlement agreement cannot purchase an affordable home until the spouse signs a form stating that they are releasing any claim right or interest in the affordable home being purchased. If the spouse refuses to sign the release, the applicant can request a judge to require the spouse to sign the form.

In order to calculate the household income of separated applicants at the time of the full income certification for both rental and sale properties, the applicant will need to provide a settlement agreement, divorce decree, or a division of assets signed by both parties.

**III-E. Annual Updates**

In order to keep the waiting list current, households will be asked to update their contact and other qualifying information on the waiting list annually. Households that do not update their information will be removed from the waiting list.

**III-F. Full Application**

Households will be invited to submit a full application to purchase or rent an affordable unit in order for the Administrative Agent to determine the income eligibility of the household. Applicants will have seven (7) days to submit the income application and seven (7) day extensions are permitted for a total of two weeks (14 days). Applicants will be advised that they may request an extension. All applicants will be provided a minimum of 14 days to complete their application.

The initial seven (7) day deadline with possible seven (7) extension is provided instead of an initial two week (14 days) deadline in order to assist applicants and reduce vacancy times.

### **III-G. Removal from the Waiting List**

Applicants on the waiting list for Affordable Housing can be removed from the list for any of the following reasons:

1. The applicant's income exceeds the income guidelines;
2. The applicant does not have the minimum income to purchase or rent any units in the portfolio;
3. The applicant assets exceeds the Regional Asset limit;
4. The applicant requests to be removed;
5. The applicant submits fraudulent information during the income certification process;
6. The applicant fails to submit the complete application on time (this includes failure to provide documentation needed to verify income and other required documents);
7. The applicant fails to respond to an inquiry in a timely manner;
8. The applicant does not cooperate or is abusive with staff, property managers, or the sellers of Affordable Units;
9. The applicant does not meet the credit requirements or other tenant selection criteria required by the landlord;
10. The applicant is unable to secure a mortgage;
11. The applicant does not attend a budgeting/home buyer counseling class if such is required (e.g., for a waiver);
12. The applicant does not respond to requests to purchase or rent a unit;
13. The applicant does not submit an annual update; or
14. The applicant has been approved to rent or purchase a unit in the Municipality.

Applicants who are removed from the waiting list may reapply. If approved to rent or purchase a unit in the Municipality, they may reapply for other opportunities in the Municipality.

### **III-H. Income Certified Applicants on the Waiting List**

Under certain circumstances, an applicant may be fully income certified but they do not proceed with the purchase or renting of the unit. In this case, the applicant will resume their original position on the waiting list. They will be contacted in the same priority outlined in this Chapter. In other words, being fully income certified will not result in any priority on the waiting list over other applicants. If the applicant does not sign a contract or lease within six months of the income certifications, the certification will expire.

In the future, the Administrative Agent shall accept household income determinations made within the previous 180 days by another administrative agent that has successfully completed DCA's Education Program. This is not applicable at this time because the Education Program has not been made available and therefore no Administrative Agents have successfully completed the program.

## **IV. DETERMINING INCOME ELIGIBILITY**

To be eligible for consideration for an Affordable Unit, a household must be determined to be income eligible.

The administrative agent shall determine household income in accordance with the procedure for calculating annual income at the time of initial occupancy and assistance, stipulated at 24 CFR 5.609, as it was in effect on December 20, 2024, and described in Chapter 5 of HUD [page=2782] Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, which is available at:

[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/hsg/4350.3](https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsg/4350.3).

### **IV-A. Proof of Income and Other Supporting Documents**

Extensive supporting documents are required to document the household's income and other qualifying criteria. The full list of required supporting documentation is provided in *Figure 5*.

During the course of the income certification, applicants may be required to submit additional documentation to establish the household composition and income. While it is impossible to list all examples of additional documentation, some examples of additional documentation are described below. The Administrative Agent may require that documentation is notarized.

- Private mortgage documentation (bank statement of party lending the money, letter with terms of private mortgage);
- Proof of gift for down payment (bank statement of party gifting the money, letter with terms of private mortgage);
- Proof of rental assistance from family, friend, or community group;
- Death Certificate of spouse when applicant is a recent widow or widower;
- Notarized letter from employer explaining overtime that will be offered to employee;
- Itemized explanation of deposits in bank accounts;
- If there are other household members that appear to be living in the household now but are not part of the household as it was when applying for housing, the applicant will have to provide a notarized letter explaining the current and existing household composition;
- If there is someone listed on the applicant's bank statement that is not included in their household applying for Affordable Housing, the applicant will be required to show proof that the person does not reside with the applicant; and

Notarized letter regarding withdrawal from 401K accounts or pensions (For example, if funds were withdrawn last year, will the applicant be making a withdrawal this year?)

**Figure 5: Required Supporting Documents**

<p><b>Identification</b></p> <p><input type="checkbox"/> Personal photo identification: Driver’s License, passport, or State ID</p>
<p><b>Income Related Documents – Provide All That Apply</b></p> <p><input type="checkbox"/> Employment Income: 4 most recent consecutive pay stubs for all employed household members</p> <p><input type="checkbox"/> Social Security: Most recent award letter</p> <p><input type="checkbox"/> Temporary Assistance for Needy Families (TANF): Voucher or other verification</p> <p><input type="checkbox"/> Pension: Letter from pension fund setting forth outlays and benefits received</p> <p><input type="checkbox"/> Child Support: Current statement from NJ child support website, court order or notarized letter re: child support status</p> <p><input type="checkbox"/> Alimony: Current statement from NJ website or notarized letter regarding alimony support status</p> <p><input type="checkbox"/> Military Pay: Verification of military pay</p> <p><input type="checkbox"/> Workers' Compensation: Statement showing benefits</p> <p><input type="checkbox"/> Unemployment Benefits: Statement showing benefits</p> <p><input type="checkbox"/> Self Employed or Own Business: Year to date profit &amp; loss statement (not required if submitting K-1 with taxes)</p> <p><input type="checkbox"/> 1099 for Independent Contractors (Profit and loss statements are not permitted)</p>
<p><b>Bank Statements &amp; Other Accounts (Including JOINT ACCOUNTS)</b></p> <p><input type="checkbox"/> Checking Account: All pages of statements for the last 6 consecutive months</p> <p><input type="checkbox"/> Savings Account Statements Including CD's: All pages of statements for the last 6 consecutive months</p> <p><input type="checkbox"/> Other Account Statements: Most recent statement for other assets such as retirement accounts, 401k’s, stocks, bonds, &amp; trusts</p>
<p><b>Tax Returns</b></p> <p><input type="checkbox"/> Federal Tax Return: All pages of 1040 Federal Tax Return for the past 3 consecutive years (copies of signed returns to validate the copy)</p> <p><input type="checkbox"/> State Tax Return: All pages for the past 3 consecutive years</p> <p><input type="checkbox"/> Notarized tax waiver letter if unable to provide taxes</p>
<p><b>If Applicant Owns a Home, Condo, and/ or Rental Property, the Following is Required</b></p> <p><input type="checkbox"/> Current mortgage statement</p> <p><input type="checkbox"/> Investment property lease agreement (if applicable)</p> <p><input type="checkbox"/> Current year tax assessment record</p> <p><input type="checkbox"/> Real estate listing if this property is for sale</p> <p><input type="checkbox"/> Contract with the realtor listing property if property is for sale</p> <p><input type="checkbox"/> Foreclosure notice (LIS PENDENS, etc.) if the property is in foreclosure</p>
<p><b>Other</b></p> <p><input type="checkbox"/> Divorce Decree: All pages of divorce decree &amp; settlement agreement</p> <p><input type="checkbox"/> Full Time Student Over 18: School schedule to document full time status</p> <p><input type="checkbox"/> Section 8: Voucher <b>(RENTAL ONLY)</b></p> <p><input type="checkbox"/> Mortgage Preapproval <b>(OWNERSHIP ONLY)</b></p>

## IV-B. Final Eligibility Determinations

After the household's annual income and composition is determined and verified, the Administrative Agent will make the final eligibility determination. Requirements related to household composition, Regional Asset Limit, down payments, etc. outlined in *Chapter III* will also be verified.

Households determined to be eligible will receive an eligibility letter notifying them of their eligibility determination, in writing within five days of completion of the eligibility determination. When a household is determined ineligible, the household will be notified in writing and advised of the reasons for the ineligibility and that it may submit additional proof and request that the decision be reconsidered by the Administrative Agent. Such request for reconsideration shall be made by the applicant within five (5) business days of receipt of notice of denial of ineligibility. If an applicant for affordable housing is again determined to be ineligible by the Administrative Agent, then the Municipal Housing Liaison (see Chapter 7) will attempt to mediate the decision or policy to the satisfaction of all parties. Any situation that the Municipal Housing Liaison is unable to resolve will be forwarded to the Division of Local Planning Services (Division) for further appeal and review. The determination of the Division shall be a final administrative action.

## IV-C. Misrepresentation of Information in Application

When the applicant submits their full application, the applicant certifies that all information provided in the application is complete and true as to the entire household. If the applicant makes false statements or provides fraudulent documentation, the applicant will be determined ineligible immediately. They may reapply for Affordable Housing but they will lose their position on the waiting list.

## IV-D. Changes to Income and/or Household Composition after Submittal

Prior to the certification process and a determination of eligibility, a household may supplement its application. Once the full application has been submitted with the applicant certifying that all information is complete and true, the applicant enters the Eligibility Period. During this one to two-week timeframe during which the household's eligibility is being reviewed, the applicant is not permitted to change the employment status of any household member in order to become eligible for Affordable Housing nor change the household composition from what is listed on the application. *For example, the applicant cannot add a member to their household, subtract a member, quit a job, or get a new job, or a raise during the Eligibility Period. See Glossary for definition of "Eligibility Period".* If the applicant does make changes during this Eligibility Period, the household will be determined ineligible and lose their position on the waiting list. However, the applicant may reapply with their new income and/or household composition and will be assigned a new position on the waiting list.

## **V. OWNERSHIP PROGRAM**

At each purchase, Affordable Housing documents are executed that restrict units as Affordable Units. The process of finding a buyer is explained in depth in *Chapter III*. In addition, the buyer must be income certified as outlined in *Chapter IV* and information about establishing new ownership projects is also included in *Chapter II*.

The following outlines the process of selling and purchasing an affordable home.

### **V-A. Selling an Affordable Home (Resale)**

#### **1. Request an Intent to Sell Package**

When an owner wants to sell its affordable home, the first step is to request an Intent-To-Sell package. The owner, as “**Seller**”, cannot start the process of selling its home until it makes this request and receives the package from the Administrative Agent.

#### **2. Calculate the MRSP (Maximum Restricted Sales Price)**

The Administrative Agent will calculate the MRSP of the affordable home based on the last sale price and the last sale date. The annual increase issued is applied for each year the owner has owned the home. However, there is no increase if the owner has owned the home for less than a year. *For example, if an owner purchased an affordable home in March 2015 and requested to sell the home in January 2016, the MRSP is the price the owner paid for the home.*

In addition, if the owner requests to sell their home and the state has not released the annual increase for that year yet, no annual increase for the current year will be applied. *For example, if an owner requests to sell their home in February 2015, and the 2015 increase has not been released, the MRSP will not include an increase for 2015.*

Owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit based on capital improvements. All adjustments for capital improvements are subject to 10-year straight-line depreciation. Eligible capital improvements are:

- Those that render the unit suitable for a larger household or the addition of a bathroom.
- The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at UHAC.

No increase for capital improvements is permitted if:

- The improvements were not approved in advance by the Administrative Agent; or
- The maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage.

The Administrative Agent will prepare the Intent to Sell Package and send it to the Seller. This package will include:

- Form for the owner to sign and return, formally requesting to sell home;
- The MRSP of the unit;
- An overview of the process of selling an affordable home in this program;
- Blank Purchase Agreement;
- Summary of fees charged by the Administrative Agent/Municipality related to selling of the affordable home;
- Request for digital photographs to be utilized in the marketing of the home; and
- Request for additional information about the home to be utilized in marketing the home such as recent renovations and unit amenities.

### **3. Start Affirmative Marketing Process**

When the Administrative Agent receives the signed Intent to Sell Form back, it will begin the process of looking for a buyer for the unit. This process is outlined in *Chapter III* of this manual. The Administrative Agent will refer interested buyers directly to the Seller. The Seller will be responsible for showing the home to interested buyers. Buyers cannot enter into a contract with the buyer unless they are income certified by the Administrative Agent and next on the waiting list.

## **V-B. Buying an Affordable Home**

### **1. Preliminary Application and Prescreen**

In order to be considered to purchase an affordable home, interested buyers must submit a preliminary application. The process outlined in *Chapter III* will be followed even if the Seller has found a buyer interested in purchasing the property. The unit must be affirmatively marketed to other eligible households on the waiting list first.

### **2. Income Certification**

When a household would like to purchase the home, it will notify the Administrative Agent, and if it is next on the waiting list, it will be invited to submit a full application. The income certification process is described in detail in *Chapter IV*. A mortgage pre-approval must be submitted with the application as well as proof that the buyer has the recommended minimum down payment if required by the bank or provided at buyer's option. Buyers will be advised that they will also be responsible for closing costs, but they will not be required to show proof of funds at the time of the income certification.

### **3. Mortgage Provider**

The Administrative Agent will provide prospective buyers with a list of mortgage companies that have financed deed restricted Affordable Units recently. If the prospective buyer chooses to utilize a different lender, the Administrative Agent will provide the lender copies of the Affordable Housing documents for their review after the buyer is income certified.

A buyer may borrow money to purchase the home from a friend or family member (sometimes referred to as a “*Private Mortgage*”.) To proceed with the application, the Administrative Agent will require proof that the lending party has the funds (bank statement of the party who is lending the money, for example) and a notarized letter signed by both parties with the terms of the loan (monthly payment, interest, etc.). If the money is a gift, this should be noted in the letter. The lending party in a Private Mortgage situation MAY NOT be on the deed to the Affordable Unit.

#### **4. Down Payment**

In order to encourage homeowner investment and a sense of direct involvement in the homeownership process, it is strongly recommended that the buyer provide 5 percent of the purchase price as down payment. In addition, as a practical matter, applicants are highly unlikely to receive a mortgage without at least a 5 percent down payment. The funds may be provided as a gift (e.g., from a family member or friend) if the funds do not have to be repaid, and proof of the gift must be provided at the time of income certification (see above).

Some municipalities offer a down payment assistance grant program. In such cases, the minimum down payment requirement is governed by specific program requirements. The Administrative Agent will maintain a list of down payment assistance programs that may become available and provide program information to buyers.

#### **5. Separated Spouses**

Separated applicants who have not finalized their divorce settlement agreement cannot purchase an affordable home until the spouse signs a form stating that they are releasing any claim right or interest in the affordable home being purchased. If the spouse refuses to sign the release, the applicant can request a judge to require the spouse to sign the form.

#### **6. Cosigners on Deeds and/or Mortgages Are Not Permitted**

If a buyer for Affordable Housing cannot obtain a mortgage, a family member or friend CANNOT obtain a mortgage and allow the affordable buyer to reside in the home. Anyone on the deed and/or mortgage is considered part of the buyer’s household and must be included in the income certification and must reside in the home as its primary residence.

However, not all household members are required to be on the mortgage and/or deed. For example, if a household is composed of the buyer and its roommate, both the buyer and the roommate will be included in the income certification. The roommate is not required to be on the deed or the mortgage.

## V-C. Purchase Agreement and Contracts For Sale

As the buyer and seller enter into negotiations, the purchase agreement is an “internal”, not legally binding, DCA generated document between them to establish and ensure that the unit will be affordable to the buyer. It stipulates such terms as the MRSP of the unit, the agreed upon purchase price, the amount of good faith deposit, and the items to be included in the sale price of the unit (“**Purchase Agreement**”). All these terms are then set out in the contract for sale. Typically, the Purchase Agreement is signed after the buyer has been income certified, however under certain circumstances the Purchase Agreement may be amended and signed after the income certification process (see Section 4 below).

The contract for sale is a legal contract between the buyer and seller, finalizing the negotiations between buyer and seller and setting out all material terms of the transaction (“**Contract for Sale**”). The Contract for Sale can only be executed after the household is income certified.

Copies of both the Purchase Agreement and Contract for Sale should be sent to the Administrative Agent immediately upon execution.

### **1. MRSP and “Extras”**

The Purchase Agreement includes a section for the Seller to list items that may be sold separately at a price agreed upon by the buyer and seller. The price to be paid for items of personal property shall not be used as a mechanism to avoid or circumvent the limitations on the resale price of the unit itself. The personal property for sale cannot become a contingency of the house sale. If this separate transaction occurs, it cannot be incorporated into the Mortgage or Contract of Sale.

These “extras” do not include items of property that are permanently affixed to the unit such as countertops and flooring or were part of the original sale. These permanently affixed items are to be included in the MRSP and no additional compensation is permitted to the owner. As stated in UHAC, N.J.A.C. 5:80-26.9: “Upon the resale of a restricted unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price.”

### **2. Accepting and Rejecting Offers**

The Seller of the home must accept offers from the next buyer on the waiting list whose income is certified and who offers to purchase the home for the MRSP. The Seller cannot reject an offer at the MRSP from the first eligible person on the waiting list for any reason such as the buyer not making a cash purchase. In the contract, the Seller can include a requirement that the buyer be able to close in a reasonable amount of time, such as two months.

Buyers may make offers at less than the MRSP. The seller may choose to accept such an offer but is not required to accept such lower offers.

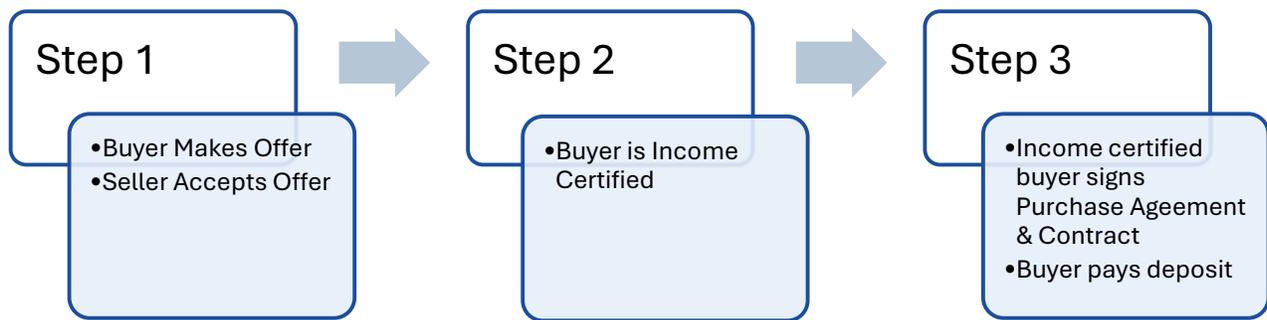
**3. Good Faith Deposit/Earnest Money**

It is not required, but the seller may choose to collect a good faith deposit or earnest money at the time the Purchase Agreement is signed.

**4. Purchase Agreement and Income Certification**

The Purchase Agreement is typically signed only after the household is income certified. (See Figure 6 below.) Under this process, the Purchase Agreement clearly states that only an income certified household may sign a purchase agreement. See Glossary for definition of “Certified Household”. This process will be utilized for most resales, and it is the most effective process for selling homes if there is not a high demand for the home.

**Figure 6: Purchase Agreement Signed After Income Certification**



However, under certain circumstances, the Administrative Agent may amend the Purchase Agreement to permit a buyer who is not yet income certified to sign the Purchase Agreement. These circumstances include new developments where demand is very high for the units. Under this approach, as shown Figure 7, the Purchase Agreement will clearly state that the Purchase Agreement is contingent on the income certification by the Administrative Agent of the buyer as a Low or Moderate-Income household and, in the event that the household is determined not to be income eligible or does not submit a complete application, then the Purchase Agreement is invalid.

**Figure 7: Purchase Agreement with Non-Income Certified Buyer**



## V-D. Attorneys

New Jersey does not require that attorneys participate in real estate transactions. However, while not a requirement, it is recommended that both the buyer and seller hire an attorney to draft the contract and represent them during the transaction.

## V-E. Realtors

A realtor is not required for the sale of the affordable home because the Administrative Agent will refer interested buyers from the waiting list. However, some Sellers may choose to hire a realtor to conduct additional marketing and show the home. This is permitted under the following circumstances:

- The Seller provides the realtor's contact information to the Administrative Agent so that the Administrative Agent can inform the realtor of the MRSP, preliminary application, income certification process, and other Affordable Housing requirements;
- All interested buyers referred by the realtor, must submit a preliminary application and will be contacted following the process outlined in Chapter III; and
- Any realtor fee is subtracted from the MRSP. In no circumstances will the price of the home exceed the MRSP.

## V-F. Coordination of Closing

After the home goes under contract, the Administrative Agent will maintain regular contact with the buyer, seller, and/or their attorneys as well as the mortgage provider. The Administrative Agent will answer questions about the Affordable Housing documents and assist to resolve any issues that arise before closing.

### 1. Required Legal Documents

The Administrative Agent will prepare the Affordable Housing documents. If 95/5 is currently being used, we will continue to use 95/5 for resales if the control period has not expired. Resale of Affordable Units: Requirement for a Market Rate Appraisal

A market rate appraisal will be required to calculate the repayment amount on the affordable Recapture Mortgage Note. (This amount is the difference between the market appraisal and the affordable sale price and is due at the first non-exempt sale at the end of the control period. The repayment amount is paid to the Municipality.)

For new units, the developer is responsible for providing the market rate appraisal. If the buyer's mortgage company completes a market-rate appraisal, that appraisal can be used instead.

For resales, the buyer must provide the market rate appraisal. If the buyer's mortgage company will not be completing a market rate appraisal or it is a cash deal, the buyer must pay for a market rate appraisal. *This buyer will be notified of this requirement as soon as the Purchase Agreement is signed because the unit cannot close without the market appraisal.*

## **2. Closing Fees**

If applicable, required closing fees paid by the Seller are due at the time of closing and must be included on the Settlement Statement. The fee cannot be waived.

The only exception is if the unit is bank owned as the result of a foreclosure action and the lenders (such as FHA, Fannie Mae, or Freddie Mac) are statutorily prevented from paying closing fees.

## **3. Closing Checklist**

At the closing, the Administrative Agent will review the Affordable Housing rules with buyer including the following:

- When the unit is sold in the future, the owner must contact the Administrative Agent. The unit cannot be sold for more than the MRSP, and it must be sold to an income Certified Household;
- All refinancing, including lines of credits, secured by the Affordable Unit, must be approved in advance and in writing by the Administrative Agent. The total amount of all debt may not exceed 95 percent of the MRSP of the home;
- The Affordable Unit must be the owner's primary residence;
- No renting of this unit is permitted except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent (see Waiver section for more information); and

Prior to closing, the Administrative Agent will obtain a copy of the Closing Disclosure for the Affordable Housing file that is executed at closing between the buyer and seller to confirm that:

- The sale price listed on the Closing Disclosure does not exceed the MRSP; and
- The buyer has not financed more than 95 percent of the sale price and that the buyer is not receiving cash back at closing.

Following closing, the Administrative Agent will obtain one original set of documents and distribute the copies as follows:

- Original of Mortgage, deed, discharges and Restrictive Covenant (if applicable) to the attorney or title company that handled the closing for recording.
- Copy of all documents is provided to the buyer.
- Original of Mortgage Note and copies of all other documents are kept by the Administrative Agent for the Affordable Housing file.

## **V-G. Refinance Requests**

Affordable home owners are permitted to refinance their mortgages or incur some form of additional debt on their home, such as a home equity loan. The owner must notify the Administrative Agent who will review the request to confirm that the total debt is not more than 95 percent of the current MRSP. If the total debt exceeds 95 percent of the MRSP, the request will be denied. If the request is under 95 percent, the request will be approved.

Reverse mortgages are not prohibited by UHAC. However, lenders have historically not approved reverse mortgages on deed restricted affordable properties because of the refinance limits. Any requests for reverse mortgages should be carefully reviewed to ensure that there is no way the loan amount will exceed 95 percent of the MRSP.

If there is a fee to review the refinance request, the refinance review will not be started until the fee is submitted via certified check or money order.

As clearly stated in the Restrictive Covenant, the owner is forbidden from refinancing or taking an equity loan, a secured letter of credit, or any other mortgage obligation or other debt without advanced, written approval from the Administrative Agent.

### **V-H. Annual Mailing**

The Administrative Agent will send a mailing to each of the affordable owners annually. This newsletter will provide the owner with information about how to get in touch with the Administrative Agent if they want to sell their home or refinance their mortgage. It will also remind them of other important Affordable Housing requirements.

The envelope will be marked “do not forward”, and if it is returned by the post office, the Administrative Agent will follow-up with the owner to determine if the owner is no longer living in the home.

### **V-I. Report that Owner is Not Living in the Unit and/or Renting Unit**

When the Administrative Agent obtains indications that an owner is not living in the unit, the Administrative Agent will investigate the allegation. The Administrative Agent will gather as many details as possible such as how long the owner has not been living in the unit; if anyone else is living there (i.e. renters); and if there is anyone else that will corroborate the allegations.

The Administrative Agent will also contact the Municipal Division of Tax Collection to determine where the tax bills are being sent. If they are sent to a different address than the property address on file with the Administrative Agent, then this is an indication that the owner is leasing the Affordable Unit.

The Administrative Agent will send a letter to the owner asking that it call the Administrative Agent within seven days. If the letter is returned, this will also suggest that the owner is not living in the unit. If the owner receives the letter and calls the Administrative Agent, the Administrative Agent will ask the owner about the allegations and request that they provide proof of residency, including copies of their driver’s license and utility bills. The Administrative Agent may also determine it is necessary to do an address search on the owner.

If it is determined that the owner is not living in the home, the enforcement provisions outlined in *Chapter VIII* will apply.

## V-J. Non-payment of Condominium/Homeowner Association Dues, Taxes, Mortgages, and Foreclosure

When the Administrative Agent receives a report that the owner is falling behind in home owner association dues, taxes, and/or mortgage payments, it will immediately reach out to the owner. The purpose of this outreach is to:

- Educate the owner on the risks of not paying their condominium or homeowner association dues, taxes, and/or mortgage payments;
- Determine whether the owner has experienced a temporary or permanent loss of income;
- Recommend that they contact their condominium/homeowner association and/or mortgage company to see if they can set-up a repayment plan;
- Refer them to foreclosure prevention resources; and
- Advise them of the MRSP of their home if they are interested in selling the home before they become further behind.

The Administrative Agent will track the status of the unit and coordinate closely with the Municipality through its Tax Collection and/or Assessor's Office, as well as its Corporation Counsel, in order to be updated as to any water and sewer fees that are in arrears and any foreclosures on Affordable Units. Additionally, the Administrative Agent will notify the Municipal Corporation Counsel if it becomes aware that the home is in foreclosure or a lien has been placed on the unit by the condominium/homeowner association.

All deed restrictions must clearly specify that the affordability controls remain in effect despite the entry and enforcement of any judgment of foreclosure.

## V-K. Waivers

The Administrative Agent has authority to grant waivers from some of the Affordable Housing rules. The Administrative Agent will complete a waiver request form for each request it receives outlining the details of the request and its decision to approve or deny the request.

### 1. Request to Rent Affordable Unit

Requests to rent a unit will only be approved on a temporary basis if the owner will be required to leave the area for a temporary period of time, such as military deployment. Each request will be reviewed by the Administrative Agent (as permitted by UHAC) based on the specific circumstances of the request. *Another example of where a request for waiver possibly would be approved is where the owner needs to go to another area to care for a sick relative for a short period (such as three months or less). A request for a waiver in order to move to another city to "try out" a new job for six months most likely would not be a basis for an approval.*

The Administrative Agent will determine the maximum rent based on the initial affordability pricing of the unit, and will select the tenant through Affirmative Marketing and random selection. Other

requests to rent units will be denied. These include requests from owners who would like to rent their home because they are unable to sell the unit for the full MRSP.

## **2. Request to Sell to a Higher Income Household**

After an Affordable Unit has been affirmatively marketed for over 120 days and if there is no interested income-eligible purchaser for the Affordable Unit after 120 days, the owner may request an income waiver, that is, that the Affordable Unit be affirmatively marketed and sold to someone in a higher income level (a very-low-income unit to be sold to a low-income household; a low-income unit to be sold to a moderate-income household; and a moderate-income unit to be sold to a non-income eligible household). The following conditions will apply:

- If granted, this waiver will only apply to this sale, and the original income restriction will remain for future sales.
- At no time will the sale price of the home exceed the MRSP which is based on the income level that the unit is controlled for. In other words, granting a waiver will not increase the MRSP and the owner will not receive a higher sale amount as a result of the waiver.
- The Administrative Agent will provide the Division a description of the of the efforts to market and sell the unit to income-eligible households and request that the Division determine that there are an insufficient number of income eligible purchasers and issue a waiver to permit the sale of the home to a higher income household.

The first factor the Administrative Agent will consider in reviewing these requests is how long it takes to sell a similar Affordable Unit in the current housing market. It is not unusual for an Affordable Unit to be offered for sale for six months or more before a qualified buyer is found. The waiver request will not be considered until the Affordable Unit has exceeded the “typical” time period it takes to sell a home under current market conditions.

Next, the Administrative Agent will review the sale price of the Affordable Unit. The inability to sell a unit for the MRSP shall not, in and of itself, be considered an appropriate reason for granting a waiver. The Administrative Agent will review the sale price of recent, comparable affordable homes and determine if the owner should consider lowering the price. The condition of the unit and whether the Seller has consented to show the Affordable Unit to interested applicants will be factored into this analysis.

If the Affordable Unit has been affirmatively marketed for at least 120 days, the unit has been for sale longer than other Affordable Units typically take to sell with the sale price comparable to other sales, the owner has shown the Affordable Unit to interested buyers, and there is no interested income-eligible buyer, the Administrative will seek a waiver from the Division.

## V-L. Requests for Improvements

Capital Improvements that address non-cosmetic replacement or improvements to the property and/or make the home suitable to a larger size household MAY increase the MRSP. (See Section A of this Chapter for more information about how the MRSP may be increased in some instances.)

Capital improvements that may increase MRSP the include:

- Adding a bedroom or bathroom;
- Replacement a leaky roof;
- Installation of a solar energy system owned by the homeowner;
- Installation of energy-efficient windows; and/or
- Replacement of broken appliances with ENERGY STAR-labeled products

In order to be factored into the MRSP at the time of resale, the homeowner must:

- Receive written approval for the improvements prior to commencing upon the work;
- Provide all requested receipts and documents showing proof of completion; and
- Provide proof that work was properly permitted and inspected as required by the municipality.

Improvements that do not increase the MRSP do not need to be approved by the Administrative Agent.

## V-M. Transfer of Ownership to Non-Income Certified Owner

Under the following circumstances, ownership of an Affordable Unit can be transferred to another owner without the new owner being income certified. These circumstances include:

- Transfer of ownership between husband and wife;
- The transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; or  
The transfer of ownership through an executor's deed to a Class A beneficiary (father, mother, grandparents, descendants, spouses, and, generally, civil union partners, or domestic partners).

This waiver will only apply to this sale, and the original income restriction will remain for future sales.

## V-N. Enforcement

The guidelines for the enforcement of the affordable rules are outlined in *Chapter VIII*.

## **VI. RENTAL PROGRAM**

The following is an overview of the process of filling a rental vacancy. See *New Rental Units* in *Chapter II* for a discussion of allowable fees and landlord-tenant selection criteria and *Chapter III* for a full discussion of management of the waiting list.

### **VI-A. Filling Affordable Rental Vacancy**

#### **1. Landlord Notices of Vacancy**

Landlords will notify the Administrative Agent when there will be a vacancy. Because of the Affirmative Marketing and income certification requirements, landlords will be advised that it may take up to two months to find a qualified tenant and longer if there is not high demand for a unit.

#### **2. Calculating the Maximum Rent at Vacancy**

The Administrative Agent will determine the Maximum Rent that can be charged to the new tenant. This will be based on initial rent when the first tenant occupied the unit and the annual increases permitted by the NJ HMFA. (Annual rental increases will be calculated even if the landlord did not take all permitted annual increases for the previous tenant.) At the landlord's discretion, the landlord can choose to rent the unit for less than the Maximum Rent determined by the Administrative Agent.

#### **3. Referring Applicants to Landlord**

The Affirmative Marketing process is outlined in *Chapter III* of this manual. After the next household on the waiting list passes the Administrative Agent's preliminary screen, the applicant is referred to the landlord to see the unit. If the applicant wants to rent the unit, they will complete the landlord's application and pay any required landlord fees. (See *New Rental Units* in *Chapter II* for discussion of fees and landlord-tenant selection criteria.)

#### **4. Income Certification and Signing the Lease**

After the applicant is fully income certified, the landlord will be notified that they may execute a lease with a tenant. *Co-signers* are permitted if allowed by landlord. Applicants who are separated and do not have settlement agreements are permitted to rent an Affordable Unit. However, in order to calculate the household income at the time of the full income certification, the applicant will need to provide a division of assets signed by both parties.

A copy of the executed lease must be sent to Administrative Agent.

## VI-B. Lease Renewals

The Administrative Agent will calculate the allowable maximum rent each year.. The Administrative Agent will advise the landlord what the maximum amount of rent is and request the copy of the executed lease for the file. And, unlike some forms of Public Housing, the tenant's right to tenancy at the allowable rent does not vary with any increases or decreases in the tenant's income.

If the landlord chooses not to take the annual increase, the landlord may not take a larger increase the following year. For example, if the landlord does not take the 2015 increase in 2015, they may not take the 2015 and 2016 increase the following year if the current tenant does not move out.

Month-to-month leases are permitted. Additional fees for month-to-month leases are considered "optional fees." See discussion of optional fees in *Chapter II*.

Income certification of tenants is NOT required at the time of lease renewal. Upon leasing an Affordable Unit to a new tenant, the landlord will be permitted to lease at the allowable rent level permitted at that time.

The Administrative Agent will advise landlords of the annually permitted rental increase. All landlords are required to sign and return the Certification of Rental Compliance Form annually. On this form, the landlord certifies that:

1. Rents are within the maximum percentage increases as permitted;
2. Affordable housing tenants are not charged any amenity, parking, application or pet fees that are not in compliance with the affordable housing regulations; and
3. No affordable apartments have been re-rented or subleased to a resident without prior approval in writing by the Administrative Agent.

## VI-C. Adding Additional Household Members to the Lease

The household composition of the rental household may change over time. The Affordable Housing rules do not prohibit the tenant from changing the number of household members on the lease following occupancy. However, all changes to the lease must be approved by the landlord.

However, an applicant cannot change their household composition after they submit the full application or immediately after they are income certified. The household members on the new tenant's lease must match the household members listed on the income certification. This is to prevent applicants from changing their household composition in order to qualify for an Affordable Unit.

## VI-D. Income Designation of Units Are Fixed

The income designation and pricing tier of units are fixed and cannot be changed during the affordability period for any reason. *For example, if Unit 301 is a 3 bedroom Low-Income Unit and unit 201 is a 3 bedroom Moderate-Income unit, the landlord CANNOT change Unit 201 into the Low-Income unit and unit 301 into the Moderate-Income unit.*

## **VI-E. Evictions**

If the affordable tenant fails to pay rent or violates the terms of the lease, the landlord may take action as permitted by New Jersey Landlord Tenant laws.

## **VI-F. Enforcement**

The guidelines for the enforcement of the rental rules are outlined in *Chapter VIII*. In addition to these general enforcement regulations, the following enforcement provisions apply to rental units.

### **1. Leasing affordable Apartments in a Reasonable Amount of Time**

All affordable units must be occupied within a reasonable amount of time and be re-leased within a 60 days of vacating of the unit by a tenant. This period of time may be longer if required by market conditions. If the Administrative Agent becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, the Administrative Agent shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section.

### **2. Fair Housing Violations**

Developers and property management entities shall not discriminate against any person as prohibited by Federal Fair Housing laws or by the New Jersey Law Against Discrimination, N.J.S.A.10:5-1 through 50. The Administrative Agent shall report property managers to the Division, which shall refer such matters to the Office of the Attorney General if they receive any complaints that developers or property managers are discriminating against applicants or residents.

## **VII. APPEALS**

If an applicant for affordable housing is determined to be ineligible by the Administrative Agent, the applicant may submit additional proof and request reconsideration. Such request for reconsideration shall be made by the applicant within five (5) business days of receipt of notice of denial of ineligibility.

If a policy or decision regarding this program is appealed by an outside party, the Municipal Housing Liaison (a position established by Municipal Ordinance) will attempt to mediate the decision or policy to the satisfaction of all parties. Any situations that the Municipal Housing Liaison is unable to resolve will be forwarded to the Division Director of Local Planning Services within the Department of Community Affairs.

## **VIII. MONITORING AND ENFORCEMENT**

### **VIII-A. Monitoring**

All new unit information will be compiled and maintained by the Administrative Agent. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the Affordable Housing Monitoring System (AHMS) portal, for the previous year from January 1st to December 31st.

### **VIII-B. Enforcement**

The Municipality's Affordable Housing Ordinance provides specific guidelines in the event of breach of any of the guidelines governing the Affordable Units by an owner, developer, or tenant. Please refer to Municipality's Ordinance for the complete list of enforcement activities upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant. Some of these remedies may include, but are not limited to:

- Foreclosure;
- Tenant eviction;
- Municipal fines;
- A requirement for household recertification;
- Acceleration of all sums due under a mortgage;
- Recoupment of any funds from a sale in violation of the regulations;
- Injunctive relief to prevent further violation of the regulations; and
- Entry on the premises.

#### **1. Written Notice**

In accordance with the Municipality's Affordable Housing Ordinance, the Municipality will provide written notice of a violation to a household, developer or tenant of an Affordable Unit advising them of the violation and the related penalty for the violation. If the violation is not corrected within sixty (60) days after the written notice, the Municipality may take the actions outlined in this Chapter.

#### **2. Penalties**

The Municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the Affordable Unit. If the owner, developer, or tenant is found by the court to have violated any provision of the regulations governing Affordable Units, the owner, developer, or tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both. Each day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- In the case of an owner who has rented his or her very low, low, or moderate income unit in violation of the regulations governing Affordable Units, payment into the Municipality's Affordable Housing Trust Fund of the gross amount of rent illegally collected; and
- In the case of an owner who has rented his or her very low, low, or moderate income unit in violation of the regulations governing Affordable Units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

The Municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the Affordable Unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.

### **3. Sheriff Sale**

Such judgment shall be enforceable, at the option of the Municipality, by means of an execution sale by the Sheriff, at which time the very low, low, or moderate income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Municipality fully, including attorneys' fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

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

Foreclosure by the municipality due to violation of the regulations governing Affordable Units shall not extinguish the restrictions of the regulations governing Affordable Units as the same apply to the very low, low, or moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the Affordable Unit.

The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the very low, low, or moderate income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the MRSP for which the very low, low, or moderate income unit could have been sold under the terms of the regulations governing Affordable Units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

Failure of the very low, low, or moderate income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the MRSP of the very low, low, or moderate income unit as permitted by the regulations governing Affordable Units.

The owner shall remain fully obligated, responsible, and liable for complying with the terms and restrictions governing Affordable Units until such time as title is conveyed from the owner.

In the event that any provision in this Manual differs from the terms or penalties identified in the most current Affordable Housing Ordinance, then the Affordable Housing Ordinance (as may be from time to time modified, amended and/or revised by relevant New Jersey State laws and/or regulations) shall prevail. The invalidity or non-enforceability of any provision of this Manual in any respect shall not affect the validity or enforceability of any other provision of this Manual in any other respect.

## GLOSSARY

**“Administrative Agent”** means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

**“Affirmative marketing”** means a regional marketing strategy designed to attract buyers and/or renters of Affordable Units pursuant to N.J.A.C. 5:80-26.16.

**“Affordable”** means a sales price or rent within the means of a very low, low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

**“Affordable housing”** means housing units restricted to income-eligible very-low, low and moderate income households.”

**“Affordable Housing Development”** means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

"Affordable Housing Monitoring System" or "AHMS" means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**“Affordable Housing Unit”** for the purposes of this manual means a housing unit proposed or created pursuant to the Fair Housing Act.

**“Affordability Average”** means the average percentage of median income at which new restricted units in an Affordable Housing development are affordable to very low, low- and moderate-income households.

**“Affordable Housing Ordinance”** means that chapter or section of the municipal ordinance (the rules, regulations and codes enacted by a local government) addressing local affordable housing programs and procedures, as may be amended and supplemented.

“**Agency**” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“**Age-Restricted Unit**” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“**Application**” means both the Preliminary Application and the Full Application submitted by an interested renter or potential homeowner for Affordable Units in the Municipality.

“**Preliminary Application**” means the initial application submitted by all households that wish to express their interest in and be considered for Affordable Housing. This Preliminary Application includes information about household income and composition in order to determine preliminary eligibility.

“**Full Application**” means once an Affordable Unit appropriate for the Household (either to rent or buy) has been identified and the Household is nearing or next on the waiting list, the Household will be asked to submit a full application which requires that the income and household composition be updated and verified. The Administrative Agent will make a determination of the Household’s eligibility.

“**Certified Household**” means a Household that has been certified by an Administrative Agent as A Very Low, Low-Income or Moderate-Income Household.

“**Closing Disclosure Form**” means the form which in October 2015 replaced the commonly used HUD-1 Settlement Statement for residential real estate closings. The Closing Disclosure Form provides details about the mortgage loan selected by the buyer which includes the loan terms, projected monthly payments, and how much the buyer will pay in fees and other costs to obtain the mortgage (“closing costs”).

The lender is required to provide the Closing Disclosure Form to the buyer at least three business days before the closing on the mortgage loan. The Administrative Agent will review the Closing Disclosure Form to confirm that the sale price does not exceed the MRSP and that the buyer is not receiving cash back at closing.

“**COAH**” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

**“Compliance certification”** means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

**“Contract for Sale”** means a legally binding agreement between a buyer and seller for the sale or transfer of real estate. See also, **“Purchase Agreement”**.

**“County-level housing judge”** means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

**“DCA”** means the State of New Jersey Department of Community Affairs.

**“Developer”** means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

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

**“Dispute Resolution Program”** means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

**“Division”** means the Division of Local Planning Services within the Department of Community Affairs.

**“Eligibility Period”** means once the Full Application for an Affordable Unit has been submitted with the applicant certifying that all information is complete and true, the applicant enters the Eligibility Period. During this one to two-week time frame, as the Household’s eligibility is being reviewed, the applicant is not permitted to change the employment status of any Household member in order to become eligible for Affordable Housing nor change the Household composition from what is listed on the Full Application. *For example, the applicant cannot add a member to their Household, subtract a member, quit a job, or get a new job, or a raise during the Eligibility Period.* If the applicant does make changes during this Eligibility Period, the Household will be determined ineligible and lose their position on the waiting list. However, the applicant may reapply with their new income and/or Household composition and will be assigned a new position on the waiting list.

**"Equity share amount"** means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

**"Exit sale"** means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

**"Fair Housing Act"** means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

**"Fair share plan"** means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional 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 which 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.

**"Full Application"** (see "Application").

**"HMFA"** or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

**"Housing Authority"** means the Public Housing Agency which manages and operates publicly assisted units in the Municipality.

**"HOME Program"** means the HUD funded HOME Investment Partnerships Program that provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating Affordable Housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create Affordable Housing for Low-Income Households.

**"Household"** means, in accordance with HUD definitions and UHAC practice, the number of persons in the Affordable unit and not the size of the Affordable unit. See for example, HUD's definition of household as "[o]ne or more persons occupying a housing unit" -- in other words, the number of persons in the home. HUD website accessed 6/13/2016. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/library/glossary/](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/glossary/)

See also UHAC regulation N.J.A.C. 5:80-26.4, "In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units ... the following standards shall be used: 1. A studio shall be affordable to a one-person household."

“**Housing Region**” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“**HUD**” means the US Department of Housing and Urban Development. “**Interest Date**” means the date on which a Household submits its Preliminary Application thereby establishing its place on the priority list for consideration of Affordable Units.

“**Inclusionary development**” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate-income households.

“**Judgment of compliance**” or “judgment for repose” means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“**LAD**” means the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., prohibits, among other discriminatory actions, discrimination when selling or renting property.

“**Low-income Household**” means a household with a total gross annual household income equal to 50 percent or less of the median household income for the housing region.

“**Low-income unit**” means a restricted unit that is affordable to a low-income household.

“**Market-rate units**” means housing not restricted to very low, low- and moderate-income households that may sell or rent at any price.

“**Maximum Restricted Sales Price**” or “**MSRP**” means the maximum sales price of restricted ownership units within each affordable development upon resale of the Affordable Unit in accordance with UHAC which states that such units “shall be affordable to households earning no more than 70 percent of median income. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units. See Glossary for definition of “**Affordability Average.**” In achieving this Affordability Average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.” *For example, a two-bedroom moderate income unit originally sold for \$85,000 and another exactly similar unit originally sold for \$105,000. There always will be a disparate MSRP for resales of these two units. Both moderate income units are priced differently to reach different income levels of moderate income households.*

“**Median income**” means the median income by household size for the applicable housing region as adopted annually.

“**Moderate-income household**” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income for the housing region.

**“Moderate-income unit”** means a restricted unit that is affordable to a moderate-income household.

**“Municipal Housing Liaison”** or "MHL" means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

**"New Jersey Housing Resource Center"** or "Housing Resource Center" means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

**"95/5 restriction"** means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

**"Non-exempt sale"** means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

**"Order for repose"** means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

**“PHA”** means Public Housing Authority. See below for definition.

**“PMI”** means private mortgage insurance. PMI is a type of mortgage insurance used with conventional loans. Like other kinds of mortgage insurance, PMI protects the lender (not the homebuyer) if the homebuyer stops making payments on the loan. PMI is arranged by the lender and provided by private insurance companies. PMI is usually required when the homebuyer has a conventional loan and makes a down payment of less than 20 percent of the home's purchase price. PMI also is usually required when a homeowner is refinancing with a conventional loan and the owner's equity is less than 20 percent of the value of the home. <http://www.consumerfinance.gov/>, US Consumer Financial Protection Bureau, accessed August 10, 2016.

**“Preliminary Application”** (see “Application”).

**“Public Housing” “Public Housing Authority”** means those public housing units which are funded largely by governmental programs such as those administered by HUD programs which are owned,

operated and managed by a public housing authority (“**PHA**”). As defined by HUD, “public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single family houses to high rise apartments for elderly families. There are approximately 1.2 million households [in the US] living in public housing units [.]”

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph), HUD Website, accessed June 7, 2016.

“**Purchase Agreement**” means a not legally binding, “internal” generated document between a buyer and seller of residential real estate to establish and ensure that the Affordable Unit will be affordable to the buyer. It stipulates such terms as the Maximum Restricted Sale Price (or Maximum Permitted Resale Price) of the unit, the agreed upon purchase price, the amount of good faith deposit, and the items to be included in the sale price of the unit. (See “Contract of Sale”).

“**Price differential**” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“**Prior round unit**” means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“**Program**” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

**"Random selection process"** means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

**"Redevelopment Plan"** means a plan adopted by the Municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or area in need of rehabilitation, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**"Regional Asset Limit"** means the maximum asset limit as published annually on the Regional Income Limits chart.

**"Regional Preference"** means that in accordance with UHAC, municipalities may wish to give preference to applicant households that live or work in their housing region. If so, the municipality must state this preference as part of its affordable housing ordinance.

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

**"Restricted Unit"** means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under the Urban Homeownership Recovery Program ("UHORP") or the Market Oriented Neighborhood Investment program ("MONI") of the Agency.

**"UHAC"** means the Uniform Housing Affordability Controls adopted by the State of New Jersey and set forth in N.J.A.C. 5:80-26.1, et seq.

**"Very Low-Income Household"** means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

**"Very Low-Income Unit"** means a restricted unit that is affordable to a very low-income household.

**"Veterans Preference"** means the municipality and Developer or residential development owner may enter into an agreement to provide a preference for affordable housing to very low, low and moderate income veterans who served in time of war or other emergency, as defined in section 1 of P.L.1963, c. 171 (C.54:4-8.10), of up to 50 percent of the affordable units in that particular project. This provision is in accordance with N.J.S.A. 52:27D-311 (j). This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within

90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. After the 120 –day marketing period, veterans will continue to get preference over non-veterans, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage.

# Affordability Assistance

## *Township of Maplewood* *New Jersey*

### Affordability Assistance Policies and Procedures Manual

March 2026



**CGPH**

Community Grants, Planning & Housing

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# Maplewood Affordability Assistance Policies and Procedures Manual

## *Policies & Procedures Manual*

### **Introduction**

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations, terms, and/or procedures.

Where it is found that a new procedure may be more effective or can eliminate a recurring problem, that procedure may be incorporated into the program operation by amending this Operating Manual. In addition, this manual may be periodically revised to reflect changes in local, state, and federal policies and regulations relative to implementation of the affordable housing programs described herein. In accordance with the Federal Fair Housing Act and Equal Opportunities laws it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status.

### **Types of Affordability Assistance**

There are four types of affordability assistance listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

***Two Months' Rent*** – Maplewood Township will pay for two months' rent for renters moving into deed restricted affordable units. This assistance is a grant and does not need to be paid back. Due to likely timing issues related to when assistance is requested and when the check can be issued by Maplewood, the tenant will likely need to pay the first month's rent and security deposit and the assistance will be applied to future months' rent payments.

***Emergency Rental Assistance for Very Low Income Households***– Maplewood Township will pay for one month's rent for renters currently occupying deed restricted very low income units who are in need of emergency assistance to prevent eviction for non-payment. This is not an ongoing assistance grant and will only be granted to a household on a one time basis.

***Down Payment and/or Closing Cost Assistance*** – Affordability Assistance funds for down payment and/or closing costs will help low- and moderate-income households achieve the goal of homeownership. The goal of the program is to provide financial assistance to income-qualified homebuyers moving into affordable housing in Maplewood. Awards will be \$10,000 per unit.

***Repairs for Supportive Housing Units***- Funding is also available to assist providers of Supportive Housing to make code-related repairs such as roofs and siding damaged in weather events or other major system failures. Funding will not be provided for minor repairs such as small areas of peeling paint or other items that can be addressed easily by the provider. The provider must complete the appropriate application and permitting and inspection process for the system replacement/repair needed and will be reimbursed through this program for expenses related directly to the work done by a licensed contractor. Non-profit providers may also be eligible for reimbursement of permitting fees.

## Maplewood Township Budget

The budget for each of the programs and percentage spent on each type of assistance is summarized in Exhibit 1.

## Eligibility

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria:

1. There are available affordability assistance funds in the applicable program budget.
2. The applicant currently rents or is purchasing a deed restricted affordable unit in the Township as their primary residence or operates a licensed supportive housing development for adults.
3. The applicant has not received more than one affordability assistance grant per category in the past. For example, a household may apply for two-month's rental assistance and emergency rental assistance, however that household may only receive one award for each program for the term of program (2035). *This requirement can be waived under special circumstances.*
4. The applicant is income certified. Applicants applying for two months' rent assistance and down payment/closing cost assistance will have already been income certified. Applicants applying for all other types of assistance will require income certification at the time of application. *Supportive Housing providers will not be required to be income certified, but must show proof of operating licenses and agree to a 30-year deed restriction for the property (if one is not already in place).*

## Maximum Amount

The maximum amount of assistance that may be provided is in Exhibit 1.

## Repayment Terms, Repayment Agreement & Security Instruments

The down payment assistance/closing cost assistance program will have a mortgage and note in favor of the municipality and executed by the property owner with the following terms:

*During years one through five, if the applicant sells the unit, the full amount of the loan is to be repaid upon transfer of the property to the next homeowner. During years six through ten, the loan will be forgiven at the rate of 20% per year. After 10 years, the loan is fully forgiven at the next resale.*

The Two Month's Rent Program, Emergency Rental Assistance for Very Low-Income Units, and Emergency Repairs for Supportive Housing are grants and there is no repayment agreement.

## Administration

The Administrative Agent will be responsible for administering the Affordability Assistance Programs. Questions about these programs should be directed to the Administrative Agent. All forms are included in the appendices and the process for disbursing funds is outlined in the Exhibits. Contact information for the current Administrative Agent is listed directly below:

CGP&H LLC

1249 S. River Rd, Suite 301

Cranbury, NJ 08512

Phone: 609-664-2769

Email: [homes@cgph.net](mailto:homes@cgph.net)

Website: [www.affordablehomesnewjersey.com](http://www.affordablehomesnewjersey.com)

## Two Months' Rent Program

1. Applicant submits application.
2. CGP&H reviews and processes application.
3. CGP&H notifies Township and prepares resolution authorizing grant.
4. Maplewood Township adopts resolution awarding funds.
5. Township sends assistance directly to landlord.
6. CGP&H records assistance on master reporting spreadsheet.

## Emergency Rental Assistance for Very Low-Income Households Program

1. Applicant submits application.
2. CGP&H reviews and processes application, including income certifying applicant.
3. CGP&H notifies Township and prepares resolution authorizing award.
4. Township adopts resolution.
5. Township disperses funds directly to landlord.
6. CGP&H records assistance on master reporting spreadsheet.

## Down Payment and/or Closing Cost Assistance Program

1. Applicant submits application.
2. CGP&H reviews and processes application.
3. CGP&H notifies Township and prepares resolution authorizing award.
4. Township adopts resolution.
5. Township disperses funds directly to escrow account or provides check to CGP&H to bring to closing.
6. The Repayment Agreement, Mortgage and Mortgage Note will be executed at closing. The terms of the mortgage are in the Mortgage Note, which is not recorded. The original recorded mortgage and mortgage note shall be retained by the Program Administrator and kept in the unit file.
7. Title Company will record the Mortgage as part of the closing documents.

## Emergency Repairs for Supportive Housing Program Procedures

1. Applicant submits application.
2. CGP&H reviews and processes application.
3. Applicant secures three quotes and submits quotes to CGP&H.
4. Applicant chooses preferred contractor and informs CGP&H. *(The applicant must be informed that work cannot begin until the funding agreement is signed or the costs may not be covered by the Township)*
5. Applicant signs and submits Funding Agreement and 30-year deed restriction to Township.
6. Township countersigns funding agreement and deed restriction and sends back to CGP&H.
7. Permits are pulled (if required) and work begins and is completed on the property.
8. Final inspection occurs by Township Inspector and Certificate of Approval is completed.
9. CGP&H notifies Township and prepares resolution authorizing award.
10. Township adopts resolution and processes payment directly to the contractor.
11. CGP&H records assistance on master reporting spreadsheet.

***Exhibit 1: Summary of Maplewood Township Affordability Assistance Program Terms***

	<b>Two Months' Rent</b>	<b>Emergency Rental Assistance for Very Low Income Households</b>	<b>Down Payment and/or Closing Cost Assistance</b>	<b>Repairs for Supportive Housing</b>
<b>Purpose</b>	Assist renters of affordable units by paying two months rent.	Assist very low income renters with emergency rental payment to prevent eviction for non-payment.	Assist homebuyers of affordable homes with down payment and closing costs.	Assist owners/providers of supportive housing units with critical repairs to major systems.
<b>Maximum Amount:</b>	Up to the equivalent cost of two month's rent.	Up to the equivalent cost of one month's rent.	Up to \$15,000	No maximum, project minimum size of \$1,000.
<b>Deed Restriction and Term</b>	Assistance is a grant and does not need to be returned.	Assistance is a grant and does not need to be returned.	0% interest loan, forgiven at 0% for years 1-5 and 20% per year for years 6-10, fully forgiven after 10 years. Secured by a second mortgage and note.	30 Year Deed Restriction, assistance is a grant and does not need to be returned. Funding agreement must be signed prior to work commencing.
<b>Monthly Budget Required</b>	No	No	No	No
<b>Justification Required</b>	No	No	No	Yes
<b>Additional Criteria</b>	Priority to Very Low Income Households.	Must be income qualified, cannot be used for first month's rent or security deposit/last month's rent.	Applicants must have a minimum of 5% of their own funds towards the purchase of the home.	Applicants must secure three (3) quotes from licensed and insured contractors prior to start of work. Grant award will be for the lowest bid amount.
<b>Assistance To</b>	Landlord	Landlord	Home Purchaser	Supportive Housing Provider

<b>Advertising</b>	Landlord & Administrative Agent will inform applicants at the time they apply for an affordable unit.	Must be posted with annual rental increase notices by landlords in public areas. Program flyer posted on municipal website.	Administrative Agent will inform applicants at the time they apply to purchase an affordable unit.	Marketing materials sent to providers that currently occupy supportive housing in the Township. Information posted on municipal website.
Total Budget from Current Spending Plan:	\$40,000	\$10,000	\$100,000	\$50,000

*Exhibit 2: Affordability Assistance Program Application*



**APPLICATION FOR AFFORDABILITY ASSISTANCE IN MAPLEWOOD TOWNSHIP**

This application must be fully completed so that it can be accepted and processed. This application is not transferable. If you require assistance, please call CGP&H at **609-664-2769 ext. 5**. If your application is complete and you are approved to receive affordability assistance, you will be certified by CGP&H and notified by mail.

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria:

1. There are available affordability assistance funds in the applicable program budget.
2. The applicant currently rents, or will rent or will own a deed restricted affordable unit as their primary residence or is a provider of Supportive Housing in Maplewood Township.
3. The applicant has not received more than one affordability assistance grant per category in the past. For example, a household may apply for two months' rental assistance and emergency rental assistance, however may only receive one award for each for the term of program (2035). *This requirement can be waived under special circumstances.*
4. The applicant is income certified. Applicants applying for two months' rent assistance will have already been income certified. Applicants applying for emergency rental assistance will require income certification at the time of application. *Supportive Housing Providers will not be required to be income certified but proof of license to operate and a deed restriction for supportive housing will be required.*

***Supportive Housing Providers should complete the “Application for Repairs Assistance for Supportive Housing Providers”.***

Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. Please indicate what type of assistance you are applying for (Choose one):

Mark with X	Program	Details
	Two Months' Rent	<ul style="list-style-type: none"> <li>• Up to the equivalent of two months' rent</li> </ul>
	Emergency Rental Assistance for Very Low Income Households	<ul style="list-style-type: none"> <li>• Up to one months' rent to be used to prevent eviction for non-payment.</li> <li>• Complete income eligibility form (attached)</li> </ul>
	Down Payment/Closing Cost Assistance	<ul style="list-style-type: none"> <li>• Up to \$10,000</li> <li>• 0% interest loan, forgiven at 0% for years 1-5 and 20% per year for years 6-10, fully forgiven after 10 years.</li> <li>• Secured by a second mortgage and note.</li> <li>• Applicants must have a minimum of 5% of their own funds towards the purchase of the home</li> </ul>
	Emergency Repairs for Supportive Housing	<ul style="list-style-type: none"> <li>• Minimum project size of \$1,000</li> <li>• Funds to assist with emergency repairs required</li> <li>• Applications must submit detailed estimate from 3 licensed contractors at a later date to complete the application</li> <li>• Provide copy of license to operate and deed restriction for supportive housing.</li> </ul>

2. \$ Amount of Request (Please see above for maximum amounts): \_\_\_\_\_

**CERTIFICATION**

I hereby certify that all information concerning my family size, actual gross income as well as all other information contained herein is true and accurate to the best of my knowledge. I further understand that CGP&H and Maplewood Township are relying upon this information in order to determine whether I qualify for affordability assistance. I further certify that the copies of the documents attached to this application are true and accurate copies of the originals of such documents. I further certify that I intend to personally occupy the unit as my primary residence except for reasonable periods of vacations and illnesses, or I am an authorized representative for a supportive housing provider. I understand that I cannot sublet or re-rent the unit.

I authorize CGP&H, Maplewood Township, or their agents to check for accuracy on any and all statements and representations made in this application. This may include calls to employers to verify income, contact with banks, etc.

Applicant: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# Application for Subsidy Assistance

## Maplewood Township

**Please complete and submit with the required documents to:  
CGP&H, 1249 S. River Rd, Suite 301, Cranbury, NJ 08512 or by email at homes@cgph.net  
Call 609-664-2769 ext. 5 or email homes@cgph.net if you have any questions. Please use  
“Maplewood Affordability Assistance” as the subject line.**

**Make sure to include the required documents listed on page 9 of this application. Section 8 applicants do not qualify for this assistance. \*Supportive Housing Providers are exempt from this application. Please complete the Application for Supportive Housing Assistance\***

**Development Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**1. APPLICANT INFORMATION:**

Provide details for the Primary Applicant below. The Primary Applicant will be the main contact for this affordable housing. If there is another household member that will be a co-borrower or co-owner, please include their information under Co-applicant.

**Primary Applicant**

Prefix	First Name	Middle Name	Last Name	Suffix
<b>Email</b>				
<b>Preferred Phone</b>		<b>Ext</b>	<b>Can Receive Text SMS</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Alternate Phone</b>		<b>Ext</b>	<b>Can Receive Text SMS</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Mailing Address</b>				
<b>City</b>			<b>State</b>	<b>Zip Code</b>
<b>Date of Birth</b>			<b>Gender</b>	
<b>County Currently Living In</b>			<input type="checkbox"/> Male <input type="checkbox"/> Transgender <input type="checkbox"/> Female <input type="checkbox"/> Other	
<b>County Currently Working In (If Applicable)</b>				
<b>Primary Language</b>			<b>Marital Status</b>	
			<input type="checkbox"/> Single <input type="checkbox"/> Married / Domestic Partnership <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
<b>Race</b>				
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> American Indian AND White <input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Black or African American <input type="checkbox"/> Asian AND White <input type="checkbox"/> Other multiple race <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Black or African American AND White <input type="checkbox"/> Choose Not to Respond				
<b>Ethnicity</b>				
<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond				

Employment Status		
<input type="checkbox"/> Self-employed	<input type="checkbox"/> Full-time student	<input type="checkbox"/> Retired
<input type="checkbox"/> Work full-time for employer	<input type="checkbox"/> Permanently unable to work	<input type="checkbox"/> Minor/child
<input type="checkbox"/> Work part-time for employer	<input type="checkbox"/> Unemployed and seeking work	<input type="checkbox"/> Unemployed and not seeking work
<input type="checkbox"/> Homemaker		
Educational Attainment		
<input type="checkbox"/> Less than HS Diploma	<input type="checkbox"/> Certification from a vocational or technical training program	<input type="checkbox"/> Bachelor's Degree
<input type="checkbox"/> High school diploma or equivalent	<input type="checkbox"/> Associate's Degree	<input type="checkbox"/> Master's or other graduate degree
<input type="checkbox"/> Some post-secondary education		

**Co-Applicant (If Applicable)**

First Name		Middle Name	Last Name	Suffix	Date of Birth
Email					
Phone		Ext	Can Receive Text SMS		<input type="checkbox"/> Yes <input type="checkbox"/> No
Gender	Ethnicity	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse	<input type="checkbox"/> Boyfriend / Girlfriend / Fiancée	<input type="checkbox"/> Child	<input type="checkbox"/> Other
Race					
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> White	<input type="checkbox"/> American Indian AND Black			
<input type="checkbox"/> Asian	<input type="checkbox"/> American Indian AND White	<input type="checkbox"/> Other multiple race			
<input type="checkbox"/> Black or African American	<input type="checkbox"/> Asian AND White	<input type="checkbox"/> Choose Not to Respond			
<input type="checkbox"/> Native Hawaiian or Pacific Islander	<input type="checkbox"/> Black or African American AND White				
Employment Status					
<input type="checkbox"/> Self-employed	<input type="checkbox"/> Full-time student	<input type="checkbox"/> Retired			
<input type="checkbox"/> Work full-time for employer	<input type="checkbox"/> Permanently unable to work	<input type="checkbox"/> Minor/child			
<input type="checkbox"/> Work part-time for employer	<input type="checkbox"/> Unemployed and seeking work				
<input type="checkbox"/> Homemaker	<input type="checkbox"/> Unemployed and not seeking work				
Educational Attainment					
<input type="checkbox"/> Less than HS Diploma	<input type="checkbox"/> Certification from a vocational or technical training program	<input type="checkbox"/> Bachelor's Degree			
<input type="checkbox"/> High school diploma or equivalent	<input type="checkbox"/> Associate's Degree	<input type="checkbox"/> Master's or other graduate degree			
<input type="checkbox"/> Some post-secondary education					

## 2. HOUSEHOLD INFORMATION

Please provide information on any other members of your household, such as children, grandparents, or other members.

### Additional Household Member #1 (If Applicable)

First Name		Middle	Last Name	Suffix	DOB
Gender	Ethnicity	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse	<input type="checkbox"/> Boyfriend/Girlfriend/ Fiancée	<input type="checkbox"/> Child	<input type="checkbox"/> Other
Race					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White		<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond	
Employment Status					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work		<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child	

### Additional Household Member #2 (If Applicable)

First Name		Middle	Last Name	Suffix	DOB
Gender	Ethnicity	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse	<input type="checkbox"/> Boyfriend/Girlfriend/ Fiancée	<input type="checkbox"/> Child	<input type="checkbox"/> Other
Race					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White		<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond	
Employment Status					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work		<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child	

**Additional Household Member #3 (If Applicable)**

<b>First Name</b>		<b>Middle</b>	<b>Last Name</b>	<b>Suffix</b>	<b>DOB</b>
<b>Gender</b>	<b>Ethnicity</b>	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse <input type="checkbox"/> Boyfriend/Girlfriend/ Fiancée		<input type="checkbox"/> Child <input type="checkbox"/> Other	
<b>Race</b>					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White		<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond	
<b>Employment Status</b>					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work		<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child	

**Additional Household Member #4 (If Applicable)**

<b>First Name</b>		<b>Middle</b>	<b>Last Name</b>	<b>Suffix</b>	<b>DOB</b>
<b>Gender</b>	<b>Ethnicity</b>	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse <input type="checkbox"/> Boyfriend/Girlfriend/ Fiancée		<input type="checkbox"/> Child <input type="checkbox"/> Other	
<b>Race</b>					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White		<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond	
<b>Employment Status</b>					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work		<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child	

**Additional Household Member #5 (If Applicable)**

First Name		Middle Name	Last Name	Suffi x	Date of Birth
Gender	Ethnicity	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse	<input type="checkbox"/> Boyfriend / Girlfriend / Fiancée	<input type="checkbox"/> Child	<input type="checkbox"/> Other
Race					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White	<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond		
Employment Status					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work	<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child		

**Additional Household Member #6 (If Applicable)**

First Name		Middle Name	Last Name	Suffi x	Date of Birth
Gender	Ethnicity	Is this person a dependent of the Applicant and/or Co-Applicant?			<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender <input type="checkbox"/> Other	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Choose Not to Respond	Does this person live in the house more than 50% of the time?			<input type="checkbox"/> Yes <input type="checkbox"/> No
		Relationship to the applicant?			
		<input type="checkbox"/> Spouse	<input type="checkbox"/> Boyfriend / Girlfriend / Fiancée	<input type="checkbox"/> Child	<input type="checkbox"/> Other
Race					
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander		<input type="checkbox"/> White <input type="checkbox"/> American Indian AND White <input type="checkbox"/> Asian AND White <input type="checkbox"/> Black or African American AND White	<input type="checkbox"/> American Indian AND Black <input type="checkbox"/> Other multiple race <input type="checkbox"/> Choose Not to Respond		
Employment Status					
<input type="checkbox"/> Self-employed <input type="checkbox"/> Work full-time for employer <input type="checkbox"/> Work part-time for employer <input type="checkbox"/> Homemaker		<input type="checkbox"/> Full-time student <input type="checkbox"/> Permanently unable to work <input type="checkbox"/> Unemployed and seeking work <input type="checkbox"/> Unemployed and not seeking work	<input type="checkbox"/> Retired <input type="checkbox"/> Minor/child		

### 3. INCOME

The income information you provide on this page goes into determining your eligibility for affordable housing.

#### Income Source #1

<b>Income Earner</b>	<input type="checkbox"/> Applicant	<input type="checkbox"/> Co-Applicant	<input type="checkbox"/> Other Household Member	<b>Gross Annual Income</b>	\$
<b>Is this income earner a full-time student?</b>					<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Income Type</b>					
<input type="checkbox"/> Full-time Employment	<input type="checkbox"/> Spousal Support/Alimony	<input type="checkbox"/> Investment Income	<input type="checkbox"/> SSI/SSDI		
<input type="checkbox"/> Part-time Employment	<input type="checkbox"/> Child Support	<input type="checkbox"/> Pension/Annuity	<input type="checkbox"/> Unemployment		
<input type="checkbox"/> Self-Employment	<input type="checkbox"/> TANF/Public Assistance	<input type="checkbox"/> Social Security	<input type="checkbox"/> Other		
<b>Date of Hire / Expected</b>		<b>Occupation Description</b>			

#### Income Source #2

<b>Income Earner</b>	<input type="checkbox"/> Applicant	<input type="checkbox"/> Co-Applicant	<input type="checkbox"/> Other Household Member	<b>Gross Annual Income</b>	\$
<b>Is this income earner a full-time student?</b>					<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Income Type</b>					
<input type="checkbox"/> Full-time Employment	<input type="checkbox"/> Spousal Support/Alimony	<input type="checkbox"/> Investment Income	<input type="checkbox"/> SSI/SSDI		
<input type="checkbox"/> Part-time Employment	<input type="checkbox"/> Child Support	<input type="checkbox"/> Pension/Annuity	<input type="checkbox"/> Unemployment		
<input type="checkbox"/> Self-Employment	<input type="checkbox"/> TANF/Public Assistance	<input type="checkbox"/> Social Security	<input type="checkbox"/> Other		
<b>Date of Hire / Expected</b>		<b>Occupation Description</b>			

#### Income Source #3

<b>Income Earner</b>	<input type="checkbox"/> Applicant	<input type="checkbox"/> Co-Applicant	<input type="checkbox"/> Other Household Member	<b>Gross Annual Income</b>	\$
<b>Is this income earner a full-time student?</b>					<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Income Type</b>					
<input type="checkbox"/> Full-time Employment	<input type="checkbox"/> Spousal Support/Alimony	<input type="checkbox"/> Investment Income	<input type="checkbox"/> SSI/SSDI		
<input type="checkbox"/> Part-time Employment	<input type="checkbox"/> Child Support	<input type="checkbox"/> Pension/Annuity	<input type="checkbox"/> Unemployment		
<input type="checkbox"/> Self-Employment	<input type="checkbox"/> TANF/Public Assistance	<input type="checkbox"/> Social Security	<input type="checkbox"/> Other		
<b>Date of Hire / Expected</b>		<b>Occupation Description</b>			

#### Income Source #4

<b>Income Earner</b>	<input type="checkbox"/> Applicant	<input type="checkbox"/> Co-Applicant	<input type="checkbox"/> Other Household Member	<b>Gross Annual Income</b>	\$
<b>Is this income earner a full-time student?</b>					<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Income Type</b>					
<input type="checkbox"/> Full-time Employment	<input type="checkbox"/> Spousal Support/Alimony	<input type="checkbox"/> Investment Income	<input type="checkbox"/> SSI/SSDI		
<input type="checkbox"/> Part-time Employment	<input type="checkbox"/> Child Support	<input type="checkbox"/> Pension/Annuity	<input type="checkbox"/> Unemployment		
<input type="checkbox"/> Self-Employment	<input type="checkbox"/> TANF/Public Assistance	<input type="checkbox"/> Social Security	<input type="checkbox"/> Other		
<b>Date of Hire / Expected</b>		<b>Occupation Description</b>			

**Income Source #5**

<b>Income Earner</b>	<input type="checkbox"/> Applicant	<input type="checkbox"/> Co-Applicant	<input type="checkbox"/> Other Household Member	<b>Gross Annual Income</b>	\$
<b>Is this income earner a full-time student?</b>					<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Income Type</b>					
<input type="checkbox"/> Full-time Employment	<input type="checkbox"/> Part-time Employment	<input type="checkbox"/> Self-Employment	<input type="checkbox"/> Spousal Support/Alimony	<input type="checkbox"/> Child Support	<input type="checkbox"/> TANF/Public Assistance
<input type="checkbox"/> Investment Income	<input type="checkbox"/> Pension/Annuity	<input type="checkbox"/> Social Security	<input type="checkbox"/> SSI/SSDI	<input type="checkbox"/> Unemployment	<input type="checkbox"/> Other
<b>Date of Hire / Expected</b>		<b>Occupation Description</b>			

**Additional Income Information**

<b>Does any member of your household who does not have job, expect to seek full or part time employment in the next year?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does any member of your household work for an employer that pays in cash?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is any member of your household expecting to take a leave of absence from work due to lay-off, medical, maternity or military leave?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is any member of your household entitled to child support that he/she is not now receiving?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does any member of your household now receive or expect to receive regular contributions from organizations or from individuals not living in the unit?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is any member of your household responsible for paying child support or alimony?</b> This amount will be deducted from your total annual income.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>If yes, monthly amount paid:</b>	\$

## 4. ASSETS

### Checking/Savings Bank Account Information

Please supply information for each of the household member's checking/savings accounts. Include ALL joint accounts.

Account Owner	Account Type	Bank Name	Current Balance	Last 4 Digits of Account #
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Checking Account <input type="checkbox"/> Savings Account		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Checking Account <input type="checkbox"/> Savings Account		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Checking Account <input type="checkbox"/> Savings Account		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Checking Account <input type="checkbox"/> Savings Account		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Checking Account <input type="checkbox"/> Savings Account		\$	

### Other Assets Information

Please list other assets such as Certificate of Deposits (CDs), retirement accounts, pensions, 401k's, stocks, bonds, and trusts.

Account Owner	Account Type	Bank/Asset Name	Current Balance	Last 4 Digits of Account #
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Retirement Account <input type="checkbox"/> CD <input type="checkbox"/> Investment Account <input type="checkbox"/> Other		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Retirement Account <input type="checkbox"/> CD <input type="checkbox"/> Investment Account <input type="checkbox"/> Other		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Retirement Account <input type="checkbox"/> CD <input type="checkbox"/> Investment Account <input type="checkbox"/> Other		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Retirement Account <input type="checkbox"/> CD <input type="checkbox"/> Investment Account <input type="checkbox"/> Other		\$	
<input type="checkbox"/> Applicant <input type="checkbox"/> Co-Applicant <input type="checkbox"/> Other Household Member	<input type="checkbox"/> Retirement Account <input type="checkbox"/> CD <input type="checkbox"/> Investment Account <input type="checkbox"/> Other		\$	

**Additional Asset Information**

<b>Does any member of your household own real estate?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is there a mortgage on the property?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is there rental income?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are you planning on selling the real estate?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Has any member of your household sold or given away real property or other assets (including cash) in the past two years?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please list the asset or assets sold or given away in the last two years including the value:</b>	

**5. Current Living Situation:**

Current living situation information is not a criteria in the approval process but it provides a clearer picture of the types of families who might benefit from affordable housing opportunities.

<b>How many bedrooms are in your current home?</b>			
<input type="checkbox"/> 0 (Studio) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6			
<b>Current Monthly Rent (If Applicable)</b>	\$	<b>Do you have a Section 8 Voucher?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Monthly Utilities (Gas, Water, Electricity, Etc)</b>	\$		



Please list your estimated monthly expenses:

	Monthly Expense
<b>Auto</b>	
Loan	
Insurance	
Maintenance/Repairs	
<b>Housing</b>	
Rent/Mortgage	
Home owners association	
Property Tax	
Insurance	
<b>Medical</b>	
Health Insurance	
Co-pays	
Other (medications, glasses, etc.)	
<b>Utilities</b>	
Internet/phone/cable	
Electricity/heating	
Water Sewer	
Trash	
Cell Phone	
<b>Other</b>	
Childcare/day care	
Child Support/Alimony	
Credit card debt	
Education	
Food	
Gas/tolls/parking	
Public Transportation	
Student loan	
Tuition	
Other: (please specify)	
<b>TOTAL Expenses</b>	

If your total monthly expenses exceed your monthly income, how will you pay your household expenses in the future:

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## 7. Supporting Documents

You must also submit the supporting documents on the following check list for all household members 18 years old or older. ***Please start gathering this information immediately as it may take several days to locate all of the documents.***

<b>Identification</b>
<input type="checkbox"/> Personal photo identification: Driver's License, passport, or State ID
<b>Income Related Documents – Provide All That Apply</b>
<input type="checkbox"/> Employment Income: 4 most recent consecutive pay stubs for all employed household members <input type="checkbox"/> Social Security: Most recent award letter <input type="checkbox"/> Temporary Assistance for Needy Families (TANF): Voucher or other verification <input type="checkbox"/> Pension: Letter from pension fund <input type="checkbox"/> Child Support: Current statement from NJ child support website, court order or notarized letter re: your child support status <input type="checkbox"/> Alimony: Current statement from NJ website or notarized letter regarding your alimony support status <input type="checkbox"/> Military Pay: Verification of military pay <input type="checkbox"/> Workers' Compensation: Statement showing benefits <input type="checkbox"/> Unemployment Benefits: Statement showing benefits <input type="checkbox"/> Self Employed or Own Business: Year to date profit & loss statement (not required if submitting K-1 with taxes)
<b>Bank Statements &amp; Other Accounts (Include All Joint Accounts)</b>
<input type="checkbox"/> Checking Account: All pages of statements for the last 6 consecutive months <input type="checkbox"/> Savings Account Statements Including CD's: All pages of statements for the last 6 consecutive months <input type="checkbox"/> Other Account Statements: Most recent statement for other assets such as retirement accounts, 401k's, stocks, bonds, & trusts
<b>Tax Returns</b>
<input type="checkbox"/> Federal Tax Return: All pages of 1040 Federal Tax Return for the past 3 consecutive years <input type="checkbox"/> Sign the 2nd page of each Federal Tax Return (1040 form) to validate the copy <input type="checkbox"/> State Tax Return: All pages for the past 3 consecutive years
<b>If You Own an Investment Property or Rental Property, Please Also Provide The Following</b>
<input type="checkbox"/> Current mortgage statement <input type="checkbox"/> Investment property lease agreement (if applicable) <input type="checkbox"/> Current year tax assessment record <input type="checkbox"/> Real estate listing if this property is for sale <input type="checkbox"/> Contract with the realtor listing property if property is for sale <input type="checkbox"/> Foreclosure notice (LIS PENS, etc.) if the property is in foreclosure
<b>Other</b>
<input type="checkbox"/> Divorce Decree: All pages of divorce decree & settlement agreement <input type="checkbox"/> Full Time Student Over 18: School schedule to document full time status <input type="checkbox"/> Copy of your current lease agreement <input type="checkbox"/> Copy of your affordable housing certification

## **Applicant Certification:**

I/we certify that if selected to receive assistance, the unit I/we occupy will be my/our only residence. I/we understand that the above information is being collected to determine my/our eligibility. I/we authorize the employer/owner/manager to verify all information provided on this application and to contact previous or current Landlords or other sources of credit and verification information which may be released to appropriate Federal, State, or local agencies. I/we certify that the statements made in this application are true and complete to the best of my/our knowledge and belief. I/we understand that false statements or information are punishable under Federal Law.

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Signature of Head of Household

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(Date)

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Signature of Spouse/Co-Head Household

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(Date)

***We Do Business in Accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). It is Illegal to Discriminate Against Any Person Because of Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin.***



***Exhibit 3- Resolution Authorizing Affordability Assistance Grant for  
Tenant of Affordable Housing***

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT \_\_\_\_\_, Maplewood, New Jersey.**

**WHEREAS,** \_\_\_\_\_ is renter of the property located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

**WHEREAS,** the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

**WHEREAS,** the Township is willing to extend a grant to the property owner in the amount of \$\_\_\_\_\_.

**NOW THEREFORE BE IT RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Township of Maplewood, County of Essex, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_.

I do hereby certify that the foregoing is a true copy of a resolution passed by the \_\_\_\_\_ at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Clerk

***Exhibit 4: Resolution Authorizing Affordability Assistance Payment  
for Purchaser of Affordable Housing***

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE HOME PURCHASER OF AN AFFORDABLE HOUSING UNIT LOCATED AT \_\_\_\_\_, Maplewood, New Jersey.**

**WHEREAS,** \_\_\_\_\_ is the contracted purchaser of the property located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

**WHEREAS,** the home purchaser has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

**WHEREAS,** the Township is willing to extend a grant to the property owner in the amount of \$\_\_\_\_\_.

**NOW THEREFORE BE IT RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Township of Maplewood, County of Essex, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_.

I do hereby certify that the foregoing is a true copy of a resolution passed by the \_\_\_\_\_ at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Clerk

***Exhibit 5: Resolution Authorizing Affordability Assistance Payment  
for Supportive Housing***

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE OPERATOR OF A SUPPORTIVE HOUSING DEVELOPMENT LOCATED AT \_\_\_\_\_, Maplewood, New Jersey.**

**WHEREAS,** \_\_\_\_\_ is the licensed operator of the property located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

**WHEREAS,** the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

**WHEREAS,** the Township is willing to extend a grant to the property owner in the amount of \$\_\_\_\_\_.

**NOW THEREFORE BE IT RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Township of Maplewood, County of Essex, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit located at \_\_\_\_\_, Block No. \_\_\_\_\_, Lot No. \_\_\_\_\_.

I do hereby certify that the foregoing is a true copy of a resolution passed by the \_\_\_\_\_ at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Clerk

***Exhibit 6: Affordability Assistance Program Repayment Agreement***

MAPLEWOOD TOWNSHIP

AFFORDABILITY ASSISTANCE PROGRAM REPAYMENT AGREEMENT

THIS AGREEMENT made on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ is between \_\_\_\_\_(hereafter "Owner") whose address is \_\_\_\_\_ and Maplewood Township, with offices at 574 Valley Street, Maplewood, NJ 07027, (hereafter "Township") Collectively, the "Owner" and the "Township" referred to herein as the "Parties":

WHEREAS, Owner owns property located at \_\_\_\_\_, described more specifically as Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_, (hereafter "Property"); and

WHEREAS, the Property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the Property as an Affordable Housing unit which, among other restrictions, restricts the Owner in financing the Property or otherwise encumbering the Property by way of mortgage, home equity loan, or other forms of financing; and

WHEREAS, the Township is willing to extend a loan to Owner in the amount of \_\_\_\_\_; and

WHEREAS, the Owner will sign a mortgage note and record a mortgage on the Property in the principal amount of \$ \_\_\_\_\_; and

WHEREAS, the Parties wish to memorialize the agreement between them by way of this Affordable Housing Loan Repayment Agreement (hereinafter "Agreement");

NOW THEREFORE IT IS AGREED on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Parties as follows:

1. Owner acknowledges that s/he is aware, and herein reaffirms her understanding, that the Property is and will continue to be governed by the Affordable Housing rules, regulations and restrictions because it is an Affordable Housing unit under the control of the Township.
2. Owner understands and agrees that the restrictions on the Property, which state that s/he cannot make application for any second money mortgages or refinance any first money mortgages as it may apply to the Affordable Housing unit in excess

of the maximum restricted mortgage amount and not until prior written approval has been obtained from the Administrative Agent.

3. Owner acknowledges and agrees that the Deed signed by the Owner at closing contains the recorded restrictions that govern the Property, which provide that “Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.”
4. Owner acknowledges and agrees that there will be a tertiary loan placed on the unit recorded after this Affordability Assistance mortgage, which applies the affordability control restriction pursuant to the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 *et seq.*).
5. Owner acknowledges and agrees that the Township, pursuant to its Affordable Housing regulations, has the right to foreclose on the Property as a result of any violation of the deed restrictions pertaining to the Property by the Owner and, if successful, the Township can retain all equity in the Property.
6. The Township agrees to extend a loan of \$\_\_\_\_\_ to the Owner for the exclusive use \_\_\_\_\_.
7. The loan principal is forgiven at a rate of 10% per year for a period of 10 years and is secured by a second mortgage and note.
8. If the Owner fails to make any and all necessary payments required by the within Agreement, or otherwise breaches the terms of this Agreement, the Township shall have the right to immediately file a lawsuit, or pursue any other rights that it may have, to remedy the breach and otherwise enforce the Affordable Housing statutes, ordinances, rules and regulations.
9. If the Owner fails to make any and all payments when due, the Township shall be entitled to accelerate the repayment obligation to make the full amount immediately due (plus interest, if applicable).
10. This Agreement shall be construed in accordance with the laws of the State of New Jersey.

- 11. This Agreement constitutes the entire Agreement between the Parties. No amendments or modifications to this Agreement shall have any force or effect unless in writing and executed by both Parties.
- 12. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holdings shall not invalidate or render unenforceable any other provision hereof.
- 13. This Agreement shall be binding upon and inure to the benefit of the Parties, their legal representatives, heirs, executors, administrators, successors and assigns.

**IN WITNESS WHEREOF** the Parties hereto have signed and executed this Agreement as of the date indicated above.

**Municipality**

**Attest:**

\_\_\_\_\_

**OWNER**

**Attest:**

\_\_\_\_\_

STATE OF NEW JERSEY:

SS

COUNTY OF \_\_\_\_\_ :

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, OWNER NAME personal came before me and acknowledged under oath, to my satisfaction, the he/she:

- a. Was the maker of the attached instrument; and
- b. Executed this instrument as his or her own act.
- c.

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF NEW JERSEY:

SS

COUNTY OF \_\_\_\_\_:

I CERTIFY that on \_\_\_\_\_, 202\_\_, CLERK’S NAME personally came before me and acknowledged under oath, to my satisfaction, that:

- a. She/he is the Clerk of the Township of Maplewood, the municipal corporation named in this document; an
- b. She/he is the attesting witness to the signing of this document by MAYOR/PRESIDENT NAME, TITLE, of the Township of Maplewood
- c. This document was signed and delivered by the Township of Maplewood as its voluntary act duly authorized by a proper resolution of the Council
- d. She/he knows the proper seal of the Township of Maplewood, which was affixed to this document; and
- e. She/he signed this proof to attest to the truth of these facts

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public

***Exhibit 7: Mortgage Securing Payment of Affordability Assistance  
Program Note***

TOWNSHIP OF MAPLEWOOD

MORTGAGE SECURING PAYMENT OF AFFORDABILITY ASSISTANCE PROGRAM NOTE

THIS MORTGAGE, made on this the \_\_\_\_ day of \_\_\_\_\_, 202\_ by and between \_\_\_\_\_, (the "OWNER") and MAPLEWOOD TOWNSHIP (the "Municipality"), in connection with the property described herein (the "PROPERTY");

Article 1. REPAYMENT MORTGAGE NOTE

In consideration of value received, the Owner has signed an Affordability Assistance Program Mortgage Note (the "Note") dated \_\_\_\_\_. The Owner promises to pay to the Municipality amounts due under the Affordability Assistance Program Mortgage Note, and to abide by all obligations contained therein.

Article 2. MORTGAGE AS SECURITY FOR AMOUNT DUE

This Mortgage is given to the Municipality as security for the payment required to be paid as described in the Mortgage Note, the sum of \$ \_\_\_\_\_.

Article 3. PROPERTY DESCRIPTION

All of the land and improvements thereon located in the municipality of Maplewood Township in the County of Essex, State of New Jersey (hereinafter the "Property"), described more specifically as Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_, and known by the street address:

\_\_\_\_\_  
\_\_\_\_\_

Article 4. RIGHTS GIVEN TO MUNICIPALITY

The Owner gives the Municipality those rights stated in this Mortgage, and all the rights the law gives to the Municipality under Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*). The rights given to the Municipality are covenants running with the land. Upon performance of the promises contained in Note and Mortgage, the Municipality will prepare and deliver to the then current owner of record a quitclaim deed or other document of release.

Article 5. DEFAULT

The Municipality may declare the Owner in default on this Mortgage and on the Note if:

1. The Owner attempts to convey an interest in the Property without giving prior written notice to the Municipality;
2. The ownership of the Property is changed for any reason other than in the course of an exempt sale;

3. The Owner fails to make any payment required by the Note;
4. The holder of any lien on the Property starts foreclosure proceedings; or
5. Bankruptcy, insolvency or receivership proceedings is commenced by or against the Owner.

Article 6. MUNICIPALITY'S RIGHTS UPON DEFAULT

If the Municipality declares that the Note and this Mortgage are in default, the Municipality shall have all of the rights given by law or set forth in this Mortgage.

Article 7. NOTICES

*ALL NOTICES MUST BE IN WRITING AND PERSONALLY DELIVERED OR SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE ADDRESSES GIVEN IN THIS MORTGAGE. ADDRESS CHANGES MAY BE MADE UPON WRITTEN NOTICE, MADE IN ACCORDANCE WITH THIS ARTICLE.*

Article 8. NO WAIVER BY MUNICIPALITY

The Municipality may exercise any right under this Mortgage or under any law, even if the Municipality has delayed in exercising that authority, or has agreed in an earlier instance not to exercise that right. The Municipality does not waive its right to declare the Owner is in default by making payments or incurring expenses on behalf of the Owner.

Article 9. EACH PERSON LIABLE

The Mortgage is legally binding upon each Owner individually and all their heirs, assigns, agents and designees who succeed to their responsibilities. The Municipality may enforce any of the provisions of the Note and of this Mortgage against any one or more liable individual.

Article 10. SUBORDINATION

This Mortgage will not be subordinate, and will not be subordinated by the Municipality, to any mortgage, refinancing, equity loan, secured letter of credit, or any other obligation secured by the Property, except with respect to (a) any such obligation which was duly recorded prior to the recording hereof, and (b) any such obligation which, when added to all other such obligations recorded against the Property, shall result in total debt secured by the Property being an amount less than the maximum resale price that would be applicable were the Control Period still in effect.

Article 11. AMENDMENTS

No amendment or change to the Note and this Mortgage may be made, except in a written document signed by both parties and approved by the administrative agent appointed pursuant to N.J.A.C. 5:80-26.1 et seq.

Article 13. SIGNATURES

By executing this Mortgage on page 3, hereof, the Owner agrees to all of its terms and conditions.

Article 14. ACKNOWLEDGEMENT

The Owner acknowledges receipt of a true copy of this Mortgage, at no charge to the State.

IN WITNESS WHEREOF, the Owner(s) has executed this Mortgage for the purposes stated herein.

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Signature of (Owner)

\_\_\_\_\_  
Signature (Co-Owner)

STATE OF NEW JERSEY )

) ss:

COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the subscriber \_\_\_\_\_ appeared personally before me *(If more than one person signed the foregoing mortgage and appeared before me, the words "the subscriber" and "the Owner" shall include all such persons)* and who, being duly sworn by me, deposed and made proof to my satisfaction (i) that he/she is the Owner named in the foregoing mortgage and (ii) and that he/she has executed said mortgage with respect to the Property and for the purposes described and set forth therein.

Sworn to and subscribed before me, \_\_\_\_\_ on the date set forth above.

\_\_\_\_\_  
NOTARY PUBLIC

***Exhibit 8: Recapture Mortgage Note for Affordability Assistance Program***

MAPLEWOOD TOWNSHIP

RECAPTURE MORTGAGE NOTE FOR AFFORDABILITY ASSISTANCE PROGRAM

THIS NOTE is dated as of \_\_\_\_\_, 202\_, For value received \_\_\_\_\_ (referred to "Owner") promises to pay to Maplewood Township, with offices at 574 Valley Street, Maplewood, NJ 07027 (the "Municipality"), the amounts specified in this Note and promises to abide by the terms contained below.

Article 1. REPAYMENT MORTGAGE

As security for the payment of amounts due under this Note and the performance of all promises contained in this Note, the Owner is giving the Municipality a "Mortgage To Secure Payment of Affordability Assistance Program Note" (the "MORTGAGE"), dated \_\_\_\_\_, of the property described below (the "PROPERTY"). The Mortgage covers real estate owned by the Owner. The Mortgage will not be subordinate, and will not be subordinated by the Municipality, to any mortgage, refinancing, equity loan, secured letter of credit, or any other obligation secured by the Property, except with respect to (a) any such obligation which was duly recorded prior to the recording hereof, and (b) any such obligation which, when added to all other such obligations recorded against the Property, shall result in total debt secured by the Property being an amount less than the maximum resale price (MRP) that would be applicable were the Control Period still in effect, as those terms are defined in Article 2 of the Mortgage.

Article 2. OWNERS PROMISE TO PAY AND OTHER TERMS

This is a no interest deferred loan in the amount of \$\_\_\_\_\_ will be for ten (10) years. The loan principal is forgiven at 10% per year for a period of 10 years. After ten (10) years, the loan is fully forgiven at the next resale. If sold before ten (10) years, the prorated loan amount shall be repaid by the applicant to the Maplewood Township Affordable Housing Trust Fund.

Article 3. PROPERTY DESCRIPTION

All of the land and improvements thereon located in the municipality of Maplewood in the County of Essex, State of New Jersey, described more specifically as Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_, and known by the street address: \_\_\_\_\_.

Article 4. WAIVER OF FORMAL ACTS

The Owner waives its right to require the Municipality to do any of the following before enforcing its rights under this Note:

1. To demand payment of amount due (known as Presentment).
2. To give notice that amounts due have not been paid (known as Notice of Dishonor).
3. To obtain an official certificate of non-payment (known as Protest).

Article 5. RESPONSIBILITY UNDER NOTE

All Owners signing this Note are jointly and individually obligated to pay the amounts due and to abide by the terms under this Note. The Municipality may enforce this Note against any one or more of the Owners or against all Owners together.

The Owner agrees to the terms of this Note by signing below.

ACKNOWLEDGEMENT

Owner acknowledges receipt of a true copy of the Mortgage and this Note at no charge.

Dated:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Signature of (Owner)

\_\_\_\_\_  
Signature (Co-Owner)

STATE OF NEW JERSEY )

) ss.:

COUNTY OF \_\_\_\_\_)

On this the \_\_\_ day of \_\_\_\_\_, 202\_\_ before me came \_\_\_\_\_, who acknowledges and makes proof to my satisfaction that she is the Owner named within this Note, and that s/he has executed said Note for the purposes set forth therein, sworn to and subscribed by her /him in my presence on this date.

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

A Notary Public/Attorney of the State of New Jersey

***Exhibit 9: Notice of Right of Recission***

**MAPLEWOOD TOWNSHIP**

**AFFORDABILITY ASSISTANCE PROGRAM**

**NOTICE TO HOMEOWNER REQUIRED BY FEDERAL LAW:**

You have entered into a transaction on «**Mortgage\_Date**» which will result in a lien, mortgage, or other security interest in your home. You have a legal right under federal law to cancel this transaction, if you desire to do so, without any penalty or obligation within three business days from the above date or any later date on which all material disclosures required under the Truth in Lending Act have been given to you. If you so cancel the transaction, any lien, mortgage, or other security interest on your home arising from this transaction is automatically void. You are also entitled to receive a refund of any down payment or other consideration if you cancel. If you decide to cancel this transaction, you may do so by notifying The Township’s Administrative Agent: CGP&H, whose offices are located at 1249 South River Road, Suite 301, Cranbury, NJ 08512, by certified mail sent not later than midnight of «**Right of Rescission date**». You may also use any other form of written notice identifying the transaction if it is delivered to the above address not later than that time. This notice may be used for that purpose by dating and signing below.

I hereby cancel this transaction.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(customer signature)

EFFECT OF RESCISSION. When a homeowner exercises his/her right to rescind under paragraph (a) of this section, he/she is not liable for any finance or other charge, and any security interest becomes void upon such a rescission. Within 10 days after receipt of a notice of rescission, the creditor shall return to the homeowner any money or property given as earnest money, down payment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered any property to the homeowner, the homeowner may retain possession of it. Upon the performance of the creditor’s obligations under this section, the homeowner shall tender the property to the creditor, except that if return of the property in kind would be impracticable or inequitable, the homeowner shall tender its reasonable value. Tender shall be made at the location of the property or at the residence of the homeowner, at the option of the homeowner. If the creditor does not take possession of the property within 10 days after tender by the homeowner, ownership of the property vests in the homeowner without obligation on his part to pay for it.

I, the Customer, hereby acknowledge receipt of two (2) copies of the aforesaid Notice of Right of Rescission which have been given unto me this «**Mortgage\_Date**».

\_\_\_\_\_  
«Homeowner\_name»

\_\_\_\_\_  
«CoOwner»

# EXHIBIT F

## TOWNSHIP OF MAPLEWOOD



### ORDINANCE # 3182-26

**AN ORDINANCE TO AMEND CHAPTER 271 (ZONING AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD TO ADDRESS COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING THE AFFORDABLE HOUSING OVERLAY 1 ZONE (AHO-1)**

#### *“Interpretive Statement”*

*This Ordinance will amend Section 271-70 (Zone Requirements) of Article V (Zoning Provisions) in Chapter 271 (Zoning and Development Regulations) of the Code of the Township of Maplewood to establish the Affordable Housing Overlay 1 Zone (AHO-1), which shall include the following properties:*

*88 Burnett Avenue, identified as Block 48.47, Lot 5;  
1734-44 Springfield Avenue, identified as Block 30.04, Lot 127;  
2128-2144 Millburn Avenue, identified as Block 21.12, Lot 61;  
79 Dunnell Road, identified as Block 17.16, Lot 161;  
275 Parker Avenue, identified as Block 42.08, Lot 146;  
2017 Springfield Avenue, identified as Block 29.04, Lot 536; and  
333 Elmwood Avenue, identified as Block 31.34, Lot 4 on the Township tax map.*

**WHEREAS**, the Township of Maplewood (the “Township” or “Maplewood”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et seq. (the “Fair Housing Act”) on January 23, 2025; and

**WHEREAS**, the Court having entered an order on March 24, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 20 units and a Prospective Need of 216 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Township of Maplewood Planning Board adopted the Fourth Round HEFSP, dated June 2025, on June 12, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:55D-1 et seq.; and

**WHEREAS**, the Fourth Round HEFSP has been endorsed by the Township Committee by Resolution Number 222-25 on June 17, 2025; and

**WHEREAS**, the Township having filed its Fourth Round HEFSP on June 13, 2025 (“Adopted HEFSP”); and

**WHEREAS**, Fair Share Housing Center (“FSHC”) having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP on August 30, 2025; and

**WHEREAS**, 161 Maplewood Investors, LLC (“161 Maplewood”) having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP on August 29, 2025; and

**WHEREAS**, the Township and FSHC having agreed to amicably resolve the issues set forth in FSHC’s challenge through a Mediation Agreement dated December 16, 2025 (“December 2025 FSHC Mediation Agreement”); and

**WHEREAS**, an Amended Fourth Round HEFSP dated February 12, 2026 has been prepared; and

**WHEREAS**, as of the date of final adoption of this Ordinance, the Amended Fourth Round HEFSP has been adopted by the Township Planning Board and endorsed by the Township Committee; and

**WHEREAS**, in order to effectuate the compliance mechanisms of the Amended Township’s Fourth Round HEFSP, the Township has agreed to adopt overlay zoning for specific sites to provide a realistic opportunity for affordable housing development on said sites; and

**WHEREAS**, this Ordinance implements and incorporates the proposed overlay zoning, which shall permit the construction of affordable housing at the following sites in accordance with the minimum affordable unit yields provided as follows: 1) an inclusionary development, consisting of a minimum of 5 affordable units, located at 88 Burnett Avenue (Block 48.47, Lot 5); 2) an inclusionary development, consisting of a minimum of 5 affordable units, located at 1734-44 Springfield Avenue (Block 30.04, Lot 127); 3) an inclusionary development, consisting of a minimum of 15 affordable units, located at 2128-2144 Millburn Avenue (Block 21.12, Lot 61); 4) an inclusionary development, consisting of a minimum of 1 affordable unit, located at 79 Dunnell Road (Block 17.16, Lot 161); 5) an inclusionary development, consisting of a minimum of 5 affordable units, located at 275 Parker Avenue (Block 42.08, Lot 146); 6) an inclusionary development, consisting of a minimum of 2 affordable units, located at 2017 Springfield Avenue (Block 29.04, Lot 536); 7) an inclusionary development, consisting of a minimum of 1 affordable unit, located at 333 Elmwood Avenue (Block 31.34, Lot 4); and

**WHEREAS**, the Township intends to amend Section 271-70 (Zone Requirements) of Article V (Zoning Provisions) in Chapter 271 (Zoning and Development Regulations) of the Code of the Township of Maplewood to establish the Affordable Housing Overlay – 1 Zone (AHO-1), which shall include the following properties: 88 Burnett Avenue, identified as Block 48.47, Lot 5; 1734-44 Springfield Avenue, identified as Block 30.04, Lot 127; 2128-2144 Millburn Avenue, identified as Block 21.12, Lot 61; 79 Dunnell Road, identified as Block 17.16, Lot 161; 275 Parker Avenue, identified as Block 42.08, Lot 146; 2017 Springfield Avenue, identified as Block 29.04, Lot 536; and 333 Elmwood Avenue, identified as Block 31.34, Lot 4 on the Township tax maps;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Maplewood in the County of Essex, State of New Jersey that Section 271-70 (Zone Requirements) of Article V (Zoning Provisions) in Chapter 271 (Zoning and Development Regulations) of the Code of the Township of Maplewood is hereby amended and supplemented as follows:

**Section 1. OVERLAY ZONE AHO-1 CREATED.** Section 271-70 (Zone requirements) of Article V (Zoning Provisions) of Chapter 271 (Zoning and Development Regulations) of the Code of the Township of Maplewood is hereby amended and supplemented to add the following:

Section 271-70.L. Affordable Housing Overlay Zone – 1 (AHO-1)

(1) Purpose, Intent, and Establishment of Overlay Zone.

The following sites are included and established within a new affordable housing overlay, “Affordable Housing Overlay Zone – 1 (AHO-1),” as part of Maplewood Township’s compliance with its Fourth Round affordable housing obligations per the Township’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”), as amended.

- (a) The property located at 88 Burnett Avenue, shown on the Tax Map of the Township as Block 48.47, Lot 5 and currently zoned as the Commercial and Industrial (CI) District, is hereby included in the AHO-1 to permit the construction of a maximum of twenty-five (25) residential units, including a minimum of five (5) affordable units based on a minimum 20% affordable housing set-aside.
- (b) The property located at 1734-44 Springfield Avenue, shown on the Tax Map of the Township as Block 30.04, Lot 127 and currently zoned as the Pedestrian Retail Business (PRB) Zone, is hereby included in the AHO-1 to permit the construction of a maximum of twenty-five (25) residential units, including a minimum of five (5) affordable units based on a minimum 20% affordable housing set-aside.
- (c) The property located at 2128-2144 Millburn Avenue, shown on the Tax Map of the Township as Block 21.12, Lot 61 and currently zoned as the Office Business (OB) District, is hereby included in the AHO-1 to permit the construction of a maximum of seventy-five (75) residential units, including a minimum of fifteen (15) affordable units based on a minimum 20% affordable housing set-aside.
- (d) The property located at 79 Dunnell Road, shown on the Tax Map of the Township as Block 17.16, Lot 161 and currently zoned as the Residential single- and two-family (R-2-4) District, is hereby included in the AHO-1 to permit the construction of a maximum of five (5) residential units, including a minimum of one (1) affordable unit based on a minimum 20% affordable housing set-aside.
- (e) The property located at 275 Parker Avenue, shown on the Tax Map of the Township as Block 42.08, Lot 146 and currently zoned as the Residential single- and two-family (R-2-4) District, is hereby included in the AHO-1 to permit the construction of a maximum of twenty-five (25) residential units, including a minimum of five (5) affordable units based on a minimum 20% affordable housing set-aside.

- (f) The property located at 2017 Springfield Avenue, shown on the Tax Map of the Township as Block 29.04, Lot 536 and currently zoned as the Pedestrian Retail Business (PRB) Zone, is hereby included in the AHO-1 to permit the construction of a maximum of ten (10) residential units, including a minimum of two (2) affordable units based on a minimum 20% affordable housing set-aside.
- (g) The property located at 333 Elmwood Avenue, shown on the Tax Map of the Township as Block 31.34, Lot 4 and currently zoned as the Continuing Care Retirement Community (CCRC) Zone, is hereby included in the AHO-1 to permit the construction of a minimum of one (1) affordable unit based on a minimum 20% affordable housing set-aside.

(2) Permitted Principal Uses.

- (a) Multifamily and/or Assisted Living Residential Development, in accordance with the assigned minimum affordable housing units on a site-by-site basis as provided in §271-70.L.(1)a.-g. above.
- (b) Existing permitted principal uses permitted by the underlying zone are not modified or affected by the establishment of this overlay zone.

(3) Permitted Accessory Uses.

- (a) Existing permitted accessory uses for existing principal accessory uses of the underlying zone are not modified or affected by the establishment of this overlay zone.
- (b) Permitted accessory uses for inclusionary residential uses are as follows:
  - [1] Private residential garages and off-street parking. Standalone structured parking decks are prohibited.
  - [2] Structured parking decks enclosed with the same architectural design and use of building materials as the principal permitted use.
  - [3] Loading areas.
  - [4] Leasing office.
  - [5] Streetscape improvements.
  - [6] Gardens, hardscape patio areas, landscape features.
  - [7] Fences in accordance with §271-43 of the Township Code.
  - [8] Signage shall be subject to the requirements of §271-56 of the Township Code.
  - [9] Green building techniques and green roofs.
  - [10] Solar canopy array or roof mounted systems.
  - [11] Stormwater management/flood storage systems.
  - [12] Car Charging Stations & associated infrastructure.
  - [13] Generators.
  - [14] Other customary accessory uses and structures for residential uses including, but not limited to, a club room, fitness areas, dog parks, and swimming pools for the private use and enjoyment of residents and their guests.
  - [15] Any use deemed incidental to a permitted principal use, subject to Planning Board approval

(4) Conditional Uses.

- (a) Existing permitted conditional uses permitted by the underlying zone are not modified or affected by the establishment of this overlay zone.
- (5) Affordable Housing Requirements.
- (a) Affordable housing regulations. Affordable units shall be provided on a site-by-site basis as specified in § 271-70.L.(1)a.-g. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of the amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.); UHAC (N.J.A.C. 5:80-26.1 et seq.); N.J.A.C. 5:99; the Township’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”), as may be amended; and the Township’s Affordable Housing Regulations.
- (b) A minimum 20% affordable housing set-aside shall be provided for all residential development within the overlay zone.
- (6) Schedule of Area, Bulk and Design Standards.
- (a) Refer to underlying schedule of bulk requirements for each underlying zone:
- [1] For Commercial and Industrial (CI) District refer to §271-70.F(4).
  - [2] For Pedestrian Retail Business (PRB) Zone refer to §271-70.J(4).
  - [3] For Office Business (OB) District refer to §271-70.E(4).
  - [4] For Residential single- and two- family (R-2-4) District refer to §271-70.B(4).
  - [5] For Continuing Care Retirement Community (CCRC) Zone refer to §271-70.I(4).
- (b) Buffers shall be required in accordance with the regulations found at §271-37.
- (c) Building design. The design of residential buildings shall complement the character of the Township’s residential neighborhoods and conform to the following:
- [1] Floor plans shall be provided for each of the buildings. Architectural design shall be consistent with the architect’s project elevation to be reviewed and approved by the Planning Board.
  - [2] The design of residential buildings in the overlay zone shall be generally consistent with the building appearance regulations provided in §271-38 of the Township Code.
  - [3] The buildings shall include breaks in the facades with the use of different colors or materials to break up the building lengths.
  - [4] All HVAC and mechanical equipment shall be inconspicuously placed or adequately screened from view.
- (d) Trash/recycling enclosures. Trash/recycling enclosure area(s) shall be suitably located, screened and arranged for access and ease of collection and shall not be part of, restrict or occupy any parking aisle.
- (7) Streets, Parking, and Loading.
- (a) All off-street parking and loading requirements shall comply with §271-50 of the Township Code.
- (b) Structured parking decks enclosed with the same architectural design and use of building materials are permitted. The number of parking stories shall be counted towards the number of stories permitted.

- (c) Electric vehicle parking and infrastructure is required per the State's Electric Vehicle requirements per N.J.S.A. 40:55D-66.20.
  - (d) Street width. The width of all on-site residential streets shall be governed by the RSIS.
  - (e) Curbs and sidewalks. Curbs and sidewalks shall be governed by the RSIS. Sidewalks shall be provided to reasonable connect the residential units to parking and recreation areas.
- (8) Landscaping.
- (a) Landscaping shall be provided as part of all development applications and is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping shall include trees, shrubs, ground cover, berms, flowers, and similar materials, and shall be designed to provide aesthetic, buffering, climatological, environmental, ornamental, and other similar functions. All landscaping plans shall be prepared by a New Jersey licensed landscape architect, or other individual deemed suitably qualified by the Board. The plan shall include detailed construction drawings for all site landscaping, common areas, recreation areas and all street frontage improvements including but not limited to street trees, ornamental lighting and brick paver walkways.
  - (b) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.
  - (c) All plant material shall consist of native landscape plantings.
  - (d) Landscaping shall be designed to create a complete integration of the various elements of site design.
- (9) Infrastructure Improvements.
- (a) All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
  - (b) The Township has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Township Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).
- (10) Green Building Standards.

- (a) All development shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
  - (b) Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
    - [1] Energy-efficient lighting and HVAC systems;
    - [2] Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
    - [3] Low-impact development strategies such as pervious paving and rain gardens;
    - [4] Water-efficient landscaping utilizing native and drought-tolerant species; and
    - [5] Recycling and reuse of construction materials when able.
  - (c) Green roofs or rooftop vegetation are encouraged for stormwater management.
  - (d) Developers shall include Green Building plans outlining compliance measures as part of the site plan application.
- (11) Climate Resiliency.
- (a) Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management).
  - (b) Projects shall evaluate vulnerabilities to flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
    - [1] Risen floor elevations above FEMA base flood elevations where applicable;
    - [2] On-site stormwater detention and infiltration features;
    - [3] Use of flood-tolerant landscaping and tree canopy for cooling and shade;
    - [4] Backup power and grid-ready infrastructure to maintain systems during outages.
  - (c) All development applications shall include a brief Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

**Section 2. RECITALS.** The aforementioned recitals are incorporated herein as if set forth at length.

**Section 3. REFERRAL TO PLANNING BOARD.** Concurrently with the introduction of this Ordinance, it is hereby referred to Planning Board for the Planning Board’s review as to the consistency of the Ordinance with the Township Master Plan.

**Section 4. AVAILABILITY OF THE ORDINANCE.** A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

**Section 5. SEVERABILITY.** If any section, paragraph, sub-paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 6. REPEAL OF PRIOR ORDINANCES.** Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**Section 7. EFFECTIVE DATE.** This Ordinance shall take effect as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance 3182-26 was introduced at a meeting of the Township Committee of the Township of Maplewood, held on February 17, 2026 and that the Township Committee will meet again on March 3, 2026, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee will hold a hearing and proceed to consider the said Ordinance on final reading and final passage.

Copies of the full ordinance will be available at no cost and during regular business hours at the Township Clerk's office for the members of the general public who shall request the same.

**MOTION: Adams      SECOND: Herman**  
**YES:** Adams, Collins-Colding, Herman,  
De Luca  
**NO:** None  
**ABSTAIN:** None  
**ABSENT:** Dafis

**Introduction:** February 17, 2026  
**Adoption:** March 11, 2026

  
\_\_\_\_\_  
**ATTEST** Elizabeth J. Fritzen, Township Clerk

# EXHIBIT G

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE # 3183-26

### AN ORDINANCE ENACTING AN AMENDMENT TO THE AMENDED AND SUPPLEMENTED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2

#### *"Interpretive Statement"*

This Ordinance will amend the Amended and Supplemented Redevelopment Plan for Redevelopment Area 2, including but not limited to Section 7 thereof, to add apartment buildings and/or stacked flats consisting entirely of affordable dwelling units as a permitted use in certain areas, and to make certain other related revisions in connection therewith.

**WHEREAS**, the Maplewood Township Committee ("**Township Committee**"), pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), and based upon the report and recommendation of the Maplewood Planning Board (the "**Planning Board**"), previously designated Block 48.47, Lots 1, 1.01, 5.01, 6.01, 7, 123, 124.01, 130.02, 131, 138, 140, 140.01, 143 and a portion of Lot 167 as an area in need of redevelopment (collectively, the "**Redevelopment Area 2**"); and

**WHEREAS**, pursuant to *N.J.S.A.* 40A:12A-7, the Township Committee, in accordance with the applicable provisions and requirements of the Redevelopment Law, oversaw the preparation of a redevelopment plan for Redevelopment Area 2 and enacted such redevelopment plan in accordance with the Redevelopment Law (as amended and supplemented from time to time, the "**Initial Redevelopment Plan**"); and

**WHEREAS**, the Township Committee wishes to enact revisions to the Initial Redevelopment Plan, including but not limited to Section 7 thereof, that would add apartment buildings and/or stacked flats consisting entirely of affordable dwelling units as a permitted use in certain areas, and make other related revisions; and

**WHEREAS**, the Township has caused to be prepared draft amendments to the Initial Redevelopment Plan by Phillips Preiss Grygiel Leheny & Keller, LLC (the "**Planner**"), dated February 2026, which were referred to the Planning Board by way of Resolution 77-26 for the Planning Board's review, report, and recommendations, if any, pursuant to *N.J.S.A.* 40A:12A-7; and

**WHEREAS**, the Planning Board determined that the Initial Redevelopment Plan together with the proposed amendments was consistent with the Township's Master Plan; and

**WHEREAS**, the Planning Board recommended that the cross reference in Section 7 to the bulk standards in Section 5 be clarified, and further that the parking standards for affordable dwelling units in Section 7 be reduced to 1 parking space per dwelling unit (collectively, the “**Planning Board Recommendations**”); and

**WHEREAS**, the Planner has prepared a revised draft of the amendments to incorporate the Planning Board Recommendations (the “**Plan Amendments**”, as attached hereto as Exhibit A),

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Maplewood, in the County of Essex, New Jersey, as follows:

**Section 1.** The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

**Section 2.** The Township Committee hereby adopts the Amendment, which amends and restates the Initial Redevelopment Plan, in accordance with *N.J.S.A. 40A:12A-7*.

**Section 4.** The sections of the Zoning Map of the Township that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Redevelopment Plan as amended by the Plan Amendments.

**Section 5.** If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 6.** Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**Section 7.** This Ordinance shall take effect in accordance with law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance 3183-26 was introduced at a meeting of the Township Committee of the Township of Maplewood, held on February 17, 2026 and that the Township Committee will meet again on March 3, 2026, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee will hold a hearing and proceed to consider the said Ordinance on final reading and final passage.

Copies of the full ordinance will be available at no cost and during regular business hours at the Township Clerk’s office for the members of the general public who shall request the same.

**MOTION:** Collins-Colding      **SECOND:** Adams  
**YES:** Adams, Collins-Colding, Herman, De Luca  
**NO:** None  
**ABSTAIN:** None  
**ABSENT:** Dafis

**Introduction:** February 17, 2026  
**Adoption:** March 11, 2026



**ATTEST**      Elizabeth J. Fritzen, Township Clerk

**EXHIBIT A**

**Plan Amendments**

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**Amended and Supplemented Redevelopment Plan for Area 2  
Township of Maplewood, New Jersey**

Prepared by Phillips Preiss Grygiel Leheny ~~Hughes Keller~~ LLC

For the Township of Maplewood

Adopted June 18, 2019

Amended February 2026

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# 1 Introduction

## **BASIS FOR THE PLAN**

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This amended and supplemented redevelopment plan has been prepared for the property known as Redevelopment Area 2 within the Township of Maplewood, Essex County, New Jersey. The property is located in the southeastern portion of the municipality, traditionally known as the Hilton section. It incorporates several mostly nonresidential properties within the eastern portion of the superblock bounded by Burnett Avenue, Boyden Avenue, Newark Way and Rutgers Street. Its location is shown in **Figure 1**. In this plan, Redevelopment Area 2 will generally be referred to as the “redevelopment area.”

The Maplewood Township Committee directed the Planning Board to study the area in order to determine whether it was in need of redevelopment in accordance with the criteria specified in state law at N.J.S.A. 40A:12A-5. The Township’s consulting planners, Phillips Preiss Shapiro Associates, Inc., then conducted a redevelopment area investigation, which was completed in January 2005. A public hearing on the investigation was then held by the Planning Board, which subsequently determined that a portion study area qualified as an area in need of redevelopment. The Township Committee then directed the Planning Board to prepare a redevelopment plan for the area in question. This plan is to be submitted to the Township Committee for its review and adoption in accordance with the redevelopment statutes. A supplemental redevelopment study was adopted in 2011, which added Block 48.47, Lot 6.01 to the redevelopment area.

## **NOTE ON PLAN TERMINOLOGY**

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Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.”

- “Shall” means that a developer is required to comply with the specific regulation, without any deviations.
- “Should” means that a developer is encouraged to comply but is not required. If the exact recommendation cannot be met, the Planning Board will entertain a modification meeting the same spirit in implementing redevelopment projects and creating the associated developer’s agreements.

## **SURROUNDING AREA CONTEXT**

---

Like much of Maplewood, the redevelopment area was built out in the early to middle decades of the 20th century. Thus, the industrial sites are relatively small in scale by contemporary standards, located on lots ranging in area from 1/2 acre to 3 acres. They are typically located on flag lots, with only enough frontage on a public street for a driveway. The residential sites range in area from about 1/6 acre to 1/3 acre. The housing stock is similarly dated. According to the property record cards, the most recent construction occurred in the 1950s, and the oldest house in the redevelopment

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**Figure 1: Redevelopment Area Location**

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area dates to 1864. A portion of the Township-owned public works site is also included in the redevelopment area.

Most of Maplewood has a fine-grained street network, into which the streets bounding the redevelopment area are well integrated. Burnett Avenue is classified in the Master Plan as a minor arterial. It extends to the southwest into Union Township, where it has a junction with Interstate Route 78. Boyden Avenue is classified as an urban collector. The other streets bounding the redevelopment area are local streets.

Along Burnett Avenue, the redevelopment area is bounded by a residential neighborhood consisting predominately of detached single-family and multifamily residences on small lots on both sides. To the southwest, the redevelopment area is bounded by the DeHart Recreation Center, which includes a community center and athletic fields. On the other side of the recreation center, there are more industrial sites and residential properties similar to those in the redevelopment area.

Along Newark Way, the redevelopment area is bounded by a mix of light industrial and detached residential uses. Along both Tuscan Road and Boyden Avenue, it is bounded by detached residential uses.

Considerable new development has occurred and/or is contemplated along nearby Springfield Avenue. In the past few years, a new police station/court building was constructed by the Township on the north side of the street, and a church was built next to it. Separately, the township's Redevelopment Areas Nos. 1 and 3, adjacent to one another, lie along the south side of Springfield Avenue from Boyden Avenue past Vermont Street. These areas have been designated as being in need of redevelopment, and a redevelopment plan was prepared for these areas. A Walgreen's drug store has been constructed in Redevelopment Area 3.

## **REDEVELOPMENT AREA PROPERTIES**

---

The redevelopment area consists of the properties identified as the Universal Chain site, the former Verizon site, the Maplewood Building Specialties site, the Wyman site, the Electroless (Superfund) site, and the machine shop site. Together, these parcels, all of which are within Block 48.47, total approximately 11.88 acres. More information on each parcel is provided below.

- Lots 1, 1.01 and 143, an industrial flag lot known as the **Verizon site**, containing a former telephone utility building now leased as offices by the State of New Jersey and accessory parking lot. Total about 3.9 acres.
- Lots 5.01, 6.01 and 7, an industrial flag lot known as the **Universal Chain** site, which contained a vacant industrial building. The building was demolished. Lot 6.01 was added to the redevelopment area in 2011. Total 3.1 acres.
- Lots 123, 124.01, and 131, which together form an industrial flag lot containing a **building supply** operation. Total about 1.7 acres.

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- Lot 130.02, which has no street frontage and contains a **machine shop**. For access, this property currently relies on an easement on an adjoining residential lot which is located outside the redevelopment area.
- Lots 138 and 140, known as the **Wyman properties**, front on Burnett Avenue and each contain detached dwellings in the front and auto repair or storage operations in the rear. Total about 1.73 acres.
- Lot 140.01, known variously as the Electroless Plating property and the Fresco Silver Company property, is vacant and a designated **Superfund site**. This lot is about 0.63 acres.
- Lot 167, an irregular flag lot, which contains the Township's **public works facility**. Only the northeast tip of Lot 167 (the area lying between parcels 140 and 140.01) is included in this redevelopment area, an area about 0.53 acres.

**Figure 2** shows the boundaries of the redevelopment area on the Township's tax maps, **Figure 3** shows the redevelopment area depicted in an aerial photograph, and **Figure 4** shows the land uses within the Redevelopment Area.

### **Universal Chain Site**

An apartment complex has been constructed on Lots 5.01 and 7 in accordance with prior approvals. This Redevelopment Plan provides regulations for Lots 5.01 and 7 separately, in Chapter 6. As part of these regulations, this Plan requires developers of the Universal Chain site to provide a pedestrian connection across the Universal Chain site linking to DeHart Park to the west. As noted, an additional lot was added to this property. The redevelopment plan has been amended to modify the permitted development on the expanded Universal Chain site (i.e., Lots 5.01, 6.01 and 7).

### **Building Supply/Machine Shop Site**

An assisted living residence or a development consisting of an assisted living residence, along with adult day care and/or medical offices (an "assisted living complex") is contemplated and permitted on a property comprised of three parcels described above: the building supply and machine shop sites and the portion of the Township Public Works facility located in the redevelopment area. The lots included in this property are Lots 123, 124.01, 130.02, 131 and a portion of Lot 167 (the "Building Supply/Machine Shop site"). The total area of these parcels is approximately 2.5 acres. In the event an assisted living residence or assisting living complex is not feasible, ~~multifamily residential is another~~ development options ~~are provided~~ for this site. This Redevelopment Plan provides regulations for the Building Supply/Machine Shop site separately, in Chapter 7.

## **PLAN YIELD**

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Without the Universal Chain and Building Supply/Machine Shop sites, the remaining redevelopment area is 6.26 acres. The density and yield figures for this plan are based on the 6.26-acre figure. Chapters 3, 4, and 5 apply to these remaining areas.

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The Plan allows up to 25 residential units per acre. The minimum density is required in order to establish a minimum “critical mass” that brings activity and energy to the new community, as well as to make development of parks and high-quality streetscapes economically viable. The maximum density is established in order to preserve the livable, low- to mid-scale quality of Maplewood, characterized primarily by single-family homes and mid-rise apartments over retail.

Based on a site area of 6.26 acres (i.e. not including the Universal Chain and Building Supply/Machine Shop sites), the maximum allowable yield is 156 units. Within the allowable residential yield, open space areas and public streets must also be provided. Live/work spaces, where provided, are considered part of the residence to which they are attached, rather than a separate yield.

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**Figure 2: Redevelopment Area Boundaries**

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**Figure 3: Redevelopment Area Context**

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**Figure 4: Land Uses in the Redevelopment Area**

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## 2 Vision, Goals, & Context

This chapter applies to all properties in the Redevelopment Area except for Lots 5.01, 6.01 and 7, the Universal Chain site, which is addressed in Chapter 6, and Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area, the Building Supply/Machine Shop site.

### REDEVELOPMENT PLAN VISION

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On a Saturday morning in March 2006, a community workshop was held at Seth Boyden School, located in close proximity to the redevelopment area, to elicit the vision of Maplewood residents for the area. The workshop was well-attended and sparked a considerable amount of discussion and dialogue among public officials, members of the public, and members of the development community. The following is a summary of the key goals that were established for the redevelopment area at this workshop. Any development plan for the site shall strive to attain these goals.

- The primary land use should be residential, with a mix of housing types including townhouses and apartments, with the highest densities at the center. New single-family development is discouraged, and any two-family homes should be restricted to those portions of the redevelopment area facing Burnett Avenue.
- Streets should be multi-modal (i.e., accommodating of both pedestrians and vehicles) and pedestrian-friendly.
- One or more parks or other open spaces shall be created, and the site should be infused with greenery. There was some debate as to whether a new community center would be appropriate for this Plan Area. The parks and other open spaces in the Plan Area shall be readily accessible by the public and welcoming to the entire surrounding neighborhood, not just the residents of the redevelopment area. Open spaces shall be maintained privately at no cost to the Township.
- The street network and site plan should knit together the lands on both sides of Area 2.
- Live/work spaces are desirable, but there should not be exclusively retail spaces. Live/work spaces can provide buffers to Woolley Fuel and are also a good ground-floor use for apartment buildings along streets and parks.

In addition, the Township would like the project to be responsible for its day-to-day maintenance and operations. With the exception of any new two-family detached houses facing Burnett Avenue, the properties within the Redevelopment Area shall be organized as one or more condominium organizations, which would be responsible for such operational and maintenance functions as garbage disposal, snow removal, tree pruning, and leaf removal.

There have been a number of changes in the past ten years since the community workshop was held that relate to the vision for the redevelopment area. Notably, while a successful apartment complex has been constructed on the Universal Chain site, there has been no other new development else-

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where in the redevelopment area. However, there has been additional multifamily residential development in the vicinity of the redevelopment area, including a sizable development on the former PSE&G site at the intersection of Boyden Avenue and Springfield Avenue. Therefore, it would be appropriate to broaden the mix of permitted uses in Redevelopment Area 2 to allow for additional complementary uses.

**Figure 5, Illustrative Plan,** shows one example of how the Plan Area could be developed in support of the vision outlined above and in accordance with the site development standards provided in the following section of this plan.

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**Figure 5: Illustrative Plan**

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## PARCEL-SPECIFIC CONSIDERATIONS

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### **DPW Property (Lot 167)**

The Township's Department of Public Works (DPW) yard occupies Lot 167 (4.769 acres). Only a portion of the irregularly-shaped Lot 167 was included in the original *Area in Need of Redevelopment* evaluation for Redevelopment Area 2. This portion, the northeastern tip of Lot 167, is about 0.6 acres in size, and lies between lots 140 and 140.01. The Township's Recycling Center lies on the adjacent Lot 112 (1.04 acres), bordering Newark Way. In the long run, the Township should consider for inclusion in the redevelopment area the remainder of the DPW yards and recycling center. Including the entirety of both of these properties would create a larger and more workable redevelopment area that would benefit the anticipated redevelopment vision for Area 2.

### **Wyman Properties (Lots 138 and 140)**

These two lots, with frontage on Burnett Avenue, are mixed-use in character. Each lot contains an attractive older Victorian house of historic interest facing Burnett Avenue. The rear of each lot is used by the Wyman Ford business for storage and inventory of automobiles.

The Township Planning Board has passed a resolution acknowledging the need to continue to provide a suitable inventory lot for Wyman Ford at some location within Maplewood. The company needs space for approximately 100 cars, or about one acre. This storage space should be provided elsewhere in Maplewood, rather than within Area 2. This is the selected developer's responsibility.

The Planning Board strongly recommends that the two houses on the Wyman properties be maintained as residences.

### **Superfund Site (Lot 140.01)**

This site is known variously as the Electroless Plating property and the Fresco Silver Company property, and was formerly used for metal electroplating and printed circuit-board manufacturing. It has undergone environmental remediation in the form of removal of contaminated soil, and is still the subject of environmental monitoring and review. The site is the subject of an open file with the New Jersey Department of Environmental Protection (NJDEP) and is also a designated Superfund site under the U.S. Environmental Protection Agency. The Township is actively working with expert consultants to produce a Remedial Investigation Workplan to address the remaining environmental issues at the site and to ultimately satisfy the NJDEP.

Currently the site is vacant and covered with quarry process fill. Redevelopment on this property may be constrained by ongoing monitoring or remediation, and/or environmental regulations. Consequently, the actual allowable uses will be determined by the various parties as Redevelopment Projects are initiated. Nonetheless, for planning purposes, the potential uses for this site shall be the same for the entire Redevelopment Area, as described in this Redevelopment Plan.

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## RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

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This redevelopment plan advances the following goals and objectives of the Master Plan:

- *To preserve and enhance the general sense of community for all residents; specifically, to strive to remove physical and psychological barriers that divide the town in ways that are unconstructive or promote stigmatization and stereotyping. **By linking two adjoining neighborhoods, providing public amenities for all, and introducing a mix of housing types in the neighborhood, this plan seeks to break down barriers and encourage social mixing within the Hilton area of the Township.***
- *Support the objectives of historic preservation. **This plan includes provisions to preserve two existing historic homes on Burnett Avenue.***
- *Facilitate affordable housing. **This plan reflects the Township's COAH requirements to provide affordable housing on site as part of its share of new growth.***
- *Promote market-rate residential development in such a manner that is not likely to pose an additional burden on the school system. **This plan promotes market-rate redevelopment of former nonresidential sites with unit types that are likely to attract young professionals and empty-nesters.***
- *Support policies, programs and regulations which promote wellness by encouraging walking, bicycling, outdoor recreation and all forms of physical exercise. **This plan encourages a design that facilitates pedestrian and bicycle movement both within the redevelopment area and between the redevelopment area and adjacent existing neighborhoods.***

With regard to the redevelopment area itself, the Master Plan does not make specific recommendations for future land uses but states that the redevelopment area, and the surrounding Commercial/Industrial zone generally, should be the subject of further study. The redevelopment study and planning process have facilitated the further study of this area called for in the Master Plan. The redevelopment plan has been amended since its original adoption in recognition of changes in the economy and market conditions, in order to continue to promote appropriate redevelopment that remains consistent with the Township's Master Plan.

## RELATIONSHIP TO ZONING CODE

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This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Maplewood regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Maplewood Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Maplewood Zoning Map.

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### 3 Circulation and Streetscape

This chapter applies to all properties in the Redevelopment Area except for Lots 5.01, 6.01 and 7, the Universal Chain site, and Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area, the Building Supply/Machine Shop site.

#### **NEW STREETS AND PATHWAYS IN THE PLAN AREA**

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##### **North-South Connections**

New development shall provide at least one north-south vehicular path through the site, with two access points on the north at Burnett Avenue and one on the south at Boyden Avenue. The north-south connection shall provide for vehicular travel in both directions. Recommended locations for north-south vehicular access points are:

- Along Burnett Avenue, the existing driveway to the automotive repair shop (Lot 138), located to the east of the two Wyman properties.
- Also along Burnett, a connection at the former Verizon site driveway at the intersection of Franklin Avenue and Vermont Street.
- At Boyden Avenue, the existing driveway to Maplewood Building Specialties (Lot 123), located between two single-family homes.

##### **East-West Connections**

Vehicular through-routes connecting to streets west or east of the Plan Area are not permitted. However, sidewalks shall provide a generally east-west path through the interior of the site, linking to the DeHart Park recreation area to the west, and to Tuscan Avenue to the east. The pedestrian connection to DeHart Park shall be provided by a public pedestrian pathway across the Universal Chain property. The pedestrian connection to Tuscan Avenue shall use the existing driveway to the building supply shop, since no road is anticipated in this location.

#### **STREET NETWORK CONFIGURATION AND ORIENTATION**

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Streets are the primary public spaces of the Plan Area, signature elements that telegraph the quality and appearance of the new redevelopment. The street network shall be designed as a positive organizing element of the plan that provides attractive and connected multi-modal routes through the Plan Area.

##### **Through Streets and Dead-end Streets**

Where possible, all streets should be through-streets rather than dead-end streets. Given the relatively narrow dimensions of the Plan Area and the few potential connection points to surrounding streets, through-streets may not always be possible. Where through streets are not possible, a mews

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may be a viable option; see below. A cul-de-sac should be provided at the end of any dead-end street, but is not required at the end of a mews.

### **Street Alignment**

In order to establish streets as enjoyable, attractive public spaces, streets shall be aligned so that the fronts or sides of buildings face onto streets, framing both sides. Buildings should be aligned so that no backs of buildings, blank walls, or parking garages face streets. Special attention should be paid to disguising above-grade off-street parking along streets, as discussed below in the section on “**Parking Location.**” Buildings and streets should also frame parks so that parks are a centerpiece or focal area of the development. Streets shall surround at least two sides and at least 50 percent of the perimeter of parks or other open spaces, in order to ensure public access, visibility, and safety.

### **Block Sizes**

In order to ensure maximum connectivity and permeability through the Plan Area, block sizes shall not exceed 500 feet by 250 feet in dimension. A block is defined by bounding streets, and, where applicable, by the perimeter of the Plan Area. Alleys for garage access are not considered streets, and therefore do not define blocks; rather, they are considered part of a block. Where block sizes must be larger due to site dimensional constraints, mews shall be provided through blocks to reduce block size.

### **Street Types**

New streets within the Plan Area shall match one of the following types. (Note that alleys are not considered true streets, because they serve merely to provide access to the rear garages of townhouses or stacked flat units. Alleys do not have on-street parking or sidewalks.)

- **Two-way street**, one travel lane in each direction, on-street parking and sidewalks on both sides.
- **One-way street**, one travel lane in each direction, on-street parking and sidewalks on both sides.
- **A Mews** is another option to provide access to the front entrance of any units that, for site planning reasons, cannot face onto a through-street. A mews is a cross between a through street and a pedestrian walkway, in that it provides a front door to residences and allows short-term vehicular access for local residents’ drop-offs, parking, and visitors. Mews shall have an attractively-paved, textured surface that accommodates vehicles; a narrow width; and a dead-end format in order to preclude fast-moving and through traffic. The mews is typically regulated so that long-term or overnight parking is prohibited. The mews may also provide public *pedestrian* access through to perimeter streets. Mews do not provide access to garages, since garages are at the rear or side of residences, and mews are at the front.

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## **STREETSCAPE IMPROVEMENTS**

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### **Curbs**

Curbs shall be constructed of Belgian block.

### **Street Trees**

#### ***WITHIN THE PLAN AREA***

Sidewalks of all new streets within the Plan Area shall incorporate street trees spaced at approximately thirty (30) feet on center. Parks and other open spaces within the Plan Area shall also be bounded by perimeter tree plantings.

#### ***ALONG BURNETT AVENUE***

The appearance of Burnett Avenue leaves room for improvement. The stretch bordering the Plan Area has narrow sidewalks, insufficient to accommodate street trees while still providing adequate clearance for pedestrians and wheelchairs. The roadway, in turn, may be wider than necessary for the one travel lane in each direction, but is too narrow to accommodate on-street parking on both sides. The Township does not wish to change the cartway width along Burnett Avenue. Therefore, in order to improve the appearance of Burnett Avenue, landowners along Burnett should be encouraged to plant street trees within their front yards. Several properties already have such plantings, which serve as de facto street trees in that they provide shade for the sidewalks and a canopy and sense of enclosure along the street.

### **Bulb-outs**

Bulb-outs are encouraged on new Plan Area streets where they intersect with Burnett and Boyden Avenues. Bulb-outs narrow the roadway at crosswalk locations in order to shorten pedestrian crossing distances. By narrowing the “throat” of the roadway, they reduce the apparent width of the street, encouraging drivers to slow down. They also reduce the turning radius at corners, forcing drivers to slow down before making a turn. Bulb-outs are encouraged on streets within the Plan Area.

### **Utilities**

Where feasible (i.e. except due to high water table or contamination), all utilities shall be installed underground.

## **OFF-SITE IMPROVEMENTS**

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To assess project impacts on traffic, a traffic impact study of external flow on nearby roadways and surrounding neighborhoods shall be required. This will be particularly important given the cumulative

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impacts of development underway on Springfield Avenue, including the new police station and a new church, and the anticipated development of Redevelopment Areas 1 and 3. Roadway improvements, such as new traffic lights, may be required on Burnett Avenue, Boyden Avenue, or other locations.

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## 4 Project Land Use, Height, and Bulk

This chapter applies to all properties in the Redevelopment Area except for Lots 5.01, 6.01 and 7, the Universal Chain site, and Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area, the Building Supply/Machine Shop site, unless specifically required by the regulations in Chapter 7 for uses other than an assisted living residence or an assisted living complex.

The following land uses shall be permitted within the Plan Area.

### LAND USES

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#### Principal Permitted Uses

- Apartment buildings
- Stacked flats
- Townhouses
- Single-family and two-family homes
- Parks, greenways, and other open spaces, including both passive and active recreation areas such as green lawns, ball courts, and playgrounds.
- Live/work spaces, subject to the special concerns specified below. Farmer's markets, bazaars, craft fairs, and other temporary outdoor weekend sales.
- Retail businesses, not including pawn shops and check cashing establishments.
- Health spas and clubs.
- Indoor commercial recreation, which shall mean a building or portion thereof used for recreational purposes and operated as a business and open to the public for a fee, such as fully enclosed skating and roller rinks, batting cages, play areas, sports fields, recreation centers, swimming pools and tennis courts.
- Mixed-use development consisting of multi-family residential units above at grade retail and commercial uses.
- Office buildings, excluding medical professional.
- Wholesale business, warehousing, assembly, industrial and light manufacturing, industrial research, scientific or research laboratories and public utility installations. Outdoor storage of products, equipment and materials, other than as permitted below for retail and wholesale businesses, breweries and distilleries, shall not be permitted.
- Breweries and distilleries.

#### Permitted Accessory Uses

- Structured parking for uses within the Plan Area shall be permitted only if it is located within a building housing a Principal Permitted Use. Stand-alone parking garages are prohibited; structured parking shall be incorporated into buildings.

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- Loading spaces for uses within the Plan Area may be provided either within buildings, or on streets or surface parking areas.
- Home-based businesses, as defined in the Township Zoning and Development Regulations, Section 271-3, and as regulated in the definition for the RGA, Residential Garden Apartment district, section 271-70, subsection C. For the purposes of this Plan, home-based businesses differ from live/work spaces in that home-based businesses may be located anywhere within a residential structure and shall not be discernible or visible from the exterior of the building.
- Outdoor display and storage areas for products offered for sale by retail and wholesale businesses. Storage areas shall be screened by fencing no greater than six feet in height and/or landscaping.
- Tasting rooms and other customarily accessory uses for breweries and distilleries. Outdoor storage areas for materials and equipment shall be permitted for breweries and distilleries, but shall be screened by fencing no greater than six feet in height and/or landscaping.

**Special Concerns Regarding Live-Work Units**

Live/work spaces provide storefront-style space for art studios, workshops, home offices, galleries, or other home-based businesses, typically on the first floor of a multi-story townhouse-style unit. In the Plan Area, they are permitted on the ground floor of any type of housing, such as apartment buildings. Each live/work space shall be directly connected to a separate living space / apartment / house. Live/work spaces are particularly encouraged for the following areas, uses, and purposes:

- To provide a public/private transition for the ground floors of residential buildings that face more public areas such as parks;
- To provide a public/private transition for residential buildings that face through-streets that will carry higher traffic levels;
- To serve as a buffer for residential buildings closest to and facing the oil storage tanks on the Wooley Fuel Oil property; and
- To screen above-grade parking in large apartment buildings from view of streets, parks, and other pedestrian areas.

Live/work facades may have the appearance of a small retail shop, with storefront-style plate glass windows, glazed doors, and retail-style awnings or overhangs; or they may have a more traditional residential-appearance space. Signage for each live/work space shall comply with the signage regulations described further below, and shall be included within the signage regulations for the residence to which it is attached.

**Required Open Space/Parks**

The project is required to provide publicly-accessible open space to serve the new residents as well as to benefit the greater community. A minimum of one-half acre of open space shall be provided within the primary 6.26 acre redevelopment area (exclusive of the Universal Chain site and the Building Supply/Machine Shop site). The open space may include parks, greenways, linear parks, and pocket parks, and a variety of uses, such as court sports, lawn areas, sitting areas, and playgrounds. There is no upper limit of the land devoted to park space; however, all park space shall be privately

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funded and maintained in perpetuity as part of the proposed project. Each open space area contributing to the required minimum acreage shall be at least fifty (50) feet in minimum dimension along any and all sides.

Further regulations regarding placement of buildings to frame open space areas are provided later in this Plan.

Requirements for a public pedestrian pathway across the Universal Chain site are provided elsewhere in the Plan.

### **Use of Wyman Properties**

The two houses on Lots 138 and 140, known collectively as the “Wyman Property,” are attractive historic homes, among the oldest in Maplewood. These two lots are currently mixed-use in nature; the rear of each lot is used by a separate business for automobile storage. Both houses shall be preserved in place in their existing use as residences, while the rear of each lot may be used for other purposes. In order to maintain a comfortable rear yard for each house, comparable to other houses along Burnett Avenue, a minimum 130-foot lot depth shall remain for each lot. The remaining rear portions of Lots 138 and 140 (approximately 158 to and 178 feet in depth, respectively) may be used for new development in keeping with the vision of this Redevelopment Plan.

### **DENSITY AND YIELD**

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- The maximum permitted residential yield for the Plan Area is based on the 6.26-acre area (i.e. excluding the Universal Chain site and the Building Supply/Machine Shop site), and 25 units per gross acre (i.e. including streets and parks and other community facilities within the Plan Area). This translates to 156 residential units.
- The location of various densities and building types within the development is regulated with the same approach as the Township’s “*transitional use*” concept, which is intended to ensure appropriate transitions and appearances at the edges of residential zoning districts bordering business districts. For the Plan Area, generally speaking, higher-intensity development (apartments, mixed-use buildings and stacked flat units) should be located at the central portion of the site. Lower-scale development should be located at the perimeter edge, providing a transition in scale and height to the surroundings.
- Live/work spaces are counted as part of the residential units to which they are attached. There is no limit on the number of live/work spaces; however, they may only be located on the ground level of buildings and each unit shall be directly attached to a living space / house / apartment.

### **AFFORDABLE HOUSING REQUIREMENT**

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Affordable housing units shall be provided consistent with the regulations of the New Jersey Council on Affordable Housing (COAH) or its successor. In the event such regulations are not specified, the Maplewood Township Committee shall determine the required number of affordable housing units.

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## REUSE OF EXISTING BUILDINGS

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Existing buildings in the redevelopment area may be reused and reoccupied, even if noncompliant with one or more building envelope requirements applicable to new buildings. Vertical expansion shall be permitted within the existing building envelope, up to the maximum height permitted for the proposed use. Horizontal expansion of existing buildings is permitted, but shall comply with the building and setback requirements for new and expanded buildings in the following section.

## BUILDING ENVELOPE FOR NEW AND EXPANDED BUILDINGS

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### Building Height

The following height limits apply to the different allowable building types.

- Two-family and single-family homes may be up to three stories and 35 feet in height.
- Townhouses may be up to three stories and 35 feet in height.
- Nonresidential only buildings may be up to 40 feet in height.
- Stacked flats may be up to four stories and 45 feet in height.
- Apartment buildings and mixed commercial/residential buildings may be up to four stories and 55 feet in height.

Height is measured from the grade at the sidewalk in front of the building to the highest eave, to the cornice of the roofline or to the ridge of the highest point of a pitched roof.

Pitched roofs may exceed the height limit by a maximum of an additional ten feet. Pitched roofs may only be used within the allowable number of stories; they may not be used to create additional stories above the allowable number of stories described above. For example, on a townhouse with an eave height of 35 feet, the maximum pitched roof apex is 45 feet high, and the townhouse may only contain three stories.

### Building Length

The maximum apartment or mixed-use building length along any side is 200 feet. However, in order to accommodate large parking areas, longer structures up to 350 feet in length or width are permitted, provided that a substantial break in vertical massing creates the appearance of two or more separate buildings on the upper stories of the building (above the first level), with each separate massing not exceeding 200 feet in length and width.

The maximum length along any side for one structure containing townhouses or stacked flats is 150 feet and six units.

The maximum length along any side for a two-family or single-family house is 75 feet.

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## **Building Setbacks and Yards**

Buildings should be oriented to face streets or public parks.

Where an apartment building or mixed-use building is adjacent to a street, at least 75 percent of the street-facing facade (including any live/work space or ground-floor retail) shall be located within 0 to 15 feet of the back of sidewalk or a mews. This requirement does not apply if a park is provided between the building and the street.

Street-facing facades of townhouses and stacked-flat units (including any ground-floor live/work spaces) shall be located within 5 to 12 feet of the back of sidewalk or a mews. This requirement does not apply if a park is provided between the building and the street.

Street-facing single-family and two-family facades shall be located within 10 to 25 feet of the back of sidewalk.

Rear yards for townhouses, stacked flats, single-family, and two-family houses shall be at least 25 feet. Alleys may be located within rear setbacks.

Rear setbacks for apartment buildings and mixed-use buildings (not facing a street) shall be at least 30 feet.

Nonresidential buildings shall be setback at least five feet from a street line and shall be set back at least 10 feet from any other lot line.

## **Separation between Buildings and Building Wings**

A minimum separation of 20 feet shall be provided between adjacent facades (side-to-side or back-to-side conditions) of townhouse and stacked-flat buildings.

A minimum dimension of 40 feet in length and width shall be provided for apartment courtyards (the area between facing wings) and between apartment buildings and any adjacent residential buildings.

## **PARKING AND LOADING REQUIREMENTS**

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### **Parking Ratios**

#### **RESIDENTIAL PARKING**

Parking ratios for the residential portion of development shall comply with the State of New Jersey's *Residential Site Improvement Standards* (RSIS). This Plan recognizes that providing the level of residential parking required in the RSIS in off-street locations may make it difficult to create pedestrian-friendly buildings and streetscapes, particularly with the mid-range densities and types of land uses proposed for the Plan Area. Therefore, at the discretion of the Planning Board and consistent with options provided in RSIS, some portion of the parking requirement may be met through alternative

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parking solutions that would take advantage of on-street parking spaces and reduce the amount of off-street parking spaces.

**PARKING FOR LIVE/WORK AND HOME-BASED BUSINESSES**

There are no separate parking requirements for live/work spaces or home-based businesses, since they are both considered part of the attached residential unit. Typically, live/work spaces attract few or no visitors, and what little parking demand is generated occurs during the day when on-street parking is plentiful.

**PARKING FOR NONRESIDENTIAL USES**

Parking for nonresidential uses other than live/work spaces and home-based businesses shall meet the requirements of *Township Code 271-50J*. Parking for commercial motor vehicles, as defined in N.J.S.A. 39:1-1, having a gross vehicle weight greater than 8,500 pounds, is permitted only for such vehicles utilized by a principal nonresidential use. The parking area for such vehicles shall be screened by fencing no greater than six feet in height and/or landscaping. Parking or storage of commercial vehicles or equipment shall not be permitted as a principal use.

**PARKING FOR PUBLIC PARKS AND OPEN SPACES**

Visitors to parks and other open spaces shall be permitted to park on-street. As the total open space area is expected to be modest in size, the number of visitors driving to the park is expected to be very low; most people will walk to the park.

**Parking Location**

The following regulations apply with respect to the location of parking facilities.

- Apartment parking should be underground or shall not extend more than one-half level above grade. Alternately, at-grade or above-grade parking is allowed, but shall be screened from view of streets, parks, and mews by active uses. In this way, the visual intrusion of parking is minimized and the building maintains an active relationship to the street. Further regulations for screening apartment parking are described below under “**Screening of Above-Grade Parking.**”
- The bulk of townhouse and stacked-flat parking shall be located at the rear of buildings, accessed via alleys, with ground-floor living space located in front of the garage space, to screen it from view of the street. It is preferable that garages be structured within and at the rear of each unit; alternately, they may be in free-standing single-story garages located behind the residences. Where unavoidable, front-loaded garages may be provided for up to 15 percent of townhouses and for up to 15 percent of stacked flats.
- Garages for single-family and two-family units shall be located to the rear of the residence, away from streets. They may also be located at the side of the parcel, but set back at least 25 feet from the front façade plane of the residence.
- Tandem parking is permitted for two cars per unit.

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## **Loading**

One loading space shall be provided for every apartment building. Loading spaces for apartment buildings may be provided off-street or on-street. Loading spaces are not required for other residential types or for live/work units or home-based businesses. Loading spaces are not required for any nonresidential use with gross floor area of less than 5,000 square feet. Adequate area for off-street loading space shall be provided for retail businesses, wholesale businesses and warehousing, assembly, industrial and light manufacturing uses with gross floor area of 5,000 square feet and greater.

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## 5 Site Planning & Design

This chapter applies to all properties in the Redevelopment Area except for Lots 5.01, 6.01 and 7, the Universal Chain site, and Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area, the Building Supply/Machine Shop site, unless specifically required by the regulations in Chapter 7 for uses other than an assisted living residence or an assisted living complex.

### **BUILDING ORIENTATION**

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The front facades and major pedestrian entries of all buildings shall face a street, or a public park which in turn is bordered by streets.

Single-family, two-family, and townhouse buildings shall be oriented so that the narrower side faces the street; the depth of the building shall be greater than its width with respect to the front street.

The fronts of townhouses may face the fronts of other townhouse units (across a street or mews). The rear of a townhouse may face the side of another townhouse unit. However, the rear of a unit may not face the front of another unit.

Buildings shall be oriented to face and frame parks and other open spaces as well as streets. Parks and open space shall be surrounded by streets on at least two sides.

### **GROUND-FLOOR USES**

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Where possible, apartment buildings facing parks or other open space, through streets, or other higher-traffic areas should have live/work spaces or glazed building lobbies on the first level. This is particularly important to screen structured parking and provide a more active use along building frontages that face the most public areas.

The finished floors of any ground-floor residential spaces shall be raised at least two (2) feet above grade. This applies to all residential building types except single-family and two-family.

### **SCREENING OF ABOVE-GRADE PARKING**

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#### **Apartment Building Parking**

Ideally, all apartment building parking shall be provided below-grade or one-half level below grade, so that no parking extends more than four (4) feet above grade. However, cost, groundwater levels, or contamination issues may make this infeasible. Therefore:

- Apartment parking areas that project more than four (4) feet above grade and that face parks, streets, walkways, and other pedestrian-activity areas shall be screened from view by active uses such as live/work spaces, retail space, lobbies, meeting rooms, or tenant gyms.

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- In areas of lower or no pedestrian activity, the façades of exposed parking areas shall be screened either in the above manner, or shall be articulated and broken down in scale to create a more varied and textured appearance. Monotonous ribbon or banded-style parking facades, whether open or glazed, are prohibited.
- In addition, the facades of any parking structures that extend more than four (4) feet above grade shall include a three (3) to five (5) foot deep landscaped area, located in the street-facing setback, to soften the appearance of the parking garage. Any landscaping less than four (4) feet in depth shall be provided with in-ground planted areas. Landscaping more than four (4) feet in depth may be in a raised planter bed.
- Driveways and doorways to apartment garages shall not exceed 20 feet in width.

## **BUILDING TRANSPARENCY**

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### **Entries, Stoops, and Porches**

Requirements for porches and stoops are as follows.

- Single-family and two-family houses shall have porches occupying the full width of the front façade.
- Each townhouse shall have its own front stoop or porch.
- Each cluster of stacked flats shall share a porch or stoop.
- Apartment buildings shall have a shared entry and lobby, highlighted by building massing, glazing, and/or an overhang. Individual unit entries are encouraged for any first-floor residential units within apartment buildings.
- Live/work spaces shall each have entries from the sidewalk/street; these entries may also serve the residential space connected to each live/work space (i.e. a separate residential entrance is not required.)

Dimensional requirements are as follows.

- For porches, the minimum depth is four (4) feet; the minimum width is six (6) feet or the width of the building for single-family and two-family units, whichever is greater. Porches shall be fully covered with flat, gabled, or shed roofs, and supported by columns at the front. The porches shall be raised above grade by a minimum of three steps and at least 24 inches. Porches shall be open on the front and sides; enclosed porches are prohibited.
- Stoops shall be at least three (3) feet deep and four (4) feet wide. Stoops may have cantilevered overhanging roofs.

### **Windows**

Residential spaces shall provide at least 50 percent glazing on all levels of residential facades.

Live/work spaces shall provide at least 60 percent glazing on the ground floor façade.

Retail space shall provide at least 70 percent glazing on ground-floor facades.

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## Balconies

Upper-level balconies are permitted on all residential facades. Balconies shall be fully recessed within the building plane. However, “Juliet” or French balconies (shallow balconies connected to French doors, typically of wrought iron) are permitted to project from building façades up to two (2) feet.

## ROOFLINES

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For smaller residential buildings, pitched rooflines that follow the variety of gable and gambrel shapes in the surrounding areas of Maplewood are encouraged. Regulations for pitched roof height were provided earlier in the Section on **Building Height**. For larger residential apartment buildings, both pitched and flat roofs are appropriate.

## ARCHITECTURAL STYLE

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Adjacent residential buildings shall be varied in façade appearance in order to avoid a sense of monotony. The variations shall meet the requirements of *Township Code 271-38*, Building Appearance in Residential Zones.

New buildings shall relate to traditional residential, commercial, and even industrial Maplewood architecture, particularly in terms of orientation, massing, and articulation. New buildings shall create a modern interpretation that harmonizes with, but does not simply reproduce, these styles. Some of these styles are discussed next.

- The more attractive residential buildings in this area of Maplewood are a mixture of older traditional styles, including Folk Victorian, Colonial Revival, and Craftsman styles. Elements of these styles include clapboard siding; moderate- to steeply-pitched roofs; front- or side-gabled, gambrel, or cross-gabled roofs; deep, unenclosed-eave overhangs; flared eaves; and shed-roofed- or gabled-dormer windows. Many traditional houses have generous unenclosed front porches occupying all or a part of the building width and projecting out from the front façade, with a flat or shed roof.
- Many mixed-use retail or commercial buildings in Maplewood have brick facades with plate-glass windows for ground-floor retail, upper-story residential windows in a vertical proportion, and flat roofs with tall, stepped parapets.
- Commercial – industrial buildings in the Plan Area and to the immediate south (along Newark Way) show a variety of architectural styles whose sculptural forms, such as roof forms and façade massing, are informed by functional requirements. Older commercial and industrial buildings exhibit a straightforward industrial warehouse style of smooth stucco or concrete, with generously-sized, horizontally-proportioned windows for natural daylighting. Some industrial buildings (including the Woolley Fuel Oil building) use the Art Moderne streamline style, which is characterized by a horizontal emphasis; curved corners; smooth wall surfaces of brick, concrete, tile, or stucco; a flat roof with simple rooftop cornice or coping; ribbon windows and corner windows. Elements of this industrial heritage – such as glass-paned garage door storefronts for live/work spaces, Art Moderne detailing, and flat roofs – could inform the architectural styles of new buildings to create loft-like, modernist buildings.

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## **MATERIALS**

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Primary permitted building materials shall include wood clapboard siding and brick. Accent materials include metal, tile, and stucco, stone, and cultured stone. EIFS and other synthetic stucco are prohibited, in favor of more environmentally friendly substitutes such as fiber-cement. Vinyl siding is also prohibited. Building materials should harmonize with materials used in surrounding development.

Awnings are permitted only for ground-floor retail or live/work spaces; awnings are not permitted for all-residential buildings. Awning panels shall be flat, not curved or fluted.

## **SIGNAGE**

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Signage shall be governed by existing Township signage regulations, *Township Code 271-56*, following the column equivalent to the RGA Residential Garden Apartment zone; except for signage types B (street graphics) and C (ground graphics) therein, which are not permitted within the Plan Area.

Signage for live/work spaces and home-based businesses shall be accommodated *within the signage allowance* for the attached residential unit or structure; that is, no additional signage is permitted for these uses.

Similarly, signage for any retail space in a mixed-use building shall meet the requirements of *Township Code 271-56*, following the column equivalent to the RGA Residential Garden Apartment zone; however, the allowance for retail signage shall be *in addition to* the signage allowance for the residential portion of the building.

Signage for freestanding nonresidential uses shall meet the requirements of *Township Code 271-56*, following the column equivalent to the HB Highway Business zone.

## **GREEN DESIGN**

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Site design shall seek to minimize environmental damage, strain on municipal utilities, and impact on adjacent uses.

### **Stormwater Management**

Development shall provide features to reduce stormwater runoff rates by detaining stormwater on-site and allowing for groundwater infiltration. Recommended features include: porous pavement in lesser-traveled areas such as mews, green sidewalk planting areas, infiltration strips within roadway sections, and use of parks and other grassy areas for stormwater detention.

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## Tree Preservation

Where possible, development shall preserve the largest and oldest existing trees by incorporating them into the site plan. For example, a line of large trees along one existing driveway entry from Burnett Avenue could be preserved as a center median feature of an entry roadway.

## Heat Island Reduction

The Plan requires regularly-spaced street trees along all internal streets. Trees provide shade, limiting the amount of heat gain from sunlight on asphalt, the urban “heat island” effect. Additional measures shall be taken with plants, landscaping, and green roofs to reduce the cumulative heat island effect.

## Buffers

Development within the Plan Area shall provide buffers as specified in *Township Code 271-37*. These regulations require buffers between Plan Area residential development and adjacent non-residential development, and between Plan Area townhouse or multifamily development and existing or proposed single-family detached housing. By extension, buffers are also required between stacked flat units and single-family housing. Buffers shall be primarily of evergreen screening, as described in the referenced section of the *Township Code*. All regulations of section 271-37 shall apply, except that buffers shall not be required where land uses that would otherwise require buffering are located across a public street from each other; in that case, no buffers are required.

## Outdoor Lighting

All outdoor lighting, including street lamps and accent lighting, shall comply with “dark sky” standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies. Additional information on dark sky goals and regulations may be found at the International Dark-Sky Association’s web site, [www.darksky.org](http://www.darksky.org).

Bright, stadium-style lighting shall be prohibited, including for park areas.

## LEED Certification

Development shall meet the certain certification requirements, as specified below, of the Leadership in Energy and Environmental Design (LEED) system sponsored by the US Green Building Council (USGBC).

Broadly speaking, green building design goals include reduced energy and water use; use of sustainable, renewable, non-toxic and locally-produced materials; improved indoor air quality; environmentally-conscious site planning; and a location in a central, developed area with existing services and resources. The Township of Maplewood is committed to the use of environmentally sensitive design

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to improve community and environmental health and to enhance the environmental and economic performance of commercial buildings. The USGBC has developed a series of standards for evaluating green building design in several categories, including new and existing office construction, homes, neighborhood configuration, commercial interiors, and educational and other institutional buildings.

To ensure that Area 2 meets minimum quantifiable standards for green design, the development in Area 2 shall conform to the following two specific LEED standards:

- **LEED for Homes** (LEED-H), which promotes the transformation of the mainstream home-building industry towards more sustainable practices.
- **LEED for Neighborhood Development** (LEED-ND), which incorporates concepts of compact design, proximity to transit, mixed-use, pedestrian- and bicycle-friendly design, environmental protection, and resource efficiency.

In both cases, the development shall achieve a LEED rating of 'Certified,' which is the minimum level of approval granted under the LEED system. The Township encourages the developer to exceed the 'certified' status by accumulating additional points and higher ratings pursuant to the LEED evaluation process. As of this writing, both of these LEED standards have the status of pilot programs under the USGBC. It is anticipated that both will become full-fledged standards during 2007. For each of these programs, if the LEED standards are still in pilot status when project planning and design commences for Area 2, the developer shall submit a good-faith application to the USGBC to build the project under the pilot standards. Otherwise, the full-fledged standards shall apply.

Because green building design standards are evolving continuously, the Township reserves the right to adopt future versions of the LEED standards, and to make additional amendments to its green building design requirements.

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## 6 Regulations for the Universal Chain Site

This chapter provides regulations for the Universal Chain site, lots 5.01, 6.01 and 7. The Universal Chain site will be redeveloped with a multifamily apartment complex. The project originally received a use variance and site plan approval from the Maplewood Zoning Board of Adjustment, dated September 8, 2004 and September 7, 2005, respectively. Given the change in economic conditions and the housing market since those approvals were granted and the addition of Lot 6.01 to the redevelopment area, the proposed development has been amended. The following regulations shall govern development of lots 5.01, 6.01 and 7.

### LAND USE AND YIELD

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The total property area is 3.1 acres. The property is permitted to include no more than 151 multifamily apartment units, for a density that shall not exceed 49 units per acre.

Surface and structured parking is allowed as an accessory use to the residential uses.

### Lot Dimensions and Coverage

The lot coverage shall not exceed 90 percent.

The lot width at the required front setback line (25 feet) shall be at least 80 feet.

The frontage on Burnett Avenue shall be at least 80 feet, including lot 6.01.

### Building Coverage and Bulk

The building coverage shall not exceed 40 percent, exclusive of balconies on upper floors.

The minimum front yard shall be 25 feet, except that the front yard may be reduced to 20 feet along Burnett Avenue for a freestanding multifamily apartment building containing a maximum of 25 dwelling units and three stories of living space that has at least one of its entrances facing Burnett Avenue.

The minimum side yard shall be 10 feet. The minimum rear yard shall be 10 feet. Balconies may project into side and rear yards up to five (5) feet, however it is preferable that balconies be recessed within the building facade. Side and rear yard areas shall be suitably landscaped, except where traversed by driveways or sidewalks. Fences, retaining walls and screening walls may be located within side and rear yards.

The length of any building along any and all sides shall not exceed 295 feet.

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## Building Height

Height requirements for multifamily apartment buildings vary depending on building location.

Buildings located a minimum of 150 feet from Burnett Avenue shall have no more than four stories of living space, plus one level of partially-underground garage space. The building height, as measured from the average finished grade along the building perimeter to the ridge of the highest point of a pitched roof, shall not exceed 62 feet. The distance from the finished floor elevation of the first floor of living space to the top roof ridge of a pitched roof shall not exceed 57 feet.

Buildings located entirely or in part within 150 feet of Burnett Avenue shall have no more than three stories of living space, plus one level of partially-underground garage space. The maximum height of such buildings shall be 44 feet, as measured from the finished floor elevation to the ridge of the highest point of the roof.

## CIRCULATION AND PARKING

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### Parking Entries

The parking for multifamily apartment buildings shall be provided below grade and in a surface parking lot. The entrance roadway to the parking lot shall be from Burnett Avenue and the driveway at the Burnett Avenue sidewalk shall not exceed 24 feet in width. The garage doors leading to the parking garage shall not exceed 24 feet in width.

### Parking Ratios

Off-street parking shall be provided in accordance with the State of New Jersey's *Residential Site Improvement Standards* (RSIS). However, in recognition of the site's accessibility to transit service (e.g., Township jitney to the train station, bus service on Springfield Avenue) and the presence of parks, stores and services within reasonable walking distance, the redeveloper may apply to the Maplewood Planning Board for a deviation from this requirement to reduce the amount of parking provided. If such a deviation is granted, the minimum number of parking spaces provided shall not be reduced below 1.77 parking spaces per unit. No more than 60 percent of parking spaces shall be provided in surface parking lots.

### Pedestrian Pathway

Development shall provide an east-west pedestrian connection at the northeastern edge of the property, linking the remainder of Redevelopment Area 2 to the east to the existing DeHart Park to the west. The connection shall be a minimum 18 feet in right-of-way width; however, a wider cross-section is encouraged in order to provide a more comfortable pedestrian experience. The right-of-way width may be reduced adjacent to a driveway or parking area to allow for the placement of a trash enclosure. The walkway shall include a paved pathway of minimum six (6) feet in width, to allow for

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pedestrian and bicycle travel. Attractive paving and ground-cover edge landscaping shall be provided along the pathway.

A planted hedge-style buffer of minimum six feet in width shall be provided between the pedestrian pathway and the property line.

The pathway shall remain open for public use at all times.

**Off-site Improvements**

The developer shall contribute its share of costs for improvements to the intersection of Tuscan and Springfield Avenues. The cost of the contribution shall be determined by the Township at a later date.

**ARCHITECTURAL STANDARDS FOR MULTIFAMILY APARTMENT BUILDINGS****Variations in Facade**

To break up bulk and massing, all outer facades shall be broken into bays through a variation in plane at least every 135 feet. The variation in plane shall be a change in depth of at least two feet, and each bay shall be at least 40 feet in length. Bays shall extend through all four residential levels of the façade, but are not required to extend through the parking base or the roof form. Additional bays that would break the building down further in scale are encouraged.

Porches, verandahs, and terraces are encouraged to further break up the bulk of the building.

**Windows, Dormers and Balconies**

To provide transparency in the façade, windows shall be provided at all residential levels of the façade, spaced approximately every 15 feet on center. Windows shall be vertically-proportioned. Windows may be grouped in twos or threes to create larger areas of glazing, but windows shall be separated by vertical structural members.

On pitched roof areas exceeding 80 feet in length, dormers are required in order to break up the roofline, and shall be spaced at reasonable intervals as determined by the Planning Board. Dormers shall align with the pattern of windows and balconies on lower levels.

All windows shall have multiple panes and shall have muntins and mullions on the exterior so as to cast a shadow on the glass.

To help reduce the apparent bulk of the building, at least every fourth window opening shall be in the form of a balcony, with minimum opening width of ten (10) feet. No more than half of the balconies shall be shallow “Juliet” style balconies; the remainder shall be “traditional” balconies. Juliet balconies shall not exceed three (3) feet in depth. Traditional balconies shall be at least six (6) feet deep.

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Balconies may be recessed within or may project from the façade plane. Balconies shall be visually permeable at the front, with wood or metal railings.

Any exposed areas of the parking garage level that extend more than six feet above the adjacent grade shall include windows or similar openings. In such areas, garage openings shall be spaced approximately every 15 feet on center and shall be a minimum of five (5) feet wide and three (3) feet high. Garage openings shall include decorative glazing and/or grillwork.

**Building Materials**

Primary permitted building materials shall include wood clapboard siding and brick. Accent materials include metal, tile, and stucco, stone, and cultured stone. EIFS and other synthetic stucco are prohibited, in favor of more environmentally friendly substitutes such as fiber-cement. Vinyl siding is also prohibited. Building materials should harmonize with materials used in surrounding development. Building materials shall visually divide the building into a base, middle, and top. The base shall be of rusticated stone veneer, and shall not extend higher than 15 feet above the adjacent finished grade. Building materials used in the base may extend above the base as part of vertical building articulations. The middle shall be of brick, brick veneer or siding, accented by Tudor-style half-timbering and stucco or wood cladding. The roof shall be shingled.

Material changes shall occur at logical points, delineated by a change in building plane and/or a cornice line.

**Roof Form**

The roof form shall be gabled or gambrel style. Flat roofs are prohibited, and roof pitch shall not be shallower than 1:3 rise:run.

**LIGHTING AND LANDSCAPING**

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The project shall provide pedestrian-scale lighting and ground cover landscaping around both the inner and outer perimeters of the building. Landscaped areas shall be continuous. Lighting shall be provided at regular intervals, including along the pedestrian pathway, so as to enhance pedestrian safety. Lighting may be pole-mounted or wall-mounted, and shall be of low levels and downcast so as to comply with dark sky standards and not create glare into adjacent apartment windows.

**AFFORDABLE HOUSING**

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The developer shall provide 16 affordable housing units on-site. Any additional affordable housing obligation as determined by the Township Committee may be addressed on-site and/or through a contribution to the Township's Affordable Housing Trust Fund.

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## **SIGNAGE**

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The project may have one monument sign not larger than 24 square feet in area and six feet in height, inclusive of the height of the sign base.

## **GREEN DESIGN**

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The redevelopment of the Universal Chain site should incorporate green building design and other sustainability measures, but shall not be required to obtain Leadership in Energy and Environmental Design (LEED) certification.

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## 7 Regulations for the Building Supply/Machine Shop Site

This chapter provides regulations for the Building Supply/Machine Shop site, Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 of public works facility located in the redevelopment area. The following regulations shall govern development of an assisted living residence or assisted living complex on Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area. The site is approximately 2.5 acres. All principal uses other than apartment buildings, stacked flats consisting entirely of affordable dwelling units, an assisted living residence or assisted living complex shall comply with the height and bulk requirements in Chapter 4 and the site planning and design requirements in Chapter 5.

### LAND USES

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#### Principal Permitted Uses

- Apartment buildings and/or stacked flats consisting entirely of affordable dwelling units.
- Assisted living residence.
- Assisted living complex.
- Adult day care.
- Medical offices, but only if located in the same building as another permitted principal use.
- Parks, greenways, and other open spaces, including both passive and active recreation areas such as green lawns, ball courts, and playgrounds.
- Farmers' markets, bazaars, craft fairs, and other temporary outdoor weekend sales.
- Retail businesses, not including pawn shops and check cashing establishments.
- Health spas and clubs.
- Indoor commercial recreation, which shall mean a building or portion thereof used for recreational purposes and operated as a business and open to the public for a fee, such as fully enclosed skating and roller rinks, batting cages, play areas, sports fields, recreation centers, swimming pools and tennis courts.
- Office buildings, excluding medical professional.
- Wholesale business, warehousing, assembly, industrial and light manufacturing, industrial research, scientific or research laboratories and public utility installations. Outdoor storage of products, equipment and materials, other than as permitted below for retail and wholesale businesses, breweries and distilleries, shall not be permitted.
- Breweries and distilleries.
- Co-working spaces.
- Self-storage facilities.
- Artist/artisan studios.

**DRAFT****Permitted Accessory Uses****~~ACCESSORY TO ASSISTED LIVING RESIDENCES AND ASSISTED LIVING COMPLEXES~~**

- Indoor and outdoor parking areas.
- Indoor and outdoor activity areas.
- Loading spaces.
- Signs, fences, walls and other uses customarily accessory to permitted principal uses.

**ACCESSORY TO ALL OTHER PERMITTED USES**

- Structured parking for uses within the Plan Area shall be permitted only if it is located within a building housing a Principal Permitted Use. Stand-alone parking garages are prohibited, structured parking shall be incorporated into buildings.
- Loading spaces for uses within the Plan Area may be provided either within buildings, or on streets or surface parking areas.
- Home-based businesses, as defined in the Township Zoning and Development Regulations.
- Outdoor display and storage areas for products offered for sale by retail and wholesale businesses. Storage areas shall be screened by fencing no greater than six feet in height and/or landscaping.
- Tasting rooms and other customarily accessory uses for breweries and distilleries. Outdoor storage areas for materials and equipment shall be permitted for breweries and distilleries, but shall be screened by fencing no greater than six feet in height and/or landscaping.

**~~DEVELOPMENT REGULATIONS FOR ASSISTED LIVING RESIDENCES AND ASSISTED LIVING COMPLEXES~~****DENSITY AND YIELD**

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- The maximum permitted density for apartment buildings and/or stacked flats shall be 60 dwelling units per acre.
- The maximum permitted number of assisted living units on this site shall be 182.
- The assisted living units shall be studios and one-bedroom units ranging in size from 300 to 600 square feet.
- The maximum floor area devoted to adult day care shall be 12,000 square feet.
- The maximum floor area devoted to medical offices shall be 2,000 square feet.

**OTHER BULK REGULATIONS**

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- Maximum building height shall be four stories, which may be above one level of parking. If parking is located below grade, the building height, as measured from the average finished grade along the building perimeter to the ridge of the highest point of the roof, shall not exceed 55 feet for a flat roof or 65 feet for a pitched roof. If due to soil conditions or other site factors parking cannot be located below grade, the building height, as measured from the average finished grade along the building perimeter to the highest point of a flat roof, shall not exceed 60 feet.
- Maximum building coverage shall be 40 percent.

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- Maximum lot coverage shall be 80 percent.
- The frontage on Boyden Avenue shall be at least 50 feet.
- The frontage on Tuscan Road shall be at least 20 feet.
- Minimum yard depth shall be 30 feet, except that yard depths may be reduced to 15 feet along the boundaries of lots located in the redevelopment area or the CI zone or lots that are publicly owned.
- Yard areas shall be suitably landscaped, except where traversed by driveways or sidewalks. Fences, walls and outdoor activity areas may be located within required yards.
- The maximum building length along any side is 200 feet. However, in order to accommodate large parking areas within buildings, longer structures up to 350 feet in length or width are permitted, provided that a substantial break in vertical massing creates the appearance of two or more separate buildings or wings, with each separate massing not exceeding 200 feet in length and width.
- The finished floor of any ground-floor residential spaces may be at ground level.
- Due to the need to provide a secure site for the residents in the assisted living residence, there is no requirement to provide publicly-accessible open space.
- Two off-street loading spaces shall be provided.

## **CIRCULATION AND PARKING**

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### **Site Access**

The primary vehicular entrance and exit for an assisted living residence and medical offices shall be located on Boyden Avenue. The driveway shall be 24 feet in width. A secondary vehicular entrance for adult day care passenger vans or buses may be permitted on Tuscan Road. The driveway shall be 12 feet in width. Landscape screening and fencing shall be provided between driveways and adjoining property lines.

An additional access intended primarily for loading, service and emergency access may be provided from Township-owned land located adjacent to the redevelopment area.

There shall be no requirement to provide for at least one north-south vehicle path through the site.

There shall be no requirement to provide for an east-west path through the interior of the site, linking to DeHart Park.

### **Parking Ratios**

- Parking ratios for apartment buildings and/or stacked flats shall be one space per each unit.
- Parking ratios for supportive housing may be lower than that required by the State of New Jersey's Residential Site Improvements Standards (RSIS).
- Assisted living residences: one space for every three units. This ratio is lower than is required by ~~the State of New Jersey's Residential Site Improvement Standards (RSIS)~~, in recognition of the site's accessibility to transit service (e.g., Township jitney to the train station, bus service on Springfield Avenue) and the older individuals to be housed, who are not expected to own cars.

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- Adult day care: 25 spaces.
- Medical offices: one space per 200 square feet.

**ARCHITECTURAL STYLE**

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The regulations of the “Architectural Style” section in Chapter 5 of this redevelopment plan shall be applicable to development on Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area.

**BUILDING MATERIALS**

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Primary permitted building materials shall include wood clapboard siding and brick. Accent materials include metal, tile, and stucco, stone, and cultured stone. EIFS and other synthetic stucco are prohibited, in favor of more environmentally friendly substitutes such as fiber-cement. Vinyl siding is also prohibited. Building materials should harmonize with materials used in surrounding development.

**WINDOWS AND GARAGE OPENINGS**

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To provide transparency in the façade, windows shall be provided at all residential levels of the façade. A minimum of 25 percent glazing should be provided on all residential levels.

A minimum of 50 percent glazing should be provided in the adult day care center and any common areas of the assisted living residence (e.g. dining room, indoor activity areas) and a minimum of 25 percent glazing in the medical offices.

Any exposed areas of the parking garage level that extend more than six feet above the adjacent grade shall include windows or similar openings. Garage openings shall include decorative glazing and/or grillwork.

**LIGHTING AND LANDSCAPING**

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The project shall provide ground cover landscaping around the building. Lighting shall be provided at regular intervals along sidewalks and driveways. Lighting may be pole-mounted or wall-mounted, and shall be of low levels and downcast so as to comply with dark sky standards and not create glare on to adjacent properties.

**AFFORDABLE HOUSING**

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One-hundred percent of units in apartment buildings and/or stacked flats shall be affordable dwelling units.

A minimum of fifty percent of units in an assisted living residence shall be occupied by Medicaid eligible residents.

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## **FENCING**

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Maximum height of fences and walls shall be six feet, except that fences and walls up to ten feet in height shall be permitted around the perimeter of outdoor activity areas adjacent to buildings.

## **SIGNAGE**

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The project may have one monument sign not larger than 24 square feet in area and six feet in height, inclusive of the height of the sign base.

## **GREEN DESIGN**

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The regulations of the “Green Design” section in Chapter 5 of this redevelopment plan shall be applicable to development on Lots 123, 124.01, 130.02, 131 and the portion of Lot 167 located in the redevelopment area.

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## 8 Plan Consistency Review

### **RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES**

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The redevelopment area is situated in the southeastern section of the Township of Maplewood. While the redevelopment area does not border any other municipalities, it is in reasonably close proximity (approximately one-half mile) to both Irvington and Union townships. The Irvington Township Master Plan, adopted in 2003, focuses on the stabilization and revitalization of residential neighborhoods and the desire to increase the employment base within the municipality. With respect to land use, Irvington designates the portions of its land area nearest to Redevelopment Area 2 as B-3 Limited Business and R-2 Two-Family Residential. The maximum residential density in Irvington's R-2 zone is 20 units per acre, which is consistent with the density proposed in this redevelopment plan. The B-3 zone provides for limited commercial uses designed to serve surrounding residential neighborhoods. There is no conflict between the character of this zone and the proposed redevelopment plan, which could actually serve to support existing businesses in Irvington by adding residents to the area.

The Union Township Master Plan was drafted in 1982 and is therefore somewhat out of date with regard to general goals and objectives. In 2006, a reexamination report was adopted, which focuses on the need to protect residential neighborhoods from nonresidential intrusion and to revise the Township's bulk standards to better accommodate residential infill. The nearest zone districts in Union to the redevelopment area are RB (two-family residential) and RD (senior housing), both of which permit densities similar to or in excess of that proposed for the redevelopment area.

### **RELATIONSHIP TO THE ESSEX COUNTY MASTER PLAN**

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The Land Use Element of the Essex County Master Plan has not been updated since 1970. As indicated on p. 3-25 of the 2003 Maplewood Master Plan, the land use conditions in the County have changed so much since that time that its goals and policies are very much outdated. The only portion of the Essex County Master Plan to be updated in recent years is the Park, Recreation and Open Space element. This element focuses largely on the County's park system. While the County owns no park properties within or in the immediate vicinity of the redevelopment area, this Plan, in seeking to preserve the historic Wyman structures on Burnett Avenue, is consistent with the Essex County parks plan's goal to promote the preservation and restoration of cultural, archaeological and historic sites. In providing for open space within the redevelopment area, this Plan also promotes the County's goal to support local efforts to preserve open space and expand recreational opportunities for County residents.

### **RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

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Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the redevelopment area is located in

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the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. By virtue of its location just off Springfield Avenue within a part of New Jersey that has extensive existing infrastructure and a long history of development, the area is by all measures an appropriate location for growth and redevelopment. The Redevelopment Plan will facilitate growth in this area and contribute to the economic revitalization of the State.

The purpose of the Redevelopment Plan is to redevelop a deteriorated and underutilized area within Maplewood, and its broad intention is to place relatively unproductive lands into productive use in order to better serve the needs of residents and the Township as a whole. The Redevelopment Plan outlines a strategy to connect two neighborhoods within Maplewood that are currently cut off from one another; to provide a variety of housing choices for the citizens of Maplewood; to incorporate sustainable design principles; and provide for usable open space within the plan area that will serve the residents of the new development and the surrounding neighborhoods. It will also provide for the cleanup of former industrial sites that are in poor condition, one of which (Lot 140.01) has known soil contamination. Its objectives are therefore consistent with the goals, strategies and policies of the State Plan, in its stated goal to revitalize the State's cities and towns by protecting, preserving and developing the valuable human and economic assets in cities, towns and other urban areas.

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## 9 Redevelopment Actions

### OUTLINE OF PROPOSED ACTIONS

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#### I. Demolition

It is proposed that the site be completely cleared of existing buildings and parking lots. The landfill may be removed or relocated and capped, as deemed appropriate by the developer (as well as by applicable state and/or federal regulators). The Plan proposes a significant change in use over the current conditions, and there is no reason to retain any of the existing structures, some of which are in very poor condition and most of which are not appropriate for residential use and do not relate appropriately to the waterfront. A developer may, however, propose to retain any of the existing structures if so desired, provided such structure(s) are utilized for the purposes allowed by this Plan and are related effectively to the overall project design.

#### II. New Construction

Construction of new structures and other improvements will take place as proposed in Chapters 3, 4, 5, 6 and 7 of this Redevelopment Plan. Environmental remediation will take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Township's professional consultants for the project. The redeveloper (or redevelopers, in the event more than one is designated) must adhere to the overall parameters for development presented in Chapters 3, 4, 5, 6 and 7 of this Plan and is encouraged to otherwise refine the design concepts presented therein in developing a unique and high-quality project proposal. Once a redeveloper is selected, the redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

### PROPERTIES TO BE ACQUIRED

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The Township reserves the right, up until such time as the redevelopment of the redevelopment area be deemed complete, to acquire any or all of the following privately-owned lots in the designated Redevelopment Area should it be necessary to facilitate redevelopment: Block 48.47, Lots 1, 1.01, 143, 5.01, 6.01, 7, 123, 124.01, 131, 130.02, 138, 140 and 140.01.

### OTHER ACTIONS

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In addition to the demolition, new construction and acquisition described above, several other actions may be taken by the governing body to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, (3) vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

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## RELOCATION

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Should the Township acquire properties within the redevelopment area, it will undertake the following steps to provide for relocation:

- At the time of property acquisition, the actual extent of displacement will be determined.
- A Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the New Jersey Department of Community Affairs for approval.
- The Township will comply with the requirements of the state's relocation statutes and regulations as applicable, and will provide all benefits and assistance required by law.

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# 10 General Provisions

## DEFINITIONS

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Except for those words defined below in this Section, words that appear in this Redevelopment Plan shall be defined in accordance with the definitions that appear in the Township's land use ordinances, or, where these ordinances do not provide a definition, in accordance with the definitions in the Municipal Land Use Law.

The following words are specifically defined in this Redevelopment Plan.

ADULT DAY HEALTH SERVICES FACILITY or ADULT DAY CARE shall mean a facility or a distinct part of a facility which is licensed by the New Jersey Department of Health and Senior Services to provide preventive, diagnostic, therapeutic, and rehabilitative services under medical and nursing supervision to meet the needs of functionally impaired adult participants who are not related to the members of the governing authority by marriage, blood, or adoption. Adult day health services facilities provide services to participants for a period of time, which does not exceed 12 hours during any calendar day.

ASSISTED LIVING shall mean a coordinated array of supportive personal and health services, available 24 hours per day, to residents who have been assessed to need these services including persons who require nursing home level of care. Assisted living promotes resident self direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

ASSISTED LIVING COMPLEX shall mean a development which includes an assisted living residence and one or both of the following uses:

- Adult day care.
- Medical offices, but only if located in the same building as another permitted principal use.

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

CO-WORKING SPACE shall mean an office or other working environment, often times with an associated child care center, where a group of people, who are self-employed or work for different employers, work independently but are interested in the synergy that can happen from sharing equipment, ideas and knowledge from working alongside other people in that space.

LIVE-WORK UNIT shall mean a dwelling unit designed to provide space in which to conduct a business or trade, including offices, studios, crafts workshop area or laboratory space.

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SELF-STORAGE FACILITY shall mean a building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

**EASEMENTS**

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No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Township of Maplewood.

**SITE PLAN AND SUBDIVISION REVIEW**

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Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Maplewood Planning Board.

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Township of Maplewood, except that where this redevelopment plan contains provisions that differ from those in the subdivision ordinance, this plan shall prevail.

**APPROVALS BY OTHER AGENCIES**

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The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Township.

**ADVERSE INFLUENCES**

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No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

**NON-DISCRIMINATION PROVISIONS**

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No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Township Committee, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

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## **DURATION OF THE PLAN**

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The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Township Committee.

## **DEVIATION REQUESTS**

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The Maplewood Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Maplewood Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12.a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Township governing body, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Plan.

## **ESCROWS**

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The redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Township to review the proposed redevelopment project and advise the Township on any and all aspects of the redevelopment process.

## **INFRASTRUCTURE**

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The redeveloper, at the Redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required as a result of

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the impacts of the project. The Redevelopment Agreement between the Township and the Redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to Redeveloper's obligation to provide the infrastructure and improvements required for the project.

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## 11 Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan is substantially consistent with the Maplewood Master Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- All privately owned lots within the redevelopment area are subject to acquisition by the Township of Maplewood as part of the redevelopment effort.
- As indicated in Chapter 7, this Redevelopment Plan is substantially consistent with the Master Plan for the Township of Maplewood. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Maplewood regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Maplewood Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Maplewood Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

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## 12 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee of \$1,500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Township. The party requesting the amendments also shall be required to post an escrow to defray the Township's costs in connection with the requested amendment. The Maplewood Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.