

HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

TOWNSHIP OF MAPLEWOOD



May 29, 2025

Prepared by

HARBOR CONSULTANTS
ENGINEERS, SURVEYORS, AND PLANNERS
320 NORTH AVENUE EAST
CRANFORD, NJ 07016
TEL (908) 276-2715 FAX (908) 709-1738



The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Michael Mistretta, PP #00575900
Wyatt Grant, Assistant Planner
Giuliana Seymour, Assistant Planner

ACKNOWLEDGEMENTS

TOWNSHIP COMMITTEE

Nancy Adams, Mayor
Malia Herman, Deputy Mayor
Dean Dafis, Committee Person
Victor DeLuca, Committee Person
Deborah Engel, Committee Person

TOWNSHIP PLANNING BOARD

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Aron Gooblar, Board Member
Annette DePalma, Director of Community Development

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Maplewood Housing Element and Fair Share Housing Plan

THE TOWNSHIP OF MAPLEWOOD HOUSING ELEMENT AND FAIR SHARE PLAN

I. INTRODUCTION

This document is presented in two parts; which include (i) the Township of Maplewood Master Plan Housing Element and (ii) the Township of Maplewood Fair Share Plan. This Housing Element and Fair Share Plan (“HEFSP”) addresses the Township’s compliance with the Municipal Land Use Law (“MLUL”), relevant Uniform Housing Affordability Controls (“UHAC”) regulations, the requirements of the Uniform Housing Affordability Controls (“UHAC”) regulations, and the requirements of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) as amended by the A4/S50 legislation signed into law on March 20, 2024, and other applicable law.

The Master Plan Housing Element will examine the Township’s demographic, population, and employment characteristics, along with the Township’s housing stock and development trends throughout the decades. A Housing Plan, according to the MLUL N.J.S.A. 40:55D-28b(3), must include, but is not limited to, residential standards and proposals for the construction and improvement of housing. According to N.J.S.A. 52:27D-310, the Housing Element shall contain at least the following:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1);
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted

pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (N.J.S.A. 52:27D-329.20);

- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (N.J.S.A. 13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The Fourth Round Housing Element and Fair Share Plan reiterates how the Township complied with its Third Round affordable housing obligations under the Township's Court-approved Third Round Housing Element and Fair Share Plan and Third Round Final Judgment of Compliance and Repose ("JOR"), entered on November 27, 2018 (see *Appendix*), and also addresses how the Township intends to meet its fair share obligation for the Fourth Round as established by the Court in its Order entered on March 24, 2025 (see *Appendix*). The Fourth Round Housing Element and Fair Share Plan is part of the Township's request via its Declaratory Judgment Complaint filed January 23, 2025 (see *Appendix*) to acquire compliance certification from the Affordable Housing Dispute Resolution Program ("the Program") and will include the projects and strategies addressing the Township's affordable housing obligations.

II. TOWNSHIP OF MAPLEWOOD FOURTH ROUND HOUSING ELEMENT

A. OVERVIEW

This Fourth Round Housing Element and Fair Share Plan has been prepared in response to the requirements set forth in the amendments to the Fair Housing Act known as Bill A4/S50 ("FHA Amendments") signed into law on March 20, 2024. The law reformed municipal responsibilities regarding the provision of affordable housing for the Fourth Round and beyond in 10-year rounds of housing obligations beginning on July 1, 2025. The changes and regulations for the FHA Amendments are further explained in Section II.D and Section II.E below.

In accordance with the Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-28b(3), this Fourth Round Housing Element and Fair Share Plan ("HEFSP") has been prepared pursuant to N.J.S.A. 52:27D-310, which specifies that the HEFSP must include a "determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1). In accordance with the requirements of N.J.S.A. 52:27D-304.1, this Fourth Round Housing Element and Fair Share Plan addresses the Township's affordable housing obligations for the Prior Round, the Third Round, and the Fourth Round. The Township's Fourth Round numbers have been established via the Township Council resolution adopted on January 21, 2025 (see *Appendix*) and

memorialized by the Court on behalf of the Program in its Order dated March 24, 2025 (see Appendix). The Fourth Round Housing Element and Fair Share Plan has also been prepared to comply with all requirements of the FHA, applicable COAH and UHAC regulations, and relevant Mount Laurel case law.

B. AFFORDABLE HOUSING HISTORY PRIOR TO THE FOURTH ROUND

New Jersey affordable housing law began with the New Jersey Supreme Court's (hereinafter the "Supreme Court") creation of the Mount Laurel doctrine in its landmark case, So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) also known as "Mount Laurel I". In Mount Laurel I, the Supreme Court decided that under the State Constitution, each municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there", including those of low and moderate income. Thus, the Supreme Court in its Mount Laurel I decision ruled that municipalities should not use their zoning powers to prevent the potential for the development of affordable housing.

Displeased with progress under its earlier decision, in 1983, the Supreme Court decided So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) or "Mount Laurel II". Because the Legislature had not yet acted to implement the holding in Mount Laurel I, the Court in Mount Laurel II fashioned a judicial remedy, now commonly referred to as a "Builder's Remedy". That remedy created a special process by which builders could file suit against a municipality for the opportunity to construct housing at much higher densities than a municipality otherwise would allow, creating affordable housing in the process. In essence, Builder's Remedy lawsuits seek to force municipalities to meet their affordable housing obligations.

Responding to the chaos created by the implementation of the Supreme Court's Mount Laurel decisions and the many Builder's Remedy lawsuits that followed, the State Legislature passed the Fair Housing Act (hereinafter "FHA") in 1985, which the Supreme Court upheld in (Hills Dev. Co. v. Bernards Twp., 103 N.J. 1 (1986) or "Mount Laurel III").

The FHA created COAH, and required COAH to (1) enact regulations that established the statewide affordable housing need, (2) assign to each municipality an affordable housing obligation for its designated region and (3) identify the techniques available to municipalities to meet its assigned obligation. The FHA included a process for municipalities to obtain Substantive Certification, which, if granted by COAH, would protect municipalities against Builder's Remedy lawsuits, or a lawsuit from a housing advocate, for a defined period of time. The FHA also transferred pending Builder's Remedy litigation to COAH for resolution through an administrative process, and established a process for bringing municipalities into compliance.

To implement the FHA requirements, COAH adopted a series of regulations. Round One regulations were enacted in 1987. Round 2 regulations were adopted by COAH in 1994. Round 3 regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 rules were not adopted by COAH until 2004.

In 2007, the Appellate Division affirmed portions of COAH's 2004 Round 3 rules, but invalidated other aspects of them. See In Re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div. 2007). The opinion remanded the matter to COAH for adoption of new compliant regulations, and gave the agency six months to do so. The Appellate Division granted COAH two extensions, and

COAH finally adopted a second set of Round 3 rules in September of 2008. Many municipalities submitted Round 3 affordable housing plans to COAH and to courts for approval in December of 2008 in response to the new third round rules.

On October 8, 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first set of Third Round rules, and it invalidated substantial portions of the 2008 Third Round regulations again. See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Court specifically directed COAH to use a methodology for determining prospective affordable housing needs similar to the methodologies used in the prior rounds.

During this same time period, then Governor Christie initiated a series of steps to abolish or reduce the role of COAH. During this time period the Legislature introduced a Bill, which would have radically transformed the affordable housing world. The S-1 Bill in its initial form was supported by Governor Christie. By the time it went through the Assembly, however, a very different bill passed and the Governor conditionally vetoed the Bill.

Frustrated with the lack of movement by COAH to adopt updated Round 3 rules, the Supreme Court issued an order on March 14, 2014, which required COAH to adopt new Round 3 regulations by October 22, 2014. COAH proposed the third version of Round 3 regulations on April 30, 2014. However, in October of 2014, the COAH Board deadlocked 3-3 when voting to approve the regulations and the rules were not adopted.

In response, on March 10, 2015, the Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), in which it (1) found that COAH had violated the March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014; (2) held that, without new Round 3 regulations, COAH could not process municipalities' petitions for substantive certification; (3) directed trial courts to assume COAH's functions; (4) authorized municipalities under COAH's jurisdiction to file Declaratory Judgment Actions along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to Builder's Remedy lawsuits; and (5) ruled that municipalities would have to prepare and file a Housing Element and Fair Share Plan with a trial court for review. The Supreme Court declined to determine fair share allocations, however, instead assigning this task to the trial court judges with the directive that they use a methodology similar to that used in COAH's first and second round Rules. On July 2, 2015, the Township filed a Declaratory Judgment Complaint to approve the Township's Housing Element and Fair Share Plan and secured a protective order providing Maplewood immunity from all exclusionary zoning lawsuits while it pursued approval of its Housing Element and Fair Share Plan.

On September 5, 2017, the Township reached a Settlement Agreement with Fair Share Housing Center ("FSHC") with the assistance of Special Court Master Elizabeth C. McKenzie, PP, AICP (see *Appendix*). A Fairness Hearing was held on December 1, 2017, at which the FSHC Settlement Agreement was approved, and said approval was later memorialized by an Order entered by the Court on January 3, 2018.

In accordance with the MLUL, applicable COAH regulations and Mount Laurel law, and in accordance with the terms and conditions of the FSHC Settlement Agreement and the Court's January 3, 2018 Order, the Township prepared a Third Round Housing Element and Fair Share Plan, dated March 1, 2018, along with all supporting documents. The Third Round Housing Element

and Fair Share Plan was adopted by the Township's Planning Board on March 13, 2018 (see *Appendix*) and was endorsed by the Township Council on March 20, 2018 by Resolution No. 58-18 (see *Appendix*). The Housing Element and Fair Share Plan was consequently submitted to the Court, and proper notice was given for a Compliance Hearing.

A Compliance Hearing was held on May 3, 2018, whereupon the Township was conditionally granted repose and immunity from exclusionary litigation by a Conditional Judgment of Compliance and Repose, entered on May 21, 2018, for the period through July 2, 2025 (see *Appendix*). On November 27, 2018, the Township entered a Final Judgment of Compliance and Repose (see *Appendix*), which ordered that the conditions of compliance set forth in the Court's May 21, 2018 Conditional Judgment of Compliance and Repose were deemed satisfied.

In accordance with the FHA Amendments, the Township adopted Resolution No. 40-25 on January 21, 2025, committing to its Fourth Round present need and prospective need obligations, beginning on July 1, 2025 (see *Appendix*). On January 23, 2025, pursuant to the Administrative Office of the Courts' Directive No. 14-24, the Township filed a Declaratory Judgment Action in Superior Court, Docket No. ESX-L-622-25, requesting that the Program: (1) approve its Round 4 obligations set forth in its January 21, 2025 binding resolution; (2) approve its Round 4 HEFSP; and (3) continue the Township's immunity from Mount Laurel related lawsuits, as granted by the Court in Round 3 (see *Appendix*).

No objections to the Township's adopted Round 4 obligations were received by the statutory deadline of February 28, 2025, so according to the FHA Amendments, the Township's adopted obligations set forth in its binding resolution are automatically set as the Township's Round 4 obligations. In an Order dated March 24, 2025, the Court memorialized the Township's present and prospective need obligations on behalf of the Program, therefore setting the Township's prospective need at 216 and its present need (also known as rehabilitation obligation) at 20 (see *Appendix*).

C. SUMMARY OF MAPLEWOOD'S PAST AFFORDABLE HOUSING HISTORY & ACTIVITIES

Maplewood has had a long history of providing affordable housing with respect to its Court and COAH-mandated fair share obligations. The Township received a Round One Judgment of Compliance and Repose on July 9, 1993. In 1999, the Township established the Affordable Housing Board to implement its Fair Housing program. Maplewood received its Round Two Substantive Certification from the Council on Affordable Housing (COAH) on June 10, 2009. In Response to COAH adopting Third Round regulations in 2004, Maplewood adopted its first Third Round Housing Element and Fair Share Plan on May 8, 2007, and adopted a Growth Share ordinance to mandate on-site construction of affordable housing. This plan was submitted to COAH along with a petition for substantive certification. COAH's regulations, however, were the subject of litigation. As a result, significant changes were made to the regulations, and the revised Third Round regulations were adopted by COAH in September of 2008. In response, the Township prepared an Amended Housing Element and Fair Share Plan that addressed COAH's revised regulations. This plan was submitted to COAH for approval on December 23, 2008, and Maplewood Township was one of the few municipalities to receive Round Three Substantive Certification on June 10, 2009. However, COAH's revised Third Round rules were challenged again and invalidated by the Appellate Division on October 26, 2013, and ordered COAH to adopt new rules, which it failed to do.

On July 2, 2015, the Township filed a Declaratory Judgement Action, seeking determination of its Round Three affordable housing obligations and approval of its proposed Housing Element and Fair Share Plan to satisfy such obligations and, thereby, obtain a Judgement of Compliance and Repose from the Court, pursuant to the March 2015 New Jersey Supreme Court decision, in the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

The following affordable housing units and credits have been created by the Township from 1987 to 1999 within the 1996 Housing Element and Fair Share Plan, as verified by the COAH Compliance Report dated June 6, 2001:

1. Maplewood Senior Citizens Housing, 564 Irvington Ave (Block 38.01, Lot 213) completed in 1979 consisting of 12 very low-income units of 113-unit age restricted project constructed and occupied.
2. Supportive Special Needs Housing – completed
 - a. ARC of Essex County (Group Home 3), 27 Meadowbrook Place (Block 44.02, Lot 118) completed in 1996 consisting of 1 low-income rental units.
 - b. ARC of Essex County, 705 Irvington Avenue (Block 42.03, Lot 28)
 - c. ARC of Essex County, 8 Woodland Road (Block 13.07, Lot 50)
 - d. Community Options, 49 Union Ave (Block 38.05, Lot 104) completed in 1999 consisting of 5 very low-income rental units.
 - e. Collaborative Support Programs of NJ, 24 Colgate Road (Block 30.02, Lot 59) completed in 1997 consisting of 3 low-income rental units.
 - f. Project Live, 5, 43 South Pierson Road (Block 22.01, Lot 23) completed in 1996 consisting of 3 low-income rental units.
 - g. Project Live, 6, 30 Rutgers Street (Block 30.01, Lot 18) completed in 1998 consisting of 3 low-income rental units.
 - h. Our House, 486 Boyden Ave (Block 45.03, Lot 84.01) completed in 1992 consisting of 6 low-income rental units.
 - i. Jewish Services for the Developmentally Disabled, 141 Burnett Ave (Block 49.13, Lot 246) completed in 2007 consisting of 5 very low-income rental units.

As stated in the prior section detailing the Township's affordable housing history prior to the Fourth Round, the Township prepared a Third Round Housing Element and Fair Share Plan, dated March 1, 2018, which was adopted by the Township's Planning Board on March 13, 2018 and endorsed by the Township Council on March 20, 2018 by Resolution No. 58-18. On May 21, 2018, the Township entered a Conditional Judgment of Compliance and Repose, which approved the Township's Housing Element and Fair Share Plan subject to the satisfaction of certain conditions in the JOR. On November 27, 2018, the Township entered a Final Judgement of Compliance and

Repose, which secured immunity for the Township from all Mount Laurel lawsuits, including but not limited to, Builders Remedy lawsuits, until July 2, 2025.

Since the adoption of the Township's Third Round Housing Element and Fair Share Plan, additional affordable housing units and credits have been completed. These units include the following:

3. Maplewood Senior Citizen Housing, 564 Irvington Ave (Block 38.01, Lot 213) completed in 1979 consisting of 20 very low-income units of 113-unit age restricted project constructed and occupied.
4. Inclusionary Sites
 - a. Elite on Springfield, 1687-1689 and 1695-1701 Springfield Avenue (Block 49.14, Lot 12, 14, and 16) completed in 2018 consisting of 3 family rental units (1 very low, 1 low, and 1 moderate).
 - b. 1611 Springfield Avenue Apartments, 1611 Springfield Ave (Block 31.05, Lot 1 and 3), completed in 2016 consisting of 1 low-income family rental unit.
 - c. 255 Tuscan, 255 Tuscan Road (Block 31.05, Lot 25) completed in 2017 consisting of 3 family rental units (2 low and 1 moderate).
 - d. Avalon Maplewood, 200 Boyden Ave (Block 44.02, Lot 2) completed in 2018 consisting of 6 family rental units (1 very low, 2 low, and 3 moderate).
 - e. Boyden Ave Apartments, 401-403 Boyden Ave (Block 47.02, Lot 246) completed in 2024 consisting of 1 low-income family rental unit.
 - f. Maplewood Crossing, 92 Burnett Ave (Block 48.47, Lot 5.01) completed in 2013 consisting of 16 family rental units (2 very low, 6 low, and 8 moderate).
 - g. Stationhouse at Maplewood, 125 Dunnell Road (Block 17.16, Lot 10) completed in 2013 consisting of 4 family rental units (1 very low, 1 low, and 2 moderate).
 - h. The Alivia, Valley Road (Block 16.01, Lot 37) completed in 2019 consisting of 2 family rental units (1 low and 1 moderate).
 - i. Maplewood Lofts, Springfield Ave (Block 31.05, Lot 10) completed in 2021 consisting of 5 family rental units (1 very low, 2 low, and 2 moderate).
 - j. Iron Ore Development, Baker Street (Block 12.06, Lot 237.01) completed in 2020 consisting of 1 low-income family rental units.
 - k. Iron Ore Development, 467 Valley Street (Block 16.01, Lot 25) completed in 2020 consisting of 1 low-income for sale condominium.
 - l. 285 Parker Ave, Parker Ave (Block 42.08, Lot 146.01) completed in 2023 consisting of 2 family rental units (1 very low and 1 moderate).

- m. Maplewood Home Ownership Program, Franklin Terrace (Block 42.11, Lot 358) completed in 2021 consisting of 1 family for sale unit.
 - n. 1782 Springfield, Springfield Ave (Block 30.01, Lot 107) completed in 2024 consisting of 2 family rental units (1 low and 1 moderate).
 - o. Sierra House, Tiffany Place (Block 43.03, Lot 233) completed in 2024 consisting of 2 family rental units (1 very low and 1 low).
5. Supportive Special Needs Housing - completed
- a. Cerebral Palsy of North Jersey, 760 Valley Street (Block 20.03, Lot 355) completed in 2011 consisting of 3 very low-income units.
 - b. ARC of Essex County (Group Home 1 and 3), 49 Meadowbrook Place (Block 44.02, Lot 118) completed in 1996 consisting of 3 low-income rental units.
 - c. ARC of Essex County (Groupe Home 2), 130 Boyden Ave (Block 44.02, Lot 118) completed in 1996 consisting of 2 low-income rental units.

Table 1: Summary of Completed Units Post-1986 through June 30, 2025 Township of Maplewood, Essex County, NJ				
Affordable Units Previously Built				
	Very Low	Low	Moderate	Total
<i>Family Rental</i>	8	21	20	49
<i>Group Home/Special Needs</i>	13	20	-	33
<i>For-Sale</i>	-	1	1	2
<i>Age-Restricted</i>	32	-	-	32
Total Constructed Units				116 units

D. FOURTH ROUND OF AFFORDABLE HOUSING BACKGROUND

On March 20, 2024, Governor Murphy signed the Amendments to the FHA into law. The amended FHA established new guidelines for determining and regulating the affordable housing obligations of New Jersey municipalities for the Fourth Round and subsequent 10-year rounds as mandated by the Mount Laurel Doctrine and the FHA. This section outlines the key provisions instituted by the FHA Amendments.

Major Items of the FHA Amendments

- The Council on Affordable Housing (“COAH”) is abolished, and its regulatory powers and functions are transferred to the Department of Community Affairs (“DCA”) and the Administrative Office of Courts (“AOC”).
- The DCA is responsible for calculating the regional need and municipal present and prospective fair share obligation for each municipality using the methodology established in sections 6 and 7 of P.L.2024, c.2. The March 8, 2018 Superior Court, Law Division, Mercer County, In re Application of Municipality of Princeton (also known as the “Jacobson opinion”) serves as the basis for any datasets or methodologies not directly addressed in the FHA

Amendments. This Fourth Round methodology is further explained in Section II.E below.

- Per N.J.S.A. 52:27D-302, as amended, “the changes made to affordable housing methodologies, obligations, and fair share plans, as determined to be a necessity by the Legislature, through the enactment of [P.L.2024, c.2] are made with the intention of furthering consistency with the State Development and Redevelopment Plan.”
- A municipality will still be permitted to seek a Vacant Land Adjustment (“VLA”).
- A municipality may take into consideration the DCA calculations in determining its present and prospective need obligations, but the DCA calculations are not binding on any municipality. Each municipality establishes its own obligation number, and a municipality may deviate from DCA’s calculations in determining its obligation, provided that it adheres to the methodology established by the FHA Amendments.
- The Affordable Housing Dispute Resolution Program (“Program”) is established within the AOC and is responsible for handling any dispute regarding a municipality’s determination of and/or compliance with its fair share obligation. The Administrative Director of the Courts makes appointments to the Program, which consists of 3-7 retired Mount Laurel judges. The initial judges appointed were the Hon. Thomas C. Miller (chair), the Hon. Ronald E. Bookbinder, the Hon. Thomas F. Brogan, the Hon. Stephan C. Hansbury, the Hon. Mary C. Jacobson, the Hon. Julio L. Mendez, and the Hon. Paulette M. Sapp-Peterson.
- The availability of bonus credits has been expanded but credits remain capped. Notable credit provisions include:
 - More than one type of bonus credit may not be received for the same unit.
 - A maximum of 25% of a municipality’s prospective need obligation may be satisfied by bonus credits.
 - A summary of the types of bonus credits is provided in the table below:

Table 2: Fourth Round Bonus Credits	
Description	Bonus
Special Needs or Supportive Housing Units	1.0 bonus credit for each bedroom unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing.
100% Affordable Developments with Municipal Contribution of Land or Funds	1.0 bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing project for which the municipality contributes to the cost of the project. This contribution can either be real property or contributions from the municipal Affordable Housing Trust Fund that covers no less than 3% of the project costs.
Market-to-Affordable	1.0 bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from market rate to affordable. A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.
Non-Profit Partnership for For-Sale Housing	0.5 bonus credit for each unit of low- or moderate-income ownership unit created in partnership with a non-profit housing developer.
Proximity to Transit	0.5 bonus credit for each unit of low- or moderate-income housing located within a 0.5 mile radius (or 1

	mile radius if located in a Garden State Growth Zone) surrounding a NJ Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations.
Redevelopment	0.5 bonus credit for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.
Age-Restricted Units (with 10% Cap)	0.5 bonus credit for a unit of age-restricted housing (Bonus credit only applicable to 10% of all age-restricted housing built that count towards the municipality's affordable housing obligation).
Family Housing	0.5 bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution. This bonus credit shall be calculated by taking into account the full municipal fair share plan and housing element, and the number of units with at least three bedrooms required for projects satisfying the minimum 50 percent family housing requirements.
Very Low-Income Units Beyond Minimum	0.5 bonus credit for each unit of very low-income housing for families above the 13% of units required to be preserved for very low-income housing.
Extension of Affordability Controls	0.5 bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term, and the municipality contributes funding towards the costs necessary for this preservation.

- A municipality must adopt and file with the Program and the Court a Housing Element and Fair Share Plan, along with drafts of the appropriate zoning and other ordinances and resolutions implementing its present and prospective obligation by June 30, 2025. The Housing Element and Fair Share Plan must assess the degree to which the municipality has complied with its obligations for the prior three rounds and determine whether the municipality has credits in excess of its prior round obligations. If any units are determined to be unfulfilled from prior rounds, the Plan must address how this unmet obligation will be fulfilled, as well as explain how it plans to meet its Fourth Round obligation. The Plan must also include a spending plan for current funds in the municipal affordable housing trust fund and projected funds towards the round.
- The law establishes several limitations to how units may be counted towards fulfilling a municipality's fair share obligation:
 - A maximum of 30% of the units counted toward the prospective need obligation may be age-restricted units, exclusive of bonus credits.
 - A minimum of 50% of the units used toward the prospective need obligation, exclusive of bonus credits, must be available to families with children.
 - A minimum of 25% of the units used toward the prospective need obligation, exclusive of bonus credits, must be rental units and at least half of that number must be available to families with children.
 - A minimum of 13% of affordable housing units must be available to very low-income households and at least half of that number must be available to families with children.
 - A maximum of 10% of a municipality's fair share obligation may be counted by

- transitional housing credits.
- A municipality may lower its prospective need obligation to prevent an obligation of more than 1,000 housing units or a number exceeding 20% of the total number of households in the municipality.
- The law increases the minimum period requiring affordability controls to 40 years for rental units and maintains a 30-year period for for-sale units. The minimum requirement for affordability controls cannot be reduced.
- The law establishes new development fee collection, expenditure and monitoring rules.
- The amended FHA also establishes many deadlines, including but not limited to, the submission of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025, and any objections being filed by August 31, 2025.

E. FOURTH ROUND METHODOLOGY

Per N.J.S.A. 52:27D-304.1.d, “For the fourth round of affordable housing obligations, the [Department of Community Affairs] shall prepare and submit a report to the Governor, and, pursuant to [N.J.S.A. 52:14-19.1], to the Legislature providing a report on the calculations of regional need and municipal obligations for each region of the State within the earlier of seven months following the effective date of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1 et al.) or December 1, 2024.” On October 18, 2024, the Department of Community Affairs (DCA) released a report titled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background,” inclusive of a calculation spreadsheet, which detailed the datasets and calculations used to generate the affordable housing obligation for each municipality within New Jersey for the Fourth Round. Per this report, the Township of Maplewood was calculated to have a present need of 20 units and a prospective need of 216 units for the Fourth Round. The subsections below outline the methodology for calculating the Township’s Fourth Round affordable housing obligation per the DCA report and in accordance with the FHA Amendments.

Present Need

Per the amended FHA, “A municipality’s present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof” (N.J.S.A. 52:27D-304.2). P.L.2024, c.2 further defines “deficient housing units” as “housing that: (1) is over fifty years old and overcrowded; (2) lacks complete plumbing; or (3) lacks complete kitchen facilities” (N.J.S.A. 52:27D-304).

In the Third Round, municipal present need calculations were based on the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. The present need calculations for the Fourth Round conducted by the DCA similarly use datasets measuring these three factors, but as explained in their report, “The US Department of Housing and Urban Development (HUD) and the US Census Bureau publish separate tables on housing age, lack of plumbing facilities, lack of kitchen facilities, and overcrowding. However, there is no data source that reports the number of units that meet any one of those three conditions. Therefore, this number must be estimated using data from existing tables, with measures taken to account for overlap and to narrow the scope to deficient housing units occupied by low- and moderate-income [[LMI]] households.” The DCA therefore used a combination of the latest data

from HUD's Comprehensive Housing Affordability Strategy (CHAS) LMI dataset corresponding to the latest Census Bureau American Community Survey (ACS) data (which was 2017-2021 5 Year Estimates at the time of the report's release), data from the IPUMS Center for Data Integration, and the ACS Public Data Microdata Sample (PUMS) at the Public Use Microdata Area (PUMA) level to estimate the number of substandard/deficient low- and moderate-income occupied units ("present need") for each municipality in New Jersey.

Per the methodology outlined above and described in further detail in the DCA report, the Fourth Round present need obligation for the Township of Maplewood was calculated as 20.

Prospective Need

The statewide obligation for the Fourth Round has been calculated as 84,698. This obligation is distributed among the State's municipalities, excluding Qualified Urban Aid municipalities.

A municipality's present need obligation is determined by estimating the existing deficient housing currently occupied by low-and moderate- income households within the Housing Region to which it belongs. Per the Fourth Round law, the State is broken into six regions as follows:

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

A municipality's Fourth Round prospective need obligation is calculated by multiplying its average allocation factor to the total prospective need of its corresponding Housing Region.

The average allocation factor is the average of three measures indicative of a municipality's capacity/potential to address the regional prospective need: the equalized nonresidential valuation factor, the income capacity factor, and the land capacity factor.

The Fourth Round prospective need for each Housing Region is determined by calculating the change in the number of households within each Housing Region between the 2010 Census and 2020 Census. Per the FHA Amendments, "this household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations. If household change is zero or negative, the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and the regional prospective need shall be zero" (N.J.S.A. 52:27D-304.2).

The Township of Maplewood is in Housing Region 2, which consists of Essex County, Morris County, Union County, and Warren County. The regional prospective need for Housing Region 2 was calculated as 20,506, and the Township's average allocation factor was calculated as 1.05%. The regional need of 20,506 multiplied by the Township's average allocation factor of 1.05% therefore resulted in a Fourth Round prospective need obligation calculation of 216.

Equalized Nonresidential Valuation Factor

The equalized nonresidential valuation factor is one of the three components of the average allocation factor for each municipality. The equalized nonresidential valuation factor is representative of a municipality's share of the change in nonresidential property value within its Housing Region.

This factor was calculated as follows:

1. The valuations of commercial properties and industrial properties in each municipality in 2023, per data from the NJ Division of Local Government Services, were summed and then divided by the 2023 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 2023.
2. The valuations of commercial properties and industrial properties in each municipality in 1999, per data from the NJ Division of Local Government Services, were summed and then divided by the 1999 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 1999.
3. The difference in total equalized nonresidential valuation from 1999-2023 was calculated for each municipality.
4. The difference in total nonresidential valuation from 1999-2023 was summed for all municipalities (excluding Qualified Urban Aid municipalities) within each Housing Region.
5. The difference in total nonresidential valuation from 1999-2023 for each municipality was divided by the sum of differences in total nonresidential valuation from 1999-2023 for its corresponding Housing Region to compute the municipality's share of the regional nonresidential valuation change from 1999-2023.

The Township's equalized nonresidential valuation factor was calculated as 1.14% per the DCA report.

Income Capacity Factor

The second component of the average allocation factor for each municipality is the income capacity factor. The income capacity factor measures the degree to which a municipality's median household income differs from an income floor of \$100 below the lowest median household income in its Housing Region.

Per the FHA Amendments, a municipality's income capacity factor shall be "determined by calculating the average of the following measures:

- (a) The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region; and
- (b) The municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality" (N.J.S.A. 52:27D-304.3).

At the time of the release of the DCA report on October 18, 2024, the most recent American Community Survey Five-Year Estimates data for median household income and number of

households were found in Table S1903 of the Census Bureau's American Community Survey 2018-22 5-Year Estimates.

The Township's income capacity factor was calculated as 1.99% per the DCA report.

Land Capacity Factor

The third component of the average allocation factor for each municipality is the land capacity factor. The land capacity factor indicates the percentage share of total "developable" land in a Housing Region accounted for by each municipality within that Region, excluding land area corresponding to Qualified Urban Aid municipalities. The DCA conducted a GIS analysis to identify the "developable" land within the state using several publicly-available datasets, including but not limited to 2020 land use/land cover (LULC) data, New Jersey State Plan Planning Areas weighted by area type, statewide parcel data, open space and preserved farmland, category 1 waterways and wetlands, steep slopes, and open waters.

The steps below provide a summary of the methodology used to identify the vacant land in the state, and consequently identify each municipality's share of developable land within its corresponding Housing Region.

1. Weights were applied to all New Jersey State Plan Planning Areas as specified in the Fourth Round Law.
2. The layer of weighted Planning Areas was merged with land use/land cover (LULC) data for the entire state sourced from 2020 aerial imagery. 18 different types of LULC, such as cropland and pastureland, deciduous forest, and coniferous forest, were identified and extracted as "vacant, developable land" from this merged dataset.
3. Of these areas identified as "developable" from the merged dataset, areas without underlying parcel data and areas with MOD-IV Property Tax data with property class codes for residential, commercial, industrial, apartment, railroad, and school uses were removed to prevent rights-of-way, tree-covered rear yards on residential properties and buffer areas on non-residential development from being included in the "developable" land calculation.
4. Municipally-reported construction permit data to the DCA was used to remove properties otherwise identified as vacant through the LULC analysis.
5. Areas mapped as open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special resource area restrictions) were removed from the "developable" land dataset.
6. Using 10 foot digital elevation LiDAR data, steep slope areas exceeding 15% and steep slope areas consisting of 5,000 square feet or less were removed from the "developable" land dataset.
7. DCA reviewed an unspecified 22,000 vacant parcels to further remove homeowner association common areas, detention basins, and road and utility rights of way.
8. After the removal of all the aforementioned layers from the "developable" land dataset, remaining "slivers" of land with an area of 2,500 square feet or less were also removed due to their inability to support any kind of development.
9. The remaining land was identified as "developable" land and was summed based on the limits of each Housing Region and its corresponding municipalities.

10. The municipality's percentage of total identified "developable" land within its Housing Region constitutes its land capacity factor.

Through this analysis, the DCA reported 1.581 acres of developable land in the Township of Maplewood and 5,358.483 acres of developable land in Housing Region 2 (excluding Qualified Urban Aid municipalities), therefore computing a land capacity factor of 0.03% for the Township.

DCA Calculated Fourth Round Prospective Need Obligation

Given the calculations of the Township's equalized nonresidential valuation factor as 1.14%, income capacity factor as 1.99%, and land capacity factor as 0.03%, the average allocation factor for the Township was computed as 1.053%. The average allocation factor of 1.053% multiplied by the Housing Region 2 regional prospective need of 20,506 totaled to a Fourth Round prospective need obligation of 216 for the Township per the DCA report.

F. MUNICIPAL DETERMINATION OF FOURTH ROUND PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS

As per N.J.S.A. 52:27D-304.1, "[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in [N.J.S.A. 52:27D-304.2 - 304.3] and may take into consideration the calculations in the report published by the department." Furthermore, "For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025" (N.J.S.A. 52:27D-304.1). The Township reviewed and evaluated the DCA's non-binding calculations of the Township's Fourth Round present need and prospective need, and as provided in the Resolution No. 40-25 adopted by Township Council on January 21, 2025, the Mayor and Township Committee "commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 216" subject to all reservations of rights as specified in the Resolution. The Court memorialized the Township's Fourth Round present and prospective need obligations on behalf of the Program in an order dated March 24, 2025. The Township's plan for satisfying its adopted Fourth Round present need and prospective need obligations is detailed further in Section III of this Fourth Round HEFSP.

G. VACANT LAND ADJUSTMENT

Given municipal constraints on the amount of vacant land available for the development of affordable housing, the amended FHA, similarly to the Third Round, permits municipalities to adjust their prospective need obligations for the Fourth Round based on a lack of vacant land. The process for preparing a vacant land adjustment ("VLA") for the Fourth Round follows the methodology established in the Municipal Adjustments Subchapter of COAH's Prior Round Substantive Rules (N.J.A.C. 5:93-4.2), with some minor differences as specified in the Amended FHA. The application of the methodology for vacant land adjustments from COAH's Prior Round Substantive Rules in the Fourth Round is affirmed by language in 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 (C.52:27D-304.1 et al.), or binding court decisions."

Most notably, the FHA Amendments added an additional requirement to the vacant land adjustment process: "Any municipality that receives an adjustment of its prospective need obligations for the

fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so" (N.J.S.A. 52:27D-310.1).

In addressing its Third Round prospective need obligation, the Township prepared a VLA, which was adopted as part of the Township's Court-approved Housing Element and Fair Share Plan via the final JOR filed on November 27, 2018.

The Township has also conducted a vacant land adjustment for the Fourth Round, dated May 2025 (see *Appendix*). The Fourth Round VLA calculates zero vacant land, but three sites that are likely to be redeveloped and will contribute to the Township's Realistic Development Potential ("RDP") of 68 units for the Township for the Fourth Round, which is detailed in Table 3 Below:

Table 3: Parcels Contributing to the Township's RDP Township of Maplewood					
Likely to be Redeveloped Properties					
Block	Lot	Comments/Discussion	Net Developable Acreage	Density (du/ac)	RDP
48.47	140.01	Ingerman Company Development and Township are evaluating Block 48.47, Lot 140.01 for a potential 48 unit 100% affordable housing development	0.64	75	48
OR					
48.47	123, 124.01, and 131	Ingerman Company Development and Township are evaluating Block 48.47, Lots 123 and 131 for a potential 48 units 100% affordable housing development	1.69	29	48
		Part of Redevelopment Study Area no. 3			6
				54	
Total Units Based on Estimated Development Density					54

The difference between the Township's Fourth Round prospective need obligation of 216 and the RDP of 68 (including 14 bonus credits) results in a Fourth Round unmet need of 148 units.

H. HOUSING, DEMOGRAPHIC AND EMPLOYMENT INFORMATION

The following detailed housing, demographic, and employment background information regarding Maplewood helps to describe and create an inventory of characteristics in the Township of Maplewood that directly apply to current and future housing demand in the Township and region. This analysis will include population demographics, housing characteristics, regional comparison, and recent trends.

1. Analysis of Population and Demographics

The following tables look to analyze the population trends in Maplewood using data from the Decennial Census and American Community Survey (“ACS”). An analysis of population demographics in a target area can help a community understand and plan for the range of people that live and work within its borders. Also, local population demographics understood in the context of and compared to the larger regional area provides a unique opportunity to understand larger geographic implications of present conditions and future local and regional opportunities. This demographic profile was broken down into functional areas including analyses of community demographics, housing stock, and employment data.

POPULATION

Table 4, which depicts the population change since 1930, shows that from 1930 to 2020, the Township saw a significant increase in population. The numbers demonstrate that the population spiked mostly between the 1930s and 1940s, and subsequently the Township saw a slight decrease in population between 1950 and 1990. Since the 1990s, the Township of Maplewood has experienced continued gradual population increases.

Table 4: Population 1930-2020, Township of Maplewood		
Year	Total Population	% Change
1930	5,283	-
1940	21,321	303.5%
1950	25,201	18.1%
1960	23,977	-4.9%
1970	24,932	4.0%
1980	22,950	-7.9%
1990	21,652	-5.7%
2000	23,868	10.2%
2010	23,867	0.0%
2020	25,684	7.6%
Source: U.S. Bureau of the Census, 1930-2020 Decennial Censuses		

Maplewood’s largest increase in growth occurred from the 1930s to the 1940s. The Township’s population saw an increase of over 300% during the 1930s. The population continued to be a steadier incline with an 18% increase during the 1940s. In recent years, the Township’s population has shown signs of stabilization, with increases under 15% in decades since the 1990s, with the largest increase between 1990 and 2000 with 10.2%.

When compared to Essex County as a whole, the Township has experienced similarly modest and steady increases from 1990 through 2020. Both the County and the Township saw modest increases in population during the 1990s and mirrored subsequent

similar minor increases during the 2000s (Table 5).

Table 5: Population 1980-2020 Township of Maplewood and Essex County				
	Maplewood	% Change	Essex County	% Change
1980	22,950	-	851,304	-
1990	21,652	-5.7%	778,206	-9.0%
2000	23,868	10.2%	793,633	2.0%
2010	23,867	0.0%	783,969	-1.2%
2020	25,684	7.6%	863,728	10.1%
Source: U.S. Bureau of the Census, 1980-2020 Decennial Censuses				

AGE CHARACTERISTICS

Understanding the age make up of a community is important when planning for new housing, resources, and the future of the township. Looking at a further breakdown of population data by age and sex, it shows that the townships population is concentrated in specific age cohorts. Table 6 depicts that approximately 23.5% of the population is 40-54 years old, while another 29% is 0-19 years old. These age cohorts generally suggest that Maplewood consists largely of families with middle-aged parents and children.

Table 6: Population by Sex and Age 2020, Township of Maplewood			
	All	Female	Male
Total 2020 Census Population	25,684	13,455	12,229
Under 5 years	1,714	860	854
5 to 9 years	1,934	947	987
10 to 14 years	2,084	1,011	1,073
15 to 19 years	1,745	867	878
20 to 24 years	1,282	652	630
25 to 29 years	1,061	534	527
30 to 34 years	1,357	738	619
35 to 39 years	1,900	1,020	880
40 to 44 years	2,025	1,102	923
45 to 49 years	1,998	1,036	962
50 to 54 years	2,016	1,055	961
55 to 59 years	1,703	905	798
60 to 64 years	1,522	846	676
65+	3,343	1,882	1,461
Median age (years)	39.5	40.4	38.3
Source: U.S. Bureau of the Census, 2020 Decennial Census			

Table 7 complements the data and compares it to that of Essex County as a whole. Age dispersion in Maplewood has remained consistent for the past three decades, with roughly a little more than one fourth of residents under the age of 19, roughly 55% of the population between the ages of 20-64, and about 12% of the population in the 65+ cohort for 2000, 2010, and 2020. Similarly, Essex County has seen stable age dispersion from 2000-2020.

Both Essex County and Maplewood have seen a decrease in the 25 to 44 age cohort with numbers in 2000 recorded at 31.1 and 30.2 percent, respectively, which decreased to 28 and 24.7 percent in 2020, respectively. Increases in the 45 to 64 age cohort, as well as increases in the 65 & over age cohort signifies that the Township has been able to retain established families and older residents while failing to attract younger families and adults.

Table 7: Population by Age, 2000-2020 Township of Maplewood and Essex County												
Age	2000				2010				2020			
	Maplewood		Essex County		Maplewood		Essex County		Maplewood		Essex County	
	#	%	#	%	#	%	#	%	#	%	#	%
Under 5	1,882	7.9	57,961	7.3	1,849	7.7	53,819	6.9	1,714	6.7	51,645	6.0
5 to 19	5,251	21.9	169,736	21.4	5,413	22.7	162,440	20.8	5,763	22.4	177,136	20.5
20 to 24	905	3.8	53,561	6.7	1,015	4.2	52,785	6.7	1,282	5.0	56,412	6.5
25 to 44	7,210	30.2	247,139	31.1	5,931	24.9	233,876	28.7	6,343	24.7	242,134	28
45 to 64	5,730	24.9	170,856	21.6	7,036	29.6	200,762	25.5	7,239	28.1	221,859	25.7
65 & over	2,890	12.1	94,380	11.9	2,623	11.0	90,287	11.5	3,343	13.0	114,542	13.3
Total	23,868	100	793,633	100	23,867	100	783,969	100	25,684	100	863,728	100
Source: U.S. Decennial Census, 2000, 2010, and 2020.												

RACE

Table 8 shows the racial breakdown of the population according to responses from the 2020 Decennial Census. Over 90% of the population responded as “One Race,” with 52.7% responding as White, 30.9% identifying as Black or African American, 8.5% identifying as Hispanic or Latino, 3.7% identifying as Asian, and 0.2% identifying as American Indian/Alaska Native.

The other 9.8% of respondents identified as “Two or More Races”.

HOUSEHOLD SIZE AND CHARACTERISTICS

In addition to population demographics, household size in relation to the population helps to characterize the Township. Using Decennial Census data from 2000-2020, Table 9 below shows that the Average Household Size in Maplewood increased from 2.81 to 2.89 from 2000 to 2010 and then experienced a marginal increase to 3.08 in 2020, in conjunction with an increase in population and number of occupied housing units from 2000 through 2020. From 2000 to 2010 the number of households in Maplewood increased by 0.4%, while the number of housing units occupied decreased by 2.5%. This trend increased in 2010 to 2020 when total households increased by 7.5% while the number of occupied housing units only increased 7.6%. Essex County’s average household size had a minimal decrease from 2.72 in 2000 to 2.76 in 2020.

Table 8: Race, 2020 Township of Maplewood		
	#	%
One Race	23,160	90.2
White	13,528	52.7
Black or African American	7,925	30.9
Hispanic or Latino	2,183	8.5
American Indian/Alaska Native	64	0.2
Asian	951	3.7
Native Hawaiian/Other Pacific Islander	7	0.0
Some Other Race	685	2.7
Two or More Races	2,524	9.8
Total Population	25,684	100%
Source: U.S. Bureau of the Census, 2020 Decennial Census		

Table 9: Households And Population 2000-2020, Township of Maplewood and Essex County									
	2000			2010			2020		
	HH Populati on	Occupied Housing Units	Avg HH Size	HH Populati on	Occupied Housing Units	Avg HH Size	HH Populati on	Occupied Housing Units	Avg HH Size
Maple- wood	23,750	8,452	2.81	23,838	8,240	2.89	25,622	8,866	3.08
Essex County	770,844	283,736	2.72	760,197	283,712	2.68	837,066	312,913	2.67
<i>Source: U.S. Census, 2000, 2010, and 2020</i>									

Table 10 shows that the most common household size in Maplewood was four people or more, accounting for 30.8% of households, followed by households with three people, accounting for 24.4% of households. Two person households make up 24.2% of households and the least common form of households is single person households, at 20.6% of households.

Table 10: Household Size, 2023 ACS, 5- Year Estimates, Township of Maplewood		
Household Size	Number of Households	Percent
1 Person	1,781	20.6%
2 Persons	2,098	24.2%
3 Persons	2,110	24.4%
4 Persons or More	2,670	30.8%
Total Occupied Housing Units	8,659	100%
<i>Note: Figures may not add due to rounding</i>		
<i>Source: 2023 American Community Survey 5- Year Estimates</i>		

The American Community Survey was utilized to evaluate Maplewood income characteristics compared to Essex County as a whole. Table 11 demonstrates that the per capita income and the median household income in Maplewood, \$76,193 and \$167,428, are both higher than the County's of \$48,021 and \$76,712.

In addition to a higher per capita income, fewer Maplewood residents are living below the poverty level. Based on the 2023 5 Year Estimates from the American Community Survey (Table 11) 4% of Maplewood residents compared to 15.7% Essex County residents are living below the poverty level.

Table 11: Income Characteristics – 2023 ACS, 5- Year Estimates, Township of Maplewood and Essex County			
	Township Of Maplewood	Essex County	State of New Jersey
Median Household Income	167,428	76,712	101,050
Median Family Income	205,000	101,256	123,892
Per Capita Income	76,193	48,021	53,118
Percent of Persons Below Poverty Level	4%	15.7%	9.7%
<i>Source: Selected Economic Characteristics, 2023 American Community Survey 5- Year Estimates</i>			

The income limits in Table 12a were produced by the Affordable Housing Professionals of New Jersey in 2024 to set the Affordable Housing Regional Income Limits. The table shows the very low income, low income, and moderate-income thresholds for Essex County for each household size. Specific rows are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a).

Table 12a: Affordable Housing Regional Income Limits Essex County, New Jersey			
Household Size	Moderate Income	Low Income	Very Low Income
1 Person	\$72,473	\$45,296	\$27,177
1.5 Persons*	\$77,650	\$48,531	\$29,119
2 Persons	\$82,826	\$51,766	\$31,060
3 Persons	\$93,180	\$58,237	\$34,942
4 Persons	\$103,533	\$64,708	\$38,825
4.5 Persons*	\$107,674	\$67,296	\$40,378
5 Persons	\$111,816	\$69,885	\$41,931
6 Persons	\$120,098	\$75,061	\$45,037
7 Persons	\$128,381	\$80,238	\$48,143
8 Persons	\$136,663	\$85,415	\$51,249
Source: Affordable Housing Professionals of New Jersey			
* These are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)			

The income limits in Table 12b were produced by the New Jersey Housing and Mortgage Finance Agency to set the regional income limits when the low-income housing tax credit (LIHTC) is included. LIHTC awards tax credits to housing developers in exchange for agreeing to reserve a certain amount of units as rent restricted for lower-income households. Developers must save at least 20% of units for families earning 50% or below the average median income (AMI). While the NJAHP income limits are based on the AMI and utility costs.

Table 12b: UHAC 2025 Affordable Housing Regional Income Limits Region 2: Essex, Morris, Union and Warren, New Jersey			
Household Size	Moderate Income (80%)	Low Income (50%)	Very Low Income (30%)
1 Person	\$75,840	\$47,400	\$28,440
1.5 Persons	\$81,240	\$50,775	\$30,465
2 Persons	\$86,640	\$54,150	\$32,490
2.5 Persons	\$92,040	\$57,525	\$34,515
3 Persons	\$97,440	\$60,900	\$36,540
4 Persons	\$108,240	\$67,650	\$40,590
4.5 Persons	\$112,600	\$70,375	\$42,590
5 Persons	\$116,960	\$73,100	\$43,860
6 Persons	\$125,600	\$78,500	\$47,100
7 Persons	\$134,240	\$83,900	\$50,340
8 Persons	\$142,880	\$89,300	\$53,580
Source: New Jersey Housing and Mortgage Finance Agency			

2. Analysis of Housing Characteristics

AGE OF HOUSING

Maplewood is a substantially developed community. Population spikes from the 1930s to 1940 were caused by a large increase in the number of houses being built during the same period. From 1939 or earlier, Maplewood had over half of their housing built. From 1940 to 1959, 1,561 houses were built, from 1960 to 1979, 1,009 houses were built. From 1930 to 1939 there was an increase of over 16,000 people, which correlates to the spike in residential construction. The Township continued to experience construction to a lesser extent through 2019. Except for three dips in population during the 1950s, 1970s and 1980s, the population continued to grow. After the great recession, housing production was significantly curtailed in Maplewood, with only 691 homes being constructed from 2010-2019. Despite the low growth in housing production, the population still grew by over 1,800 residents from 2010-2020, a 7.6% growth rate over the previous decade's population. This trend suggests that as the total population and total number of households increase, the production of housing has lagged this growth.

Table 13: Age of Housing – 2023 ACS, 5- Year Estimates Township of Maplewood		
Year Housing Unit Built	Township of Maplewood	
	Number of Units	Percent
2020 or later	39	0.4%
2010 – 2019	691	7.7%
2000 – 2009	205	2.3%
1980 – 1999	557	6.2%
1960 – 1979	1,009	11.2%
1940 – 1959	1,561	17.4%
1939 or earlier	4,919	54.8%
Total	8,981	100%
Note: Figures may not add due to rounding Source: Selected Housing Characteristics, 2023 American Community Survey 5-Year Estimates		

The number of residential building permits since the decade of 1990-1999 construction has increased. The number of residential building permits increased by 100 in 2000-2009. From 2010-2019 the permits increased to 1,737. There appears to be the beginning of a trend reversal in 2020, with 36 permits being issued. The number of permits issues from 2020 to 2022 is less than the number of permits issued in any of the past years besides 2010 and 2011.

Table 15 shows the housing size by the number of rooms, and compares Maplewood and Essex County as a whole. In general, Maplewood has a larger number of housing with more rooms, with 79.2% of housing have 5 or more rooms. In comparison, Essex County as a whole has a more even distribution of housing sizes, with just 58% of the housing having 5 or more rooms.

**Table 14: Residential Building Permits, 1990-2022
Township of Maplewood**

Year	Residential Building Permits
1990-1999	14
2000-2009	114
2010	30
2011	25
2012	162
2013	174
2014	162
2015	474
2016	226
2017	207
2018	166
2019	111
2020	36
2021	31
2022	36
Total	1,968
Source: New Jersey Department of Labor and Workforce Development As of 2022	

**Table 15: Housing Size by Number of Rooms - 2023 ACS, 5- Year Estimates
Township of Maplewood and Essex County**

Number Of Rooms	Township of Maplewood		Essex County	
	Number Of Units	Percent	Number Of Units	Percent
1 Room	294	3.3	21,140	6.3
2 Rooms	171	1.9	12,581	3.7
3 Rooms	643	7.2	48,038	14.3
4 Rooms	761	8.5	59,203	17.6
5 Rooms or More	7,112	79.2	194,588	58
Total	8,981	100	335,550	100
Source: Selected Housing Characteristics, 2023 American Community Survey 5-Year Estimates Note: Percentages May Not Add Due To Rounding				

Most of the housing in Maplewood is owner-occupied. Only about 26%, or 2,302 units, of housing in Maplewood is renter occupied.

The total vacancy rate in the Township is 7.9%, based on the 2020 census which reported that 403 units were vacant out of 8,866 total units. While both renter and owner-occupied housing in Maplewood have low vacancy rates, owner occupied vacancy is incredibly low, with less than one third than that of renter occupied housing.

Table 17 shows the value of owner-occupied housing reported by the 2023 5 Year American Community Survey. Based on the data provided, most of the housing in Maplewood, 54.1%, is valued between \$500,000 and \$999,999. The next most common bracket for housing value is \$1,000,000 or more, with 19% of houses in this category. Owner-occupied housing across Essex County has slightly lower value, with only 37.4% of households falling into the \$500,000 to \$999,999 category. However, housing values in the county are more evenly distributed than those of Maplewood.

Table 16: Tenure and Housing Vacancy Rates, 2020 Township of Maplewood			
	Total	Owner Occupied	Renter Occupied
Total Housing Units	8,866	6,654	2,302
Vacant Units	403	109	303
Vacancy Rate	7.9%	1.1%	6.8%
Source: U.S. Bureau of the Census, 2020 Decennial Census (1) Includes all vacant units, including those rented or sold but not occupied, seasonal recreational and occasional use units, and "other" vacant units. (2) Includes units available for sale only (3) Includes units available for rent.			

Table 17: Value of Owner-Occupied Housing, 2023 ACS 5- Year Estimates Township of Maplewood and Essex County				
Housing Value	Township of Maplewood		Essex County	
	Number of Units	Percent	Number Of Units	Percent
Under \$50,000	47	0.7%	4,224	3.0%
\$50,000 to \$99,999	6	0.1%	1,211	0.9%
\$100,000 to \$149,999	3	0.0%	2,283	1.6%
\$150,000 to \$199,999	81	1.2%	3,726	2.6%
\$200,000 to \$299,999	485	7.3%	16,654	11.8%
\$300,000 to \$499,999	1,169	17.6%	43,938	31.1%
\$500,000 to \$999,999	3,604	54.1%	52,829	37.4%
\$1,000,000 or more	1,263	19.0%	16,512	11.7%
Total	6,658	100%	141,377	100%
Note: Figures may not add due to rounding. Source: Selected Housing Characteristics, 2023 American Community Survey 5-Year Estimates				

As of 2023, most rental units in Maplewood cost between \$2,000 and \$2,499 a month, with 22.8% reported in this range. The next most common rent level was \$3,000 or more, with 21.3% of rental units falling into this category. While 4.4% responded with “less than \$500”, this reporting may be family contributions or informal rent situations, considering that most of the rental housing was estimated to be \$1,000 or more.

Table 18: Rent Levels, 2023 ACS, 5- Year Estimates Township of Maplewood		
Rent	Number of Units	Percent
Less than \$500	88	4.4%
\$500 to \$999	121	6.1%
\$1,000 to \$1,499	298	15.0%
\$1,500 to \$1,999	318	16.0%
\$2,000 to \$2,499	452	22.8%
\$2,500 to 2,999	282	14.2%
\$3,000 or more	423	21.3%
No cash rent	19	(x)
Total	1,982	100%
<i>Source: Selected Housing Characteristics, 2023 American Community Survey 5- Year Estimates</i>		

3. Analysis of Employment Characteristics

Economic data regarding Maplewood, retrieved from various census tables, reports that the estimated Median Household Income in 2023 was \$167,428, an increase of 47% from 2013 (Table 19). However, based on the CPI Inflation Calculator from the Bureau of Labor Statistics, an income of \$113,837 would have the buying power of \$147,892 in 2023, which demonstrates that while incomes have experienced real growth. During the same period the median home value increased 50.4%, indicating that income growth in Maplewood has outpaced the increase in home values.

Table 19: Economic Data Township of Maplewood	
Description	Amount
Estimated Median Household Income in 2023	\$167,428
Estimated Median Household Income in 2013	\$113,837
Estimated Median Home Value (Owner Occupied) in 2023	\$684,600
Estimated Median Home in 2013	\$455,200
Mean Price of All Housing Units in 2020	\$416,732
Mean Price of Detached Houses in 2020	\$564,786
Mean Price of Townhouses/Other Attached Units in 2020	\$230,910
Mean Price of Two Unit Structures in 2020	\$180,071
Mean Price of 3-4 Unit Structures in 2020	\$40,695
Mean Price of 5 or more Unit Structures in 2020	\$112,737,654
Median Gross Rent in 2023	\$2,184
<i>Source: Units in Structure, 2020 American Community Survey 5- Year Estimates. Aggregate Value (Dollars) by Units in Structure, 2020 American Community Survey 5- Year Estimates. Median Gross Rent, 2023 American Community Survey 5- Year Estimates. Selected Housing Characteristics – 2013 and 2023 5-Year American Community Survey. Selected Economic Characteristics 2013 and 2023, 5-Year American Community Survey.</i>	

4. Consistency with State Plan and Redevelopment Plan

Pursuant to N.J.S.A. 52:27D-310.i and N.J.S.A. 40:55D-28b(3), a Housing Element must include “an analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.” Per the existing State Development and Redevelopment Plan (SDRP), which was adopted in 2001, the Township of Maplewood is located in the Metropolitan Planning Area (PA1). As stated in the 2001 SDRP, the State Plan’s intention in PA1 is to “provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.” The SDRP further elaborates that “these goals will be met by strategies to upgrade or replace aging infrastructure; retain and expand employment opportunities; upgrade and expand housing to attract a balanced residential population; restore or stabilize a threatened environmental base through brownfields redevelopment and metropolitan park and greenway enhancement; and manage traffic effectively and create greater opportunities for public transportation connections within the Metropolitan Planning Area and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York areas.”

On December 4, 2024, the State Planning Commission approved the updated Preliminary State Development and Redevelopment Plan. Per the Preliminary SDRP, Maplewood remains in Metropolitan Planning Area (PA1). The Preliminary SDRP provides that the intent of the Metropolitan Planning Area is to “provide for much of the state’s future growth in compact development and redevelopment; revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods; address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems; prevent displacement and gentrification; promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms; rebalance urbanization with natural systems; promote increased biodiversity and habitat restoration; stabilize and enhance older inner ring suburbs; redesign and revitalize auto oriented areas; protect and enhance the character of existing stable communities.” Given that the final updated SDRP is not expected to be adopted until late Fall 2025, the consistency of the Township’s Fourth Round Housing Element with the State Development and Redevelopment Plan is evaluated based on the 2001 SDRP.

Redevelopment has been used as a primary tool for housing development in Maplewood over the last decade, which is reflected in the inclusionary projects completed and/or approved during the Third Round (see Tables 23 and 24 of this HEFSP) and is a core objective of the existing SDRP and Preliminary SDRP for PA1. During the Third Round period, 73 residential units were completed through the implementation of inclusionary redevelopment projects stimulated by the Township’s Third Round HEFSP. These redevelopment efforts have brought an influx of residential development to the Township’s urban core, improved walkability and infrastructure, and leveraged access to the Township’s rail station, which is consistent with providing “future growth in compact development and redevelopment” as envisioned by the SDRP. The Township is continuing to promote redevelopment as a tool for the provision of affordable housing units as part of its compliance with its Fourth Round affordable housing obligations. The Township evaluates the viability of all planned and prospective affordable housing sites with respect to utility access, environmental impacts, and traffic/circulation. The projects contemplated for compliance towards the Township’s Fourth Round affordable housing obligation are further evaluated in this Housing Element and Fair Share Plan.

III. TOWNSHIP OF MAPLEWOOD FOURTH ROUND FAIR SHARE PLAN

A. SATISFACTION OF COMPLIANCE MECHANISMS PRIOR TO THE FOURTH ROUND

Compliance with Fourth Round Deadlines

The amended FHA establishes several deadlines prior to the commencement of the Fourth Round on July 1, 2025, as well as deadlines after the plan is filed with the Program for approval. This section details the Township's compliance with the deadlines mandated by the amended FHA leading up to the preparation of this Housing Element and Fair Share Plan.

- **June 18, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential development fees collected and expended since it was authorized to collect such fees. This deadline was retroactively moved to coincide with the September 16, 2024 unit and program monitoring report deadline. The Township formally submitted an affordable housing trust fund report inclusive of all residential and non-residential fees through December 31, 2023 to DCA Commissioner Jacquelyn A. Suarez on June 18, 2024 (see *Appendix*).
- **September 16, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all residential development fees collected and expended since it was authorized to collect such fees. Starting in September 2024, the DCA released a new Affordable Housing Monitoring System (AHMS) as required by the amended FHA for all municipalities to record and report all affordable housing trust fund and unit monitoring activity. The Township used the affordable housing trust fund report submitted for the initial June 18, 2024 reporting deadline to comply with the extended September 16, 2024 reporting deadline (see *Appendix*).
- **September 16, 2024:** Deadline for the municipality to submit a unit and program monitoring report to the DCA. The Township formally submitted all affordable housing project and unit monitoring data to date on the new online Affordable Housing Monitoring System (AHMS) on September 16, 2024 (see *Appendix*).
- **October 20, 2024:** Deadline for DCA to prepare and submit a report on the calculation of regional need and municipal obligations for each region. The DCA released a report titled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" on October 18, 2024.
- **January 31, 2025:** Deadline for a municipality to adopt its fair share obligation numbers via binding resolution, which will either accept the DCA numbers, or describe why the numbers should be adjusted and what those adjusted numbers should be. The Township adopted Resolution No. 40-25 on January 21, 2025 accepting DCA's number of a Fourth Round present need of 20 units and a Fourth Round prospective need of 216 units (see *Appendix*).
- **48 hours following adoption of the resolution:** Deadline for a municipality to file an action with the Program regarding the adopted resolution and committing to its fair share

numbers. The resolution must be published on the municipal website. The Township added the Fourth Round Resolution to the municipal website. The Township filed a Fourth Round Declaratory Judgement Complaint on January 23, 2025 (see *Appendix*).

- **February 15, 2025:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential and residential development fees collected and expended from the previous year. The Township formally submitted and confirmed all affordable housing trust fund activity through December 31, 2024 on the AHMS on February 4, 2025, and the Township formally submitted and confirmed all affordable housing project and unit monitoring data through December 31, 2024 on the AHMS on February 14, 2025 (see *Appendix*).
- **February 28, 2025:** Deadline for an interested party to challenge a municipality's adopted numbers. There were no challenges from an interested party on the Township's adopted Fourth Round present need obligation and prospective need obligation prior to the February 28, 2025 deadline.
- **March 1, 2025:** If no challenges, the Township's numbers are established by default and immunity from exclusionary zoning litigation remains in effect. A Court Order fixing the Township of Maplewood's Fourth Round present need obligation as 20 and Fourth Round prospective need as 216 was entered on March 24, 2025 (see *Appendix*).
- **June 30, 2025:** Deadline to adopt and endorse a Housing Element and Fair Share Plan and propose drafts of the appropriate zoning and other ordinances and resolutions implementing the municipality's present and prospective obligation. This Fourth Round Housing Element and Fair Share Plan, inclusive of all ensuing attachments and appendices, has been prepared for review and adoption by the Township Planning Board, endorsement by the Township Council, and submission to the Program and the Court for review and approval prior to the June 30, 2025 deadline.
- **June 30, 2025 or 48 hours following the Plan's adoption (whichever is sooner):** Deadline for the municipality to file the Housing Element and Fair Share Plan and drafts of resolutions and ordinances to implement its present and prospective obligation with the Program. The Plan and appropriate resolutions and ordinances must be posted on the municipal website. This Plan will be filed with the Program and the Court by June 30, 2025.

Fair Share Obligations Prior to the Fourth Round

On September 5, 2017, the Township reached a Settlement Agreement with Fair Share Housing Center, which established the Township's affordable housing obligations for the periods leading up to the Fourth Round as follows:

Table 20: Agreed Upon Fair Share Obligations	
Rehabilitation Obligation:	114
Prior Round Obligation (1987-1999):	51
Third Round Obligation (1999-2025):	444

Satisfaction of Third Round Rehabilitation Obligation

Under the terms of the September 5, 2017 Settlement Agreement between the Township and FSHC, Maplewood's Rehabilitation Obligation is 114 units.

The Township will satisfy its 114 Present Need Obligation as follows:

Table 21: Third Round Rehabilitated Units Township of Maplewood, Essex County, NJ	
Rehabilitation Obligation	114
Maplewood Senior Citizen Housing (Excess Credits)	82
Essex County Rehabilitation Program	7
Maplewood Home Improvement Program (completed and planned)	20
Future Units Completed through Essex County or Maplewood Home Improvement Program	5
Total	114

Detailed Summary of Third Round Rehabilitation Obligation

1. Maplewood Senior Housing (564 Irvington Ave; Block 38.01, Lot 213)

The Township will apply 82 excess age-restricted housing credits from the Maplewood Senior Citizen Housing project towards its rehabilitation obligation. Maplewood Senior Citizen Housing is 100 percent affordable, 113-unit apartment complex containing 28 studio units and 85 one-bedroom units. The facility was funded by HUD through its project-based section 8 program.

2. Essex County Home Rehabilitation Program

Essex County administers a housing rehabilitation program for income eligible Essex County homeowners to make improvements to heating systems, roofing, plumbing, electrical, and other code violations. Seven Maplewood homeowners have participated in this program since April 1, 2010.

3. Maplewood's Rehabilitation Program

In 1998, the Township implemented the Maplewood Affordable Housing Program to address housing owned or rented by low and moderate-income households. Both owner-

occupied and rental-occupied units are eligible for the Maplewood Home Improvement Program. The rehabilitated units are affordability restricted with a 10-year lien filed against the property. It is a 0% forgivable loan after 10 years, if the owner complies with the program requirements.

Through this program, 19 rehabilitations have been completed since 2010, and one home is currently in progress. The Township plans to continue to utilize its Housing Trust Fund to complete its remaining 6-unit obligation through the Maplewood Home Improvement Program. If sufficient funding from the trust fund is unavailable, the Township will continue to implement the program through its general fund.

Satisfaction of Prior Round Obligation

1. Prior Round Rental Obligation

The September 5, 2017 Settlement Agreement with FSHC established Maplewood's Prior Round Obligation to be 51 units. The Township applied twelve (12) senior rental units from the Maplewood Senior Citizen Housing project, twenty-six (26) supportive special needs rental units from seven (7) projects, and thirteen (13) bonus credits from the group homes, which satisfied its 51-unit rental obligation.

2. Prior Round Age-Restricted Cap

COAH's Round 2 regulations permitted a total of 25 percent of the new construction obligation to be satisfied with age-restricted housing. The age-restricted cap is further reduced by the net difference in the total obligation and any RCAs being credited towards that obligation. Based upon this, the Township was eligible for 25% of 51 units, or a total of 12 age-restricted housing units, to be credited against the Prior Round obligation.

3. Prior Round Rental Bonus Credits

In accordance with N.J.A.C. 5:93-5.15(d), the Township was entitled to rental bonus credits generated by the projects described below for the Prior Round, which was capped at a maximum of 13 rental bonuses based on its 51-unit Prior Round obligation. The Township is entitled to a total of thirteen (13) bonus credits, including: thirteen (13) rental bonus credits from Grome Homes. Overall, the Township applied 13 bonus credits to the Prior Round.

4. Very Low-Income Monitoring

Pursuant to the 2008 amendments to the FHA at N.J.S.A. 52:27D-329.1, municipalities must ensure that 13% of all affordable units proposed, approved and constructed after July 17, 2008 are affordable to very low-income households at 30% of the regional median income. Based on the Township's RDP of 51, a total of 7 units were needed to satisfy the very low-income unit requirement. Maplewood Senior Citizen Housing completed 12 very low-income units, which more than satisfies the 13% very low-income requirement.

5. Satisfaction of Prior Round (Second Round) Obligation

The Township entered the Third Round having satisfied the entirety of its Prior Round obligation. The Township applied twelve (12) senior rental units from the Maplewood Senior Citizen Housing project, twenty-six (26) supportive special needs rental units from seven (7) projects, and thirteen (13) bonus credits.

The Township's 51-unit Prior Round obligation was satisfied as follows:

Table 22: Prior Round Affordable Housing Fulfillment Township of Maplewood, Essex County, NJ					
1987-1999 Prior Round Obligation	51				
	Completed Units	Low	Mod	VL	Totals
Senior Rentals	12	-	-	12	12
Maplewood Senior Citizen Housing (Block 38.01, Lot 213)	12	-	-	12	12 (ARR)
Supportive Special Needs Housing	26	16	-	10	26
ARC of Essex County (Block 44.02, Lot 118)	1	1	-	-	1 (GH)
Community Action for Independent Living (Block 38.05, Lot 104)	5	-	-	5	5 (SNR)
Collaborative Support Programs of NJ (Block 30.02, Lot 59)	3	3	-	-	3 (SNR)
Project Live, 5 (Block 22.01, Lot 23)	3	3	-	-	3 (SNR)
Project Live, 6 (Block 30.01, Lot 18)	3	3	-	-	3 (SNR)
Our House (Block 45.03, Lot 84.01)	6	6	-	-	6 (SNR)
Jewish Services for the Developmentally Disabled (Block 49.13, Lot 246)	5	-	-	5	5 (SNR)
Rental Bonuses	13				13
TOTAL PRIOR ROUND CREDITS	51	16	-	22	51
(FR) = Family Rental (ARR) = Age-Restricted Rental (GH) = Group Home (SNR) = Special Needs Rental (R) = Rental (RCA) = Regional Contribution Agreement (S) = For-Sale (BC) = Bonus Credit					

6. Detailed Summary of Prior Round Satisfaction

1. **12 affordable units** from the following constructed and occupied units:
 - a. 12 affordable senior rental units from the **Maplewood Senior Citizen Housing (564 Irvington Ave; Block 38.01, Lot 213)**.
2. **26 supportive special needs housing** from the following completed and occupied units:
 - a. **ARC of Essex County (27 Meadowbrook Place; Block 44.02, Lot 118)** – 1 low-income one bedroom.
 - b. **Community Action for Independent Living (49 Union Avenue; Block 38.05, Lot 104)** – 5 very-low income one bedrooms.
 - c. **Collaborative Support Programs of NJ (24 Colgate Road; Block 30.02, Lot 59)** – 3 low income one bedrooms.
 - d. **Project Live, 5 (43 South Pierson Road; Block 22.01, Lot 23)** – 3 low income one bedrooms.
 - e. **Project Live, 6 (30 Rutgers Street; Block 30.01, Lot 18)** – 3 low income one bedrooms.
 - f. **Our House (486 Boyden Avenue; Block 45.03, Lot 84.01)** – 6 low income one bedrooms.
 - g. **Jewish Services for the Developmentally Disabled (141 Burnett Avenue; Block 49.13, Lot 246)** – 5 very low income one bedrooms.
3. **13 rental bonus credits** out of the 13-maximum allowable.

Satisfaction of Third Round Prospective Need Obligation

The September 2017 Settlement Agreement with FSHC established Maplewood's Gap + Prospective Need Obligation to be 444.

1. Vacant Land Adjustment

The Township prepared a VLA for the Third Round, dated February 2, 2017, which established a Third Round RDP of 82 and left the Township with a remaining "unmet need" of 362. This VLA was included as an appendix in the Township's Third Round Housing Element and Fair Share Plan, which was adopted by the Township's Planning Board on March 13, 2018, and endorsed by the Township Council on March 20, 2018 by Resolution No. 58-18.

2. Third Round Rental Obligation

COAH's Third Round Rules (at N.J.A.C. 5:93-1, et seq.) provided that at least 25 percent of the new construction component for the Third Round must be satisfied with rental units. Based on the Township's RDP of 82, its rental obligation was 25 percent, or twenty-one (21) units. Of the 82, 79 have already been fully satisfied with constructed and occupied units and bonus credits. The remaining 3 will be satisfied with units that are currently under construction.

3. Third Round Age-Restricted Housing

Applying COAH Round 2 regulations to the Third Round, municipalities were permitted to age-restrict up to 25 percent of the Third Round RDP, minus the number of RCAs being credited towards the Third Round. However, according to paragraph 11.e. of the Settlement Agreement, "the Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation". Therefore, the Township was entitled to 25% of 82, or 20 age-restricted units.

4. Third Round Very Low-Income Obligation

As a result of the July 2008, amendments to the Fair Housing Act, all municipalities have an obligation to ensure that at least 13 percent of the affordable units being provided town wide, with the exception of units constructed as of July 1, 2008 and units subject to preliminary or final site plan approval as of July 1, 2008, are affordable to very low income households (households that earn 30 percent or less of the median income). Based on the Third Round RDP of 82, the Township had an obligation of at least 10 units to be provided to very low-income households. Between its existing very low-income units, additional very low-income units that will be added through the various affordable housing projects described in this plan, and through future development, the Township is confident that it will be able to meet the required 13% threshold. Indeed, the Township has ten (10) existing very low-income units from the existing Group Home projects, as well very-low income units from family and senior affordable housing projects.

5. Third Round Rental Bonus

In accordance with N.J.A.C. 5:93-5.15(d), the Township was entitled to up to twenty-one (21) credits for rental, age-restricted, and redevelopment bonuses, for which it is eligible based on its 82-unit Third Round RDP.

6. Satisfaction of Third Round RDP

Table 23: Existing and Proposed Projects Addressing the Third Round RDP Township of Maplewood, Essex County, NJ						
TOWNSHIP RDP		82				
Existing and Completed Units						
	Completed Units	Proposed Units	L	M	VL	Total
100% Affordable Senior	20		-	-	20	20
Maplewood Senior Citizen Housing (Block 38.01, Lot 213)	20		-	-	20	20 (ARR)
Inclusionary Zoning	34		14	15	5	34
Elite on Springfield (Block 49.14, Lots 12, 14, and 16)	3		1	1	1	3 (FR)
1611 Springfield Avenue Apartments (Block 31.05, Lot 1 and 3)	1		1	-	-	1 (FR)
255 Tuscan (Block 31.05, Lot 25)	3		2	1	-	3 (FR)
Avalon Maplewood (Block 44.02, Lot 2)	6		2	3	1	6 (FR)
Boyden Ave Apartments (Block 47.02, Lot 246)	1		1	-	-	1 (FR)
Maplewood Crossing (Block 48.47, Lot 5.01)	16		6	8	2	16 (FR)
Stationhouse at Maplewood (Block 17.16, Lot 10)	4		1	2	1	4 (FR)
Supportive Special Needs Housing	7		4	-	3	7
Cerebral Palsy of North Jersey (Block 20.03, Lot 355)	3		-	-	3	3 (GH)
ARC of Essex County – 49 Meadowbrook Place (Block 44.02, Lot 118)	2		2	-	-	2 (GH)
ARC of Essex County – 130 Boyden (Block 44.02, Lot 118)	2		2	-	-	2 (GH)
TOTAL EXISTING UNITS	61		18	15	28	61
Bonus Credits (21 maximum based on 25% of 82-unit RDP)			21			21 BC
TOTAL CREDITS AND UNITS		82				
(FR) = Family Rental (ARR) = Age-Restricted Rental (GH) = Group Home (BC) = Bonus Credit (R) = Rental						

7. Detailed Summary of Third Round RDP Satisfaction

1. 21 rental bonus credits, based on a maximum of 25% of the 82-unit RDP.

*Existing Units***2. 44 units from the following existing affordable housing projects:**

- a. **Maplewood Senior Citizen Housing (564 Irvington Avenue; Block 38.01, Lot 213)** - 20 very low-income age-restricted rental units.
- b. **37 units** from seven (7) inclusionary projects:
 - a. **Elite on Springfield (1687-1689 and 1695-1701 Springfield Avenue, Block 49.14, Lots 12, 14, and 16).** Elite Properties (a private developer) is building a 30-unit apartment building, which includes three (3) family units (1 very low, 1 low, and 1 moderate).
 - b. **1611 Springfield Avenue Apartments (1611 Springfield Avenue; Block 31.05, Lot 1 and 3).** A mixed-use residential and retail inclusionary development built by a private developer in 2016, which includes one constructed and occupied low-income family rental unit.
 - c. **255 Tuscan (255 Tuscan Road; Block 31.05, Lot 25).** A multi-unit inclusionary development built by a private developer in 2017, which includes three (3) constructed and occupied family rental units (2 low and 1 moderate).
 - d. **Avalon Maplewood (200 Boyden Avenue; Block 44.02, Lot 2).** A multi-family rental inclusionary development built by a private developer in 2017-2018, which includes six (6) units (1 very low, 2 low, and 3 moderate).
 - e. **Boyden Avenue Apartments (401-402 Boyden Avenue; Block 47.02, Lot 246).** A multi-unit inclusionary development built by a private developer in 2013, which includes one constructed and occupied low-income family rental unit.
 - f. **Maplewood Crossing (92 Burnett Avenue; Block 48.47, Lot 5.01).** A multi-family inclusionary development built by a private developer in 2013, which includes sixteen (16) family rental units (2 very low, 6 low, and 8 moderate).
 - g. **The Station House at Maplewood (125 Dunnell Road; Block 17.16, Lot 10).** A multi-unit development completed in 2013, which includes four (4) constructed and occupied family rental units (1 very low, 1 low, and 2 moderate).
- c. **7 units** from the two (2) supportive and special needs housing:
 - i. **Cerebral Palsy of Northern New Jersey (760 Valley Street; Block 20.03, Lot 355)** – three (3) very low-income units.
 - ii. **Arc of Essex County (49 Meadow Place and 130 Boyden Avenue; Block 44.02, Lot 118)** – four (4) low-income units.

Satisfaction of Third Round Unmet Need

The Township addressed the remaining portion of its allocation of the Third-Round regional need, or “unmet need”, through the following mechanisms:

Table 24: Existing and Proposed Projects Addressing the Third Round Unmet Need Township of Maplewood, Essex County, NJ			
Unmet Need	362		
	Completed Units	Proposed Units	Total
Overlay Zone (20% set-aside)			
Maplewood County Club Overlay Zone (8 units/acre)		143	143
Age-Restricted Rentals		91	91
Assisted Living Facility (8-10 units/acre)		91	91
Mandatory Set-Aside Ordinance (20% set-aside for for-sale affordable units and 15% for rental affordable units)			
1722 Springfield Avenue	5		5
The Gleason	7		7
Parker Manor	2		2
1782-1792 Springfield Ave	2		2
Redevelopment Plans (20% set-aside for for-sale affordable units and 15% for rental affordable units)			
Inclusionary Zoning			
Redevelopment Area 1(4.5 +/- acres) – Maplewood Lofts (Block 31.05, Lot 10)	5		5
Redevelopment Area 2 (11.5 +/- acres)			
Redevelopment Area 3 (3.78 +/- acres)			
Partnership with Non-profit Developer			
Homeowner Program		1	1
Family Rentals	5	2	7
The Alivia (Block 16.01, Lot 37)	2		2
Iron Ore Redevelopment (Block 12.06, Lot 237.01)	1		1
Sierra House (Block 43.03, Lot 233.01)	2		2
528 Irvington (Block 38.02, Lot 208)		2	2
9 Highland Place (Block 12.03, Lot 162)		1	1

1. Detailed Summary of Third Round Unmet Need Satisfaction

Proposed Units

1. Maplewood Country Club Overlay Zone

The Township has an existing overlay zone over the Maplewood Country Club, which in accordance with the 2017 Settlement Agreement with FSHC, allows for a density of eight (8) units per acre with multifamily apartment and/or townhome development.

2. Assisted Living Facility

The Township is currently negotiating an agreement with a developer to construct a 182-unit Assisted Living Facility located at Block 48.47, Lots 123, 124.01, 130.02, and 131. Half of the units in the facility will feature Medicaid beds (91 units). These 91 units will be creditworthy under COAH's Prior Round regulations, and count as age-restricted units. The Township's Age Restricted Cap for its entire 444-unit Gap + Prospective Need (1999-2025) Obligation is 111. The 91 age restricted units from this project, combined with the 20 age restricted units from the Maplewood Senior Citizens Housing project that are being applied to the Township's RDP, comes to 111 total age-restricted units addressing Round 3, which equals the Township's Round 3 age-restricted cap of 111.

The developer has not moved forward in building the Assisted Living Facility to date.

3. Mandatory Set-Aside Ordinance

The Township adopted a Township wide Mandatory Set-Aside Ordinance (MSO), which required that any site that benefits from a rezoning, variance, or redevelopment plan approved by the Township or the Township's Land Use Board that results in multi-family residential development of five (5) or more dwelling units to produce affordable housing at a set-aside rate of 20% for for-sale affordable units and a set-aside rate of 15% for rental affordable units. In addition, sites that fall under the terms and conditions of the MSO shall not be subdivided to avoid compliance with the requirements of the MSO.

4. Redevelopment Plans

The Township has amended its existing Redevelopment Plans for Redevelopment Areas 1, 2, and 3, including but not limited to the Plans to require affordable housing at a set-aside rate of 20% for for-sale affordable units and 15% for rental affordable units for all developments subject to those Redevelopment Plans. Key details regarding the redevelopment areas are below:

1. **Redevelopment Area 1** (Block 31.05, Lots 1, 3-7, 10, 16-18, 18.01, 19.01, 20, and 20.01) – total area of ~ 4.5 acres
2. **Redevelopment Area 2** (Block 48.47, Lots 1, 1.01, 5.01, 7, 123, 124.01, 130.02, 131, 138, 140, 140.01, 143, and 167) – total area of ~ 11.5 acres

3. **Redevelopment Area 3** (Block 47.04, Lots 144-147, 160, 162, 164-166, and block 49.14, lots 1 and 3)
5. **528 Irvington (528 Irvington Avenue; Block 38.02, Lot 208)** – 2 family rental apartments.
6. **9 Highland Place Apartments (9 Highland Place; Block 12.03, Lot 162)** – 1 family rental apartment.

Completed Units

6. Mandatory Set-Aside Ordinance

The Township adopted a Township wide Mandatory Set-Aside Ordinance (MSO), which required that any site that benefits from a rezoning, variance, or redevelopment plan approved by the Township or the Township's Land Use Board that results in multi-family residential development of five (5) or more dwelling units to produce affordable housing at a set-aside rate of 20% for for-sale affordable units and a set-aside rate of 15% for rental affordable units. In addition, sites that fall under the terms and conditions of the MSO shall not be subdivided to avoid compliance with the requirements of the MSO.

1. **Parker Manor (285 Parker Avenue; Block 42.08, Lot 146.01)** – 2 family rental apartments (1 very low and 1 moderate).
2. **1782-1792 Springfield Avenue** – 2 family rental apartments (1 low and 1 moderate).

7. Homeowner Program

Maplewood will partner with a non-profit developer to identify opportunities to subsidize the purchase and rehabilitation of foreclosed homes or other existing homes in the Township in need of rehabilitation, or the construction of new homes on vacant lots. The homes will be deed restricted and sold to income eligible households. Due to high land values in Maplewood, this program is expected to produce only two affordable homes.

The Township entered a partnership with HANDS to purchase, repair and sell one existing one-family home at roughly \$200,000 to a family meeting affordable housing income guideline. The home is located on Franklin Terrace.

8. **The Alivia (479 Valley Street; Block 16.01, Lot 37).** 20-unit residential building with 2 affordable rental apartments (1 low and 1 moderate).
9. **Iron Ore Redevelopment (104 Baker Street; Block 12.06, Lot 237.01).** Iron Ore provided one affordable rental unit on site plus purchased, renovated and sold one condominium unit on Valley Street. Iron Ore's obligation was two units, which they met through one rental apartment on site and one for sale condo off site.
10. **Sierra House (95 Tiffany Place; Block 43.03, Lot 233.01).** The Township entered into a tax abatement agreement with Sierra House in East Orange to purchase one

two-family home (1 very low and 1 low) to rent to two families meeting affordable housing income guidelines.

11. **Maplewood Lofts (1585 Springfield Avenue; Block 31.05, Lot 10)** – 5 apartments (1 very low, 2 low, and 2 moderate).
12. **1722 Springfield Avenue** – 5 apartments (1-bedroom, 2-bedroom, and 3-bedroom).
13. **The Gleason (7 West Parker Avenue)** – 7 apartments (one very low income, 3 low income, and 3 moderate income bedrooms).

B. FOURTH ROUND PLAN COMPLIANCE MECHANISMS

Fourth Round Present Need (Rehabilitation) Obligation

As explained in detail in Section II.E and Section II.F of this Fourth Round Housing Element and Fair Share Plan, the Township's Fourth Round present need (rehabilitation) obligation is 20. The Township has retained CGP&H to continue to manage the Township's rehabilitation obligation through the Maplewood Affordable Housing Program that was implemented in 1998 (see *Appendix*). Maplewood envisions completing an estimated 2 units a year over the course of the ten-year fourth round period to satisfy its rehabilitation obligation. The Township has allocated money from the 2025 municipal budget to its AHTF to assist in addressing its rehabilitation obligation. The Township has allocated \$50,000 in past years and intends on continuing this practice in the future.

Fourth Round Prospective Need Obligation

As explained in detail in Section II.E and Section II.F of this Fourth Round Housing Element and Fair Share Plan, the Township's Fourth Round prospective need obligation is 216. The subsections below address how the Township intends to satisfy this 216-unit Fourth Round prospective need obligation.

1. Vacant Land Adjustment

As discussed in Section II.G of this HEFSP, the Township has conducted a Vacant Land Adjustment as part of addressing its Fourth Round prospective need obligation (see *Appendix*). As a result of the VLA, the Township calculated an RDP of 0 based solely on vacant land. There is an RDP of 68 generated by likely to redevelop properties, therefore producing a combined Fourth Round RDP of 68 (including 14 bonus credits).

2. Fourth Round Rental Obligation

Per N.J.S.A. 52:27D-311, "A municipality shall satisfy a minimum of 25 percent of the actual affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, through rental housing, including at least half of that number available to

families with children.” Based on the Township’s Fourth Round RDP of 54 (exclusive of bonus credits), its minimum rental obligation is twenty five percent (25%) of 54, or 14 units.

3. Fourth Round Age-Restricted Housing

Per N.J.S.A. 52:27D-311, “A municipality shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its prospective need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321).” In compliance with this fifty percent (50%) minimum family housing requirement, 27 units of the Township’s 54-unit Fourth Round RDP (exclusive of bonus credits), or fifty percent (50%), need to be satisfied by affordable family units.

4. Fourth Round Age-Restricted Housing

Per N.J.S.A. 52:27D-311, “A municipality may not satisfy more than 30 percent of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing.” Therefore, the Township will need to satisfy a maximum of 30% of its 216-unit Fourth Round prospective need obligation, or 65 units.

5. Fourth Round Very Low-Income Housing Obligation

Per N.J.S.A. 52:27D-329.1, “Housing elements and fair share plans adopted pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) shall ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate-income households to address a municipality’s prospective need obligation will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), with at least half of such units made available for families with children. The 13 percent shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality’s prospective need obligation.” Based on the Township’s Fourth Round prospective need of 216, its minimum very low-income household obligation is thirteen percent (13%) of 216, or 29 units. Additionally, over fifty percent (50%) of the Township’s minimum 29-unit very low-income obligation (15 units) must be satisfied by affordable family rental units. The Township will ensure that the minimum fifty percent (50%) family unit requirement for the minimum thirteen percent (13%) very low-income threshold is met as each project is built out over the Fourth Round period. Units constructed as part of the Township’s Fourth Round prospective need compliance shall be subject to the revised UHAC rules effective as of December 19, 2024, and subject to final revision and adoption, which include amendments at N.J.A.C. 5:80-26.1, 26.2, 26.4 through 26.27 and at Appendices A through Q, and new rules at N.J.A.C. 5:80-26.3 and 26.28 to codify statutory requirements enacted pursuant to P.L. 2024, c.2.

6. Fourth Round Bonus Credits

Per N.J.S.A. 52:27D-311, “A municipality shall not receive more than one type of bonus credit for any unit and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation in the fourth round or any subsequent round through the use of bonus credits.” The Township is currently eligible for 14 bonus credits based on the twenty-five percent (25%) bonus credit cap on the RDP of 54 generated by likely to redevelop properties. Based on the Township’s

216-unit Fourth Round prospective need obligation, the Township will be eligible to credit up to 54 total bonus credits towards satisfaction of its Fourth Round prospective need as units are built out over the Fourth Round period and the RDP calculation is adjusted.

The Township reserves the right to adjust the allocation of bonus credits in accordance with the FHA Amendments to fully satisfy the twenty five percent (25%) bonus credit cap applicable to the Fourth Round prospective need obligation should any condition of this HEFSP change.

7. Satisfaction of Fourth Round RDP

The Township will address its RDP of 54 units through the following mechanisms:

Table 25: Existing and Proposed Projects Addressing the Fourth Round RDP Township of Maplewood, Essex County, NJ			
RDP	48		
	Projected Units	Proposed Units	Total
<i>Ingerman Company Development 100% Affordable Housing (Block 48.47, Lot 140.01) OR (Block 48.47, Lots 131, 124.01, and 123) Redevelopment Study Area 3</i>		48	48
		6	6
Bonus Credits (Based on 25% of RDP)			14
TOTAL CREDITS AND UNITS		68 credits	

i. Detailed Summary of Fourth Round RDP Satisfaction

Proposed Units (14 credits)

1. 48 units from the Ingerman Company Development

The Township released a Request for Expression of Interest (RFEI) to increase the number of affordable housing units in Maplewood. The Township interviewed many prospective developers and selected the Ingerman group. The Township and Ingerman have evaluated many different sites and now are moving forward with one of these two sites to construct a 48-unit 100% affordable housing development. The Developer is deciding between the two following sites: 357 Boyden Avenue Rear (Block 48.47, Lot 140.01) or 224 Tuscan Road and 224 Tuscan Road Rear and 333-5 Boyden Avenue (Block 48.47, Lots 131, 124.01, and 123). Both sites are on the NJDEP Known Contaminated Sites List and need to be evaluated first before the decision is made.

2. 6 units from the Redevelopment Study Area 3

The Township is evaluating a proposed forty (40) unit inclusionary development within Redevelopment Area no. 3 that would include a 15 percent set aside of

6 affordable housing units. The development proposal is in the early planning and design stages.

g. Satisfaction of Fourth Round Unmet Need

The Township will address the remaining portion of its allocation of the Fourth Round regional need, or “unmet need”, through the following mechanisms:

Table 26: Existing and Proposed Projects Addressing the Fourth Round Unmet Need Township of Maplewood, Essex County, NJ			
Unmet Need	148		
	Projected Units	Proposed Units	Total
<i>Movie Theater Redevelopment Study (Block 12.02, Lots 100.01, 173, 174, 175, 175.01 and 176)</i>		20	20
<i>Extension of Expiring Controls</i>			
<i>Mandatory Set Aside Ordinance (MSO)</i>			
Bonus Credits			5
TOTAL CREDITS AND UNITS		25	

i. Detailed Summary of Fourth Round Unmet Need

Proposed Units

1. 20 units from Movie Theater Redevelopment Study

The Movie Theater Redevelopment Study consists of multiple properties located within Maplewood Village (see *Appendix*). The Redevelopment Area lies within both the RB Retail Business Zone and R-1-7 Residential 1-Family 7,000 sq. ft. Zone. The land use currently consists of the former Maplewood Theater, former bank of America property, commercial properties and parking areas. The Township envisions a density of up to 100 residential units to be constructed within the redevelopment area. The redevelopment of these properties will allow multi-family residential development with an inclusionary 20% set aside, or up to 20 affordable housing units, to contribute towards the Fourth Round unmet need.

2. Extension of Expiring Controls

Maplewood Township may receive credits by extending controls on affordability that are scheduled to expire during the period of repose (July 1, 2025, through June 30, 2035). The extended controls must be consistent with the applicable State and UHAC regulations. To obtain this credit, the municipality must obtain a certified statement from its building inspector stating that the affordable unit complies with all code standards. The Township of Maplewood will evaluate the expiring controls of the affordable units within the fourth round and may use available affordable housing trust fund dollars to update and secure extension of

controls of existing affordable housing units (credits) in the 4th round provided the units are creditworthy.

3. Mandatory Set Aside Ordinance

The Township will amend its already adopted Township wide Mandatory Set-Aside Ordinance (MSO), to require that any site that benefits from a rezoning, variance or redevelopment plan approved by the Township or the Township's Land Use Board that results in multi-family residential development of five (5) or more dwelling units to produce affordable housing at a set-aside rate of 20% for for-sale affordable units and at a set aside rate of 20% for rental affordable units. In addition, sites that fall under the terms and conditions of the MSO shall not be subdivide so as to avoid compliance with the requirements of the MSO (see *Appendix*).

The Township of Maplewood has a long history of addressing its affordable housing obligation and will continue to do so in the Fourth Round. The Township recognizes the continued need for affordable housing within the community and seeks to work with Developers to create more housing opportunities.

C. CONSIDERATION OF SITES FOR INCLUSIONARY DEVELOPMENT

The Township received a letter dated May 15, 2025, from an attorney representing 161 Maplewood Investors, LLC, owner of Lot 173 (161 Maplewood Avenue); Greenpoint, NJ, LLC, owner of Lot 169 (11 Inwood Place) and Maplewood Redevelopment, LLC the contract purchaser of Lot 175 (155 Maplewood Avenue). Lot 173 and Lot 175 are included within the Movie Theater Redevelopment Study. The letter has been considered by the Township, but the proposed project will not be included in this Fourth Round Housing Element and Fair Share Plan at this time due to the planning considerations addressed in the redevelopment study.

The planning analysis of Lot 169 in the Movie Theater Redevelopment Study states "Block 12.02 Lot 169 / 11 Inwood Place (0.22 acres). This property is an irregular pentagonal corner lot with 120 feet of frontage on Woodland Road and 57 feet of frontage on Inwood Place. Additionally, the shape of the intersection of these two roads results in this lot having 69 feet of frontage along the intersection. The lot is currently developed with a three-story structure, currently in use as an architect's office, though its appearance suggests that it has been converted from residential use. The area of the building is 2,147 square feet. The structure faces Inwood Place, but is also accessible from a rear driveway which connects to Woodland Road. The structure is located at the rear of the lot, abutting the eastern property line. The property also contains landscaping improvements, including lawns, gardens, and trees. As discussed below, there are improvements related to neighboring Lot 173 that appear to be located on Lot 169. While this lot is located in a single-family residential zone, as noted it is a transitional lot and therefore professional offices are permitted on it.

The Township has documented the following records or violations within the past five years:

Tax Collector: No delinquencies.

Building Department: Permits: Furnace - Commercial Property (#2022-1730, 11/7/2022).

Property Maintenance: No records.

Planning Board/Zoning Board of Adjustment: No records.

Police Department: There were a number of alarm calls for this address.

Block 12.02 Lot 169 does not meet any redevelopment criteria of the LRHL. The building is in good condition and the property is well maintained” (See Appendix).

D. AVAILABILITY OF INFRASTRUCTURE

Maplewood is served by both public sewer and public water. Water and sewer capacity is available.

E. SITE SUITABILITY

The proposed sites in this Plan comply with N.J.A.C. 5:93-1.1, 5.3 and 5.6, which require all new construction sites to be available, approvable, developable and suitable.

1. Ingerman Development Company (Fresco Site; Block 48.47, Lot 140.01)



Figure A: Aerial Map of Block 48.47, Lot 140.01

- i. The Township released a Request for Expression of Interest (RFEI) to increase the number of affordable units in Maplewood. The Township interviewed many prospective developers and selected the Ingerman group.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. The site has access from a driveway off Boyden Avenue. The surrounding land uses include two family residential neighborhoods to the north and east, Maplewood Recycling Center and

Department of Public Works to the immediate south, and commercial businesses and single-family residential neighborhoods to the west.

- iii. There is adequate water infrastructure and water capacity to serve the site.
- iv. The site is in a sewer service area, and there is adequate sewer infrastructure and sewer capacity to serve the site.
- v. Per NJDEP mapping, there are no C-1 streams on-site.
- vi. There are no slopes greater than 15 percent on the site.
- vii. The site location is consistent with the adopted State Development and Redevelopment Plan. It is in Redevelopment Area 2, where development is encouraged.
- viii. Per NJDEP, the site is on the Known Contaminated Sites List. The Township and Developer recognize the site has title and environmental site cleanup issues that will need to be addressed as part of the redevelopment of this property. The Redevelopment of this property for a 100% affordable housing development will require this known contaminated site to be cleaned up to residential site remediation standards, a significant benefit to the community. The appendix includes the site approval form, groundwater analytical results and an NJIT study on the contamination.
- ix. There are no known historic or cultural resources on the site.
- x. There are no wetlands or flood plains on the site.

2. Ingerman Development Company (Fresco-Tuscan Site; Block 48.47, Lots 123, 124.01 and 131)

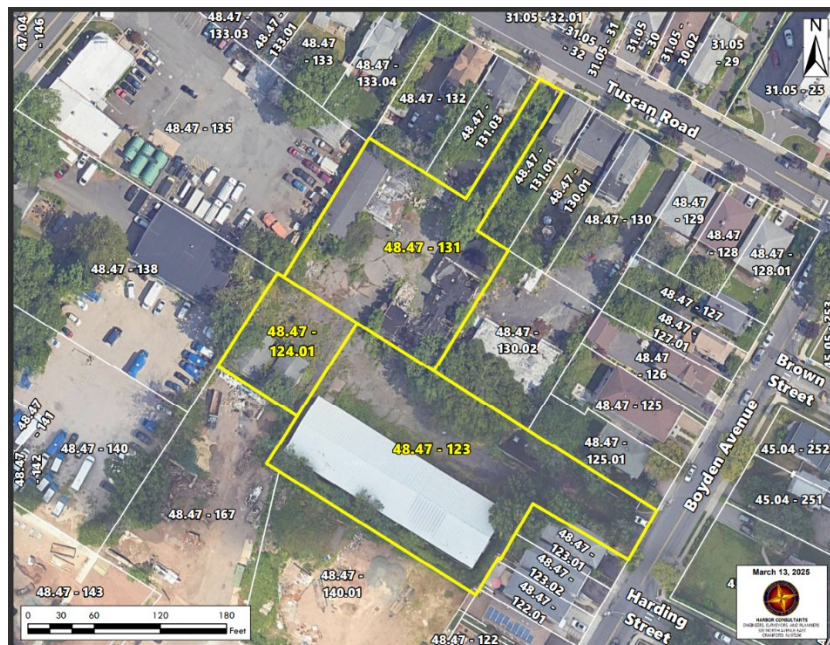


Figure B: Aerial Map of Block 48.47, Lots 123, 124.01, and 131

- i. The Township released a Request for Expression of Interest (RFEI) to increase the number of affordable units in Maplewood. The Township interviewed many prospective developers and selected the Ingerman group.
- xi. The site has access to appropriate streets and is adjacent to compatible land uses. The site has access from a driveway off Boyden Avenue. The surrounding land uses includes two family residential neighborhoods to the north and east, Maplewood Recycling Center and Department of Public Works to the immediate south, and commercial businesses and single-family residential neighborhoods to the west.
- ii. There is adequate water infrastructure and water capacity to serve the site.
- iii. The site is in a sewer service area, and there is adequate sewer infrastructure and sewer capacity to serve the site.
- iv. Per NJDEP mapping, there are no C-1 streams on-site.
- v. There are no slopes greater than 15 percent on the site.
- vi. The site location is consistent with the adopted State Development and Redevelopment Plan. It is in Redevelopment Area 2, where development is encouraged.
- vii. Per NJDEP, the site is on the Known Contaminated Sites List. The Township and Developer recognize the site has title and environmental site cleanup issues that will need to be addressed as part of the redevelopment of this property. The Redevelopment of this property for a 100% affordable housing development will require this known contaminated site to be cleaned up to residential site remediation standards, a significant benefit to the community. The appendix includes the site approval form, groundwater analytical results and an NJIT study on the contamination.
- viii. There are no known historic or cultural resources on the site.
- ix. There are no wetlands or flood plains on the site.

3. Movie Theater Redevelopment Study (Block 12.02, Lots 100.01, 173, 174, 175, 175.01, and 176)

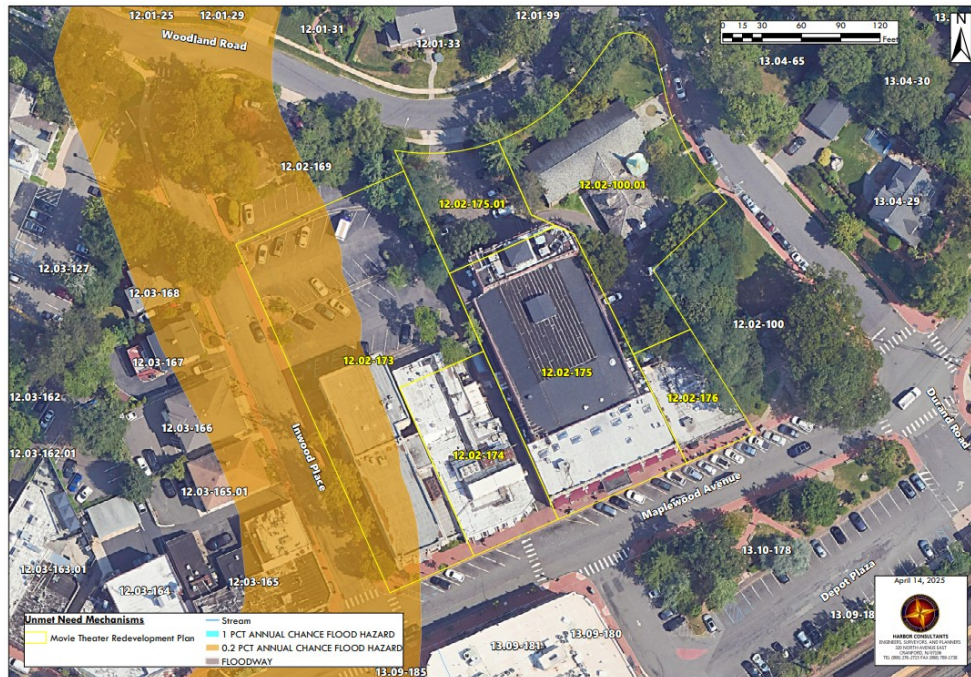


Figure C: Aerial Map of Movie Theater Redevelopment Site

- i. There are no known title encumbrances that would prohibit or otherwise impact the development of the property in general.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses. The site is a six-parcel lot and has frontage on and access from Inwood Place, Maplewood Avenue, Woodland Road and Durand Road. Surrounding land uses include Maplewood train station to the south, restaurants and retail to the west and south, and single-family residential neighborhoods to the north and east of the site.
- iii. There is adequate water infrastructure and water capacity to serve the site.
- iv. The site is in a sewer service area, and there is adequate sewer infrastructure and sewer capacity to serve the site.
- v. Per NJDEP mapping there are no C-1 streams on-site.
- vi. There are no slopes greater than 15 percent on the site.
- vii. The site location is consistent with the adopted State Development and Redevelopment Plan. It is a part of the Township's Redevelopment area, where development is encouraged.
- viii. Per NJDEP, the site is not on the Known Contaminated Sites List.

- ix. The Maplewood Village Historic District was listed in the National and New Jersey Registers of Historic Places in 2022. The Historic District includes properties on both sides of Maplewood Avenue from Durand Road to Lenox Place, including the entire Redevelopment Area. The consultant on the project met with the Maplewood Village Alliance and Maplewood Historic Preservation Commission for recommendations. The preservation and incorporation of existing historical facades, notably those of the bank and theater buildings, is required.
- x. There are no wetlands on the site.

F. DEVELOPMENT CONSTRAINTS

The principal development constraints that affect most of Maplewood are the expansive flood plains and wetlands along the East Branch Rahway River passing through Maplewood Country Club and Memorial Park (as provided by data from the National Hydrography Dataset). 100-year flood plain and regulatory floodways, depicted as part of the most up-to-date FEMA Flood Plain data, through the middle portion of the Township connected with the East Branch Rahway River, and in the southern portion connected with Lightning Brook. The constraints along East Branch Rahway River have the most potential to encumber the land on several projects, and the sites must be planned with these environmental constraints in mind.

Most of Maplewood's land area is designated as Planning Area 1 on the State Plan maps. Metropolitan Planning Area, PA1. PA1 provides for much of the state's future redevelopment: revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. As the name implies, the communities in this Planning Area often have strong ties to, or are influenced by, major metropolitan centers—the New York/Newark/Jersey City metropolitan region in the northeastern counties. The investment in passenger rail service in the Metropolitan Planning Area is represented by over 130 stations on eleven (11) heavy rail lines, two (2) rapid transit lines, two (2) light rail lines, and one (1) subway line. The Township is not located in the New Jersey Highlands Region, nor is it located in the Meadowlands or Pinelands or in any CAFRA area. The Township has not excluded any potential sites from its Housing Plan and continues to evaluate development proposals both within the downtown business districts as well as other areas of the Township.

G. AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING PLAN

The Township will continue to rely on the Affordable Housing Ordinance and the Affirmative Marketing Plan that were adopted in the Third Round in 2018 (see *Appendix*). The Township of Maplewood has adopted by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented. The Township is aware that the current UHAC regulations are in the process of being amended, and will amend its Affordable Housing Ordinance once the new UHAC regulations are properly adopted and evaluated.

The Township appointed CGP&H to act as their Administrative Agent to manage the affordability controls and the Affirmative Marketing Plan (see *Appendix*). The Township of Maplewood has also appointed a Municipal Housing Liaison ("MHL") to manage the Township's compliance with and execution of its affordable housing responsibilities (see *Appendix*).

H. DEVELOPMENT FEE ORDINANCE AND SPENDING PLAN

The Township will continue to rely on the Development Fee Ordinance that was adopted by the Township Committee on October 16, 2018, by Ordinance No. 2929-18 (see *Appendix*).

The Township has prepared a draft Spending Plan, which is to be adopted by the Township Committee as part of its Fourth Round Compliance (see *Appendix*). The Spending Plan outlines the anticipated collection and distribution of mandatory development fees and in lieu contributions and the Township's proposals for spending the money that comes into the Affordable Housing Trust Fund. The Township understands that no funds may be expended without the Court's approval of the Spending Plan.

Also, the Township's will continue to rely on the Affordability Assistance Manual from the Third Round dated July 27, 2018, which was prepared by the Township's Administrative Agent, CGP&H (see *Appendix*). It is understood that the Township's Affordability Assistance Manual may have to be amended as a result of the new UHAC regulations, once they are properly adopted.

It is also understood that any documents not completed by the time of the adoption of this HEFSP will be submitted after the June 30, 2025 deadline and will be subject to special adjudicator, Program and/or Court review.

I. SUMMARY

The Township of Maplewood will address its Fourth Round affordable housing obligation as follows:

Table 27: Summary of Maplewood's Fourth Round Affordable Housing Plan Township of Maplewood, Essex County, NJ		
Obligation	#	Summary of Affordable Housing Strategies
Fourth Round Obligation	216	
RDP	68	<p>TOTAL CREDITS = 68 Total new units: 54 Bonus credits: 14 bonus credits</p> <p><u>Proposed New Units</u></p> <ul style="list-style-type: none"> • Ingerman Development Company 100% Affordable Housing (357 Boyden Ave Rear; Block 48.47, Lot 140.01 OR 224 Tuscan Road, 224 Tuscan Road Rear and 33-5 Boyden Avenue; Block 48.47, Lots 123, 124.01, and 131) <ul style="list-style-type: none"> ○ 48 units • Redevelopment Area no. 3 <ul style="list-style-type: none"> ○ 6 units
Unmet Need	148	<p>TOTAL CREDITS = 25 Total new units through Unmet Need Strategies: 20 Bonus credits: 5 bonus credits</p> <ul style="list-style-type: none"> • Movie Theater Redevelopment Study (Block 12.02, Lots 100.01, 173, 174, 175, 175.01 and 176) <ul style="list-style-type: none"> ○ The Redevelopment study area will allow multifamily residential development with an inclusionary 20% set aside. • Extension of Expiring Controls • Mandatory Set Aside Ordinance (MSO)

Maplewood Housing Element and Fair Share Housing Plan



Figure D: Fourth Round Summary of Plan Aerial Map

IV. APPENDICES

APPENDIX A:

RESOLUTION NO. 40-25, DATED JANUARY 21, 2025, TOWNSHIP COMMITTEE COMMITTING
TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

TOWNSHIP OF MAPLEWOOD



RESOLUTION NO. 40-25

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

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

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

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

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

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

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

WHEREAS, the DCA Report calculates the Township’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 20 and a Prospective Need (New Construction) Obligation of 216; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for,

the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

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

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

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

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

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

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

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

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

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

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

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

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

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

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

2. For the reasons set forth in this Resolution, the Mayor and Township Committee hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 216 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

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

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

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

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court’s (AOC) Directive #14-24 issued on December 19, 2024, the Township hereby directs its

Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Township's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

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

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 on January 21, 2025.

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 21st day of January, 2025.

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 January 21, 2025.

MOTION: Dafis **SECOND:** De Luca
CONSENT AGENDA
YES: Dafis, De Luca, Engel, Herman, Adams
NO: None
ABSTAIN: None
ABSENT: None


ATTEST Elizabeth J. Fritzen, Township Clerk

APPENDIX B:

TOWNSHIP OF MAPLEWOOD DECLARATORY JUDGEMENT COMPLAINT, FILED JANUARY 23,
2025

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

311 Broadway, Suite A

Point Pleasant Beach, NJ 08742

(732) 612-3100

By: Erik C. Nolan, Esq. (Attorney ID: 014032006)

Attorneys for Declaratory Plaintiff, Township of Maplewood

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
MAPLEWOOD, COUNTY OF ESSEX,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY**

DOCKET NO.: ESX-L-____

CIVIL ACTION
AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO AOC
DIRECTIVE # 14-24**

Declaratory Plaintiff, the Township of Maplewood, County of Essex, State of New Jersey (hereinafter, “Maplewood” or the “Township”), a municipal corporation of the State of New Jersey, with principal offices located at 574 Valley Street, Maplewood, New Jersey 07040, by way of filing this Declaratory Judgment Complaint to start this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts (“AOC”) alleges and says:

Background

1. Maplewood is a municipal corporation of the State of New Jersey.
2. The Planning Board of the Township of Maplewood (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of Maplewood’s Master Plan.

3. Through this DJ Action, Maplewood seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to AOC Directive # 14-24; (b) to have the Program and the Court approve the Township of Maplewood’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the Township’s HEFSP, to be adopted by the Planning Board and endorsed by the Township Committee, and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Maplewood’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Township of Maplewood repeats and realleges each and every allegation as set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et. seq.

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program, and also authorized the Director of the AOC (hereinafter, “Director”) to create a framework to process applications for a Compliance Certification.

7. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking Compliance Certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution establishing the municipality’s Fourth Round numbers, as authorized under the Act, with an attached copy of said binding resolution.

8. The Township adopted a binding resolution establishing its Fourth Round present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this Declaratory Judgment Complaint as **Exhibit 1**.

9. Based on the foregoing, the Township has established the jurisdiction of the Program and the Court in regard to this DJ Action for a Compliance Certification as set forth hereinafter.

WHEREFORE, the Township of Maplewood seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;

- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Committee, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive #

14-24 to the Township of Maplewood for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF MAPLEWOOD

10. Maplewood repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued no later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated Maplewood's present and prospective affordable housing obligations as follows:

FOURTH ROUND PRESENT NEED (REHABILITATION) OBLIGATION	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
20	216

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Maplewood adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this Declaratory Judgment Complaint.

17. The binding resolution maintains that Maplewood’s Round 4 (2025-2035) Present Need (Rehabilitation) Obligation is 20 and its Prospective Need (“New Construction”) Obligation is 216.

18. Maplewood seeks the approval of, and confirmation by, the Program and the Court of the Round 4 (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Act and all applicable regulations.

19. Pursuant to the binding resolution, the Township of Maplewood reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, Maplewood specifically reserves the right to seek and obtain 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7)

any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Township of Maplewood seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Committee, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Maplewood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT III

APPROVAL OF TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN

21. The Township of Maplewood repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

22. Pursuant to the Act, a HEFSP must be prepared, adopted by the Planning Board and endorsed by the municipality by June 30, 2025.

23. Maplewood hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court, which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable

land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

WHEREFORE, the Township of Maplewood seeks a declaratory judgment for the following relief:

- a. Declaring that Maplewood has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Committee, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the

affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the Township of Maplewood continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Maplewood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Township of Maplewood repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Township of Maplewood has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance with AOC Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this Declaratory Judgment Complaint as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025.

WHEREFORE, the Township of Maplewood seeks a declaratory judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c.** Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Committee, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in

litigation involving affordable housing obligations; and (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Maplewood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Township of
Maplewood

By



Erik C. Nolan, Esq.

Dated: January 23, 2025


CERTIFICATION PURSUANT TO R. 4:5-1

Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Township of Maplewood.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

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

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Township of
Maplewood

By 
Erik C. Nolan, Esq.

Dated: January 23, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)


Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Township of Maplewood.

2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

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

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Township of
Maplewood


By 
Erik C. Nolan, Esq.

Dated: January 23, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Erik C. Nolan, Esq., attorney for the Declaratory Plaintiff, Township of Maplewood is designated as trial counsel in the above captioned matter.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Township of
Maplewood

By 
Erik C. Nolan, Esq.

Dated: January 23, 2025

EXHIBIT 1

TOWNSHIP OF MAPLEWOOD**RESOLUTION NO. 40-25****RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

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

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

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

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

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

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

WHEREAS, the DCA Report calculates the Township’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 20 and a Prospective Need (New Construction) Obligation of 216; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for,

the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

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

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

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

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

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

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

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

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

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

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

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

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

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

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

2. For the reasons set forth in this Resolution, the Mayor and Township Committee hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 216 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

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

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

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

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court’s (AOC) Directive #14-24 issued on December 19, 2024, the Township hereby directs its

Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Township's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

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

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 on January 21, 2025.

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 21st day of January, 2025.

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 January 21, 2025.

MOTION: Dafis **SECOND:** De Luca
CONSENT AGENDA
YES: Dafis, De Luca, Engel, Herman, Adams
NO: None
ABSTAIN: None
ABSENT: None


ATTEST Elizabeth J. Fritzen, Township Clerk

TOWNSHIP OF MAPLEWOOD



RESOLUTION NO. 40-25

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAPLEWOOD COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

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

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

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

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

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

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

WHEREAS, the DCA Report calculates the Township’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 20 and a Prospective Need (New Construction) Obligation of 216; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for,

the DCA's "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

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

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

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

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

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

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

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

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

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter “the Program”), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

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

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

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

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

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

2. For the reasons set forth in this Resolution, the Mayor and Township Committee hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 216 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

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

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

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

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court’s (AOC) Directive #14-24 issued on December 19, 2024, the Township hereby directs its

Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Township's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

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

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 on January 21, 2025.

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 21st day of January, 2025.

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 January 21, 2025.

MOTION: Dafis **SECOND:** De Luca
CONSENT AGENDA
YES: Dafis, De Luca, Engel, Herman, Adams
NO: None
ABSTAIN: None
ABSENT: None


ATTEST Elizabeth J. Fritzen, Township Clerk

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-000622-25

Case Caption: IN THE MATTER OF MAPLEWOOD TWP
Case Initiation Date: 01/23/2025
Attorney Name: ERIK C NOLAN
Firm Name: SURENIAN, EDWARDS, BUZAK & NOLAN LLC
Address: 311 BROADWAY STE A
 POINT PLEASANT BEACH NJ 08742
Phone: 7326123100
Name of Party: PLAINTIFF : Township of Maplewood
Name of Defendant's Primary Insurance Company
 (if known): None

Case Type: AFFORDABLE HOUSING
Document Type: Complaint
Jury Demand: NONE
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Does this case involve claims related to COVID-19? NO
Are sexual abuse claims alleged by: Township of Maplewood? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

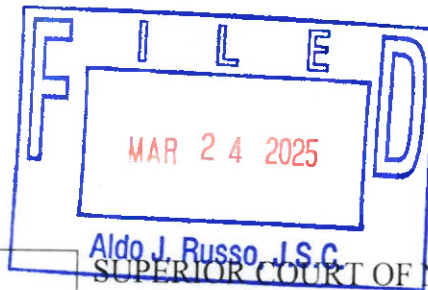
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/23/2025
 Dated

/s/ ERIK C NOLAN
 Signed

APPENDIX C:

ORDER FIXING MUNICIPAL OBLIGATIONS FOR “PRESENT NEED” AND “PROSPECTIVE NEED” FOR
THE FOURTH ROUND HOUSING CYCLE, DOCKET NO. ESX-L622-25, DATED MARCH 23, 2025



PREPARED BY THE COURT:

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

Aldo J. Russo, J.S.C.
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ESSEX COUNTY
DOCKET NO. ESX-L-622-25

Civil Action

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

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 23, 2025 (“DJ Complaint”) by the Petitioner, Township of Montclair (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, - 304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

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

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **20** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **216** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

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

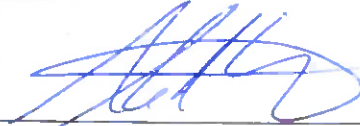
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested,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

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

1. That the present need obligation of the Municipality, be, and hereby is fixed as **twenty (20)** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **two hundred and sixteen (216)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



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

Designated Mount Laurel Judge- Essex Vicinage

(X) Uncontested.

APPENDIX D.

THIRD ROUND SETTLEMENT AGREEMENT, DATED SEPTEMBER 5, 2017

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

In the Matter of the Township of Maplewood, County of Essex,
Docket No. ESX-L-4661-15

THIS SETTLEMENT AGREEMENT ("Agreement") made this 5th day of September
2017, by and between:

TOWNSHIP OF MAPLEWOOD, a municipal corporation of the State of New Jersey,
County of Essex, having an address at 574 Valley Street, Maplewood, New Jersey 07040
(hereinafter the "Township" or "Maplewood");

And

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

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel
IV), the Township filed the above-captioned matter on July 2, 2015 seeking, among other things,
a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share
Plan"), as may be further amended in accordance with the terms of this settlement, satisfies its
"fair share" of the regional need for low and moderate income housing pursuant to the Mount
Laurel doctrine; and

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

WHEREAS, the immunity secured by Maplewood remains in place as of the date of this
Agreement; and

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

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

WHEREAS, through that process, the Township and FSHC agreed to settle the litigation
and to present that settlement to the Trial Court, recognizing that the settlement of Mount Laurel
litigation is favored because it avoids delays and the expense of trial and results more quickly in
the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the
Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is
appropriate for the parties to arrive at a settlement regarding a municipality's present and
prospective need, instead of doing so through plenary adjudication of the present and
prospective need.

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

Settlement Terms

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

1. Maplewood's "Rehabilitation" obligation is 114.
2. Maplewood's "Prior Round" obligation is 51.
3. Maplewood's allocation of the Round 3 regional need is 444.
4. FSHC and the Township agree that Maplewood does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the Township does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends, and is free to take the position before the court, that the 444-unit obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects a 30 percent reduction of Dr. Kinsey's May, 2016, calculation of the Township's Third Round (1999-2025) fair share obligation.
5. Pursuant to N.J.A.C. 5:93-4.2, and as confirmed by Special Master McKenzie, Maplewood's current Realistic Development Potential (hereinafter "RDP") is 82.
6. **Satisfaction of Rehabilitation Obligation:** The Township has a 114-unit rehabilitation obligation, which will be satisfied as follows:
 - a) Maplewood Township has contracted with Community Grants, Planning & Housing ("CGP&H") to administer the Maplewood Home Improvement Program. Owner-occupied and rental occupied units are eligible for the Maplewood Home Improvement Program. In addition, units have been completed through the Essex County Rehabilitation Program.
 - b) Through these programs 26 rehabilitations have been completed since April 1, 2010 as follows:

	Maplewood Home Improvement Program	Essex County Rehab Program	Total
Units Completed April 1, 2010 to present	19	7	26
An additional 45 units were rehabilitated between 1/1/2000 and 3/3/2010. While these units cannot be counted toward the current			

obligation, they do demonstrate the success of the housing rehabilitation programs.

- c) The Township will be able to count all of the units rehabilitated since April 1, 2010, but not before. This will be 26 total credits.
- d) The Township will apply 82 excess age-restricted housing credits from the Maplewood Senior Citizen Housing project towards its rehabilitation obligation.
- e) The Township will continue its efforts to rehabilitate the remaining six (6) units during the period of Repose.

7. **Satisfaction of Prior Round Obligation:** The Township has a 51-unit Prior Round obligation, and has satisfied that obligation as follows:

Project	Units/Bedrooms/ Credits
Maplewood Senior Citizen Housing	12
ARC of Essex County - 27 Meadowbrook Place	1
Community Action for Independent Living	5
Collaborative Support Programs of NJ	3
Project Live, 5	3
Project Live, 6	3
Our House	6
Jewish Services for the Developmentally Disabled	5
Rental Bonus Credits (on group home bedrooms)	13
Units/Credits total	51

8. **Satisfaction of Third Round RDP:** The Township has an 82-unit Third Round RDP, and will satisfy that obligation as follows:

Project	Units/Bedrooms/Credits
Maplewood Senior Citizen Housing	20
ARC of Essex County – 49 Meadowbrook Place	2
ARC of Essex County – 130 Boyden Avenue	2
Cerebral Palsy of North Jersey – Rental	3
Boyden Avenue – Family Rental (2014)	1
Maplewood Crossing – Family Rental (2013)	16
Stationhouse at Maplewood – Family Rental (2013)	4

Avalon family rental project (under construction)	6
1611 Springfield family rental project (2017)	1
255 Tuscan family rental project (under construction)	3
Elite on Springfield family rental (approved)	3
Rental Bonus Credits	21
Units/Credits total	82

9. For the purposes of settlement, the Township agrees to address the 362-unit remaining portion of its allocation of the Round 3 regional need or “unmet need” through the following mechanisms:

- a) **Maplewood Country Club Overlay Zone:** The Township has an existing overlay zone over the Maplewood Country Club, which allows for two development options as to density: (1) 8 units per acre or (2) 6.4 units per acre with a payment in lieu. As part of this Agreement, the Township will amend the Maplewood Country Club overlay zone to eliminate the second option and only maintain the ability for development to occur at a density of 8 units per acre, with multifamily apartment and/or townhome development permitted. The 8 units per acre will be calculated on the gross acreage of the site, which is 89 total acres. The overlay zone will require a 20 percent affordable housing set-aside for all projects.
- b) **Assisted Living Facility:** The Township is currently negotiating an agreement with a developer to construct a 182-unit Assisted Living Facility located at Block 48.47, Lots 123, 124.01, 130.02 and 131. 50 percent of the facility will feature Medicaid beds. These 91 beds will be creditworthy under COAH’s Prior Round regulations, and will count as age restricted units. See N.J.A.C. 5:93-5.18. The Township’s Age Restricted Cap for its entire 444-unit Round 3 (1999-2025) number is 111. The 91 age restricted units from this project, combined with the 20 age restricted units from the Maplewood Senior Citizens Housing project that are being applied to the Township’s RDP, comes to 111 total age-restricted units addressing Round 3, which equals the Township’s Round 3 age-restricted cap of 111.
- c) **Mandatory Set-Aside Ordinance:** The Township will adopt a Township wide Mandatory Set-Aside Ordinance (“MSO”), which will require that any site that benefits from a rezoning, variance or redevelopment plan approved by the Township or the Township’s Land Use Board that results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20 percent for for-sale affordable units and at a set-aside rate of 15 percent for rental affordable units. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Maplewood to grant such rezoning, variance, redevelopment designation or other relief. In addition, sites that fall under the terms and conditions of the MSO

shall not be subdivided so as to avoid compliance with the requirements of the MSO.

- d) **Redevelopment Plans:** The Township will amend its existing Redevelopment Plans, including but not limited to the Plans for Redevelopment Areas 1, 2, and 3, to require affordable housing at a set-aside rate of 20 percent for for-sale affordable units and at a set-aside rate of 15 percent for rental affordable units for all developments subject to those Redevelopment Plans within the 120 day period provided for in Paragraph 19 of this Agreement.

10. The Township's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance and, if such a change in circumstance occurs with the RDP, the Township shall have the right to address the issue without negatively affecting its continuing entitlement to immunity from all Mount Laurel lawsuits through July 2, 2025.

11. The Township agrees to require 13 percent of all the affordable units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, to be very low income units (defined as units affordable to households earning 30 percent or less of the regional median income by household size), with half of the very low income units being available to families.

12. Maplewood will apply "rental bonus credits" in accordance with N.J.A.C. 5:93-5.15(d).

13. At least 50 percent of the units addressing the Township's Third Round fair share obligation shall be affordable to a combination of very-low-income and low-income households, while the remaining affordable units shall be affordable to moderate-income households.

14. A minimum of 25 percent of the Township's Third Round fair share obligation shall be met through rental units, including at least half in rental units available to families.

15. At least half of the units addressing the Township's Third Round fair share obligation must be available to families.

16. The Township agrees to comply with COAH's Round 2 age-restricted cap of 25 percent, and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the Township claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its Prior Round and Round 3 fair share obligations.

17. The Township and/or its administrative agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (P.O. Box 1262, Newark, NJ 07101), Morris County NAACP (P.O. Box 2256, Morristown, NJ 07962), Elizabeth NAACP (P.O. Box 6732, Elizabeth, NJ 07206), and the Supportive Housing Association. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its administrative agent shall also provide notice of all available affordable housing units to the above-referenced organizations.

18. All affordable housing units created pursuant to the measures set forth in this Agreement shall comply with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be affordable to households earning at or below 35 percent of the regional median household income by household size, 13 percent of affordable units in such projects shall be required to be affordable to households earning at or below 30 percent of the regional median household income by household size subject to paragraph 11 herein, and all other applicable law. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law. The Township, as part of the Housing Element and Fair Share Plan that will be prepared, adopted and endorsed as a result of this Agreement, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.

19. Upon full execution of this Agreement, Maplewood shall notify the Court so that a Fairness Hearing can be scheduled to approve the Agreement. Maplewood will place this Agreement on file in the Township's municipal building and file a copy with the Court 30 days prior to the Fairness Hearing, at which the Township will seek judicial approval the terms of this Agreement pursuant to the legal standard set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), *aff'd o.b.*, 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least 30 days in advance of the Hearing. After this Agreement is approved at the Fairness Hearing, Maplewood will have 120 days to prepare and adopt its Housing Element and Fair Share Plan and all of its implementing ordinances and resolutions, and will submit same to the Special Master and the Court for review. Immediately thereafter, the Township shall apply to the Court for the scheduling of a "Compliance Hearing" seeking judicial approval of Maplewood's adopted Housing Element and Fair Share Plan and other required documents. Although it is expected that the Special Master will provide the majority of the required testimony at both the Fairness Hearing and the Compliance Hearing, Maplewood shall also make its consulting planner and any other relevant witnesses available for testimony at the Hearings. FSHC shall not challenge the validity of any of the documents attached hereto, or the validity of the Township's Fair Share Plan. If the Fairness and Compliance Hearings result in approval of this Agreement and the Township's Fair Share Plan, the parties agree that the Township will be entitled to either a "Judgment of Compliance and Repose" ("JOR") or the "judicial equivalent of substantive certification and accompanying protection as provided under the FHA," 221 N.J. at 6, which shall be determined by the trial judge. Each party may advocate regarding whether substantive certification or repose should be provided by the Court, with each party agreeing to accept either form of relief and to not appeal an order granting either repose or substantive certification. Among other things, the entry of such an Order shall maintain Maplewood's immunity from all Mount Laurel lawsuits through July 2, 2025.

20. Subsequent to the signing of this Agreement, if a binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch determines that Maplewood's Round 3 obligation is decreased to 355 or less, with any relevant appeal periods having passed, the Township may file a proposed form of Order, on notice to FSHC and the Township's Service List, seeking to reduce its Round 3 obligation accordingly. Such relief shall be presumptively granted. Notwithstanding any such reduction, the Township shall be obligated to implement the Fair Share Plan prepared, adopted and endorsed as a result of this Agreement, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this Agreement; maintaining all mechanisms

to continue to address the remaining portion of the Township's allocation of the Round 3 regional need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or the Fair Share Plan adopted pursuant to this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for Round 3, the Township may carry over any resulting surplus credits to Round 4.

21. The Township shall prepare a Spending Plan for approval by the Court during, or prior to, the duly-noticed Compliance Hearing. FSHC reserves its right to provide any comments or objections on the Spending Plan to the Court upon review. Upon approval by the Court, the Township and FSHC agree that the expenditures of funds contemplated in the Township's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J.Super. 565 (Law Div. 2015) (aff'd 442 N.J.Super. 563). Upon approval of its Spending Plan, the Township shall also provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services.

22. On the first anniversary of the approval of this Agreement after a Fairness Hearing, and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the Township may also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level.

23. The Fair Housing Act includes two provisions regarding actions to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:

- a) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- b) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the approval of the Township's Housing Element and Fair Share Plan after a Compliance Hearing,

and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

- c) In addition to the foregoing postings, the Township may also elect to file copies of its reports with the Council on Affordable Housing or its successor agency at the State level.

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

25. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement. However, if an appeal of the Court's approval or rejection of the Settlement Agreement is filed by a third party, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the Trial Court unless and until an appeal of the Trial Court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante*. In this regard, the Township and FSHC acknowledge that the parties have entered into this Agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante*.

26. The Township agrees to pay \$5,000 to FSHC, payable within 10 days of judicial approval of this Agreement pursuant to a duly-noticed Fairness Hearing.

27. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

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

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

30. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

31. The Township and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the Township and FSHC

and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

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

33. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both the Township and FSHC.

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

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

36. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Township and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

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

Roger Desiderio, Esq.
Bendit Weinstock, P.A.
80 Main St. - Suite 260
West Orange, NJ 07052

Phone: (973) 736-9800
Telecopier: (973) 325-3115
Email: rdesiderio@benditweinstock.com

**WITH A COPY TO THE
TOWNSHIP ADMINISTRATOR:**

Joseph F. Manning, Administrator
Township of Maplewood
574 Valley Street
Maplewood, NJ 07040
Phone: (973) 762-5264
Telecopier: (973) 762-3645
Email: twpadmin@twp.maplewood.nj.us

**WITH A COPY TO THE
COURT MASTER:**

Elizabeth K. McKenzie, PP/AICP
9 Main Street
Flemington, NJ 08822
Phone: (908) 782-5564
Telecopier: (908) 782-4056
Email: ecmcke@gmail.com

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

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

Witness/Attest:

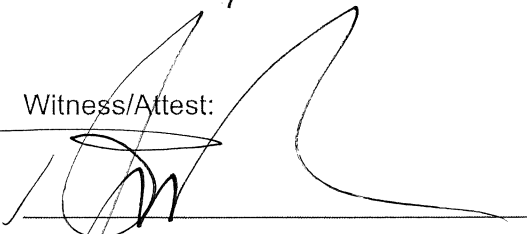


FAIR SHARE HOUSING CENTER:

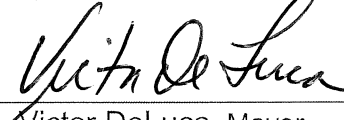
By: 
Adam M. Gordon, Esq.
On Behalf of Fair Share Housing Center

Dated: Aug 11, 2017

Witness/Attest:



TOWNSHIP OF MAPLEWOOD:

By: 
Victor DeLuca, Mayor
On Behalf of the Township of Maplewood

Dated: Sept 12 2017, 2017

APPENDIX E.

PLANNING BOARD RESOLUTION ADOPTING THE THIRD ROUND HOUSING ELEMENT AND FAIR
SHARE PLAN, DATED MARCH 13, 2018



Township of Maplewood
PLANNING BOARD

MUNICIPAL BUILDING, 574 VALLEY STREET
MAPLEWOOD, NJ 07040-2691
TELEPHONE: (973) 762-8120
FAX: (973) 762-2894
EMAIL: ADELE@TWP.MAPLEWOOD.NJ.US

MEMORANDUM

March 14, 2018

TO: Roger Desiderio, Township Attorney

Cc: Township Committee
Joseph Manning, Township Administrator
Liz Fritzen, Township Clerk
Planning Board members

FROM: Adele C. Lewis, Planning Board Secretary

RE: **PLANNING BOARD:**
MASTER PLAN AMENDMENT
Public hearing for the Township's Housing Element and Fair Share Plan of the
Master Plan- *Prepared by Meghan York, PP, AICP of CGP&H*
dated March 1, 2018

The Planning Board at its meeting of March 13, 2018 held a public hearing on the Housing Element and Fair Share Plan of the Master Plan, prepared by Meghan York, PP, AICP of CGP&H dated March 1, 2018, who was also present for the hearing.

The Board reviewed and discussed the Housing Element and Fair Share Plan of the Master Plan.

At the conclusion of the hearing, on a motion by Tom Carlson and seconded by John Larrier, the Planning Board adopted the Housing Element and Fair Share Plan of the Master Plan- *Prepared by Meghan York, PP, AICP of CGP&H dated March 1, 2018.*

The Planning Board's adopting Resolution is ***attached.***

Please do not hesitate to contact me if you have any questions.

Thank you.