



**South Orange Village
Essex County
Housing Element and Fair Share Plan
Round Four (2025-2035)**

Prepared For:



South Orange Village
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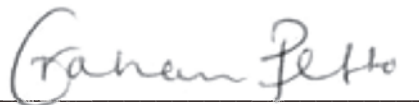
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I. Introduction

This Housing Element and Fair Share Plan will exhibit the Village of South Orange's (herein the "Village" or "South Orange") commitment to providing affordable housing within the municipality. This document seeks to frame South Orange's efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2¹ (the "Law" or "Amended Law") which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section ("Introduction") includes a brief history of New Jersey Housing Policy. The second section ("Housing Element") includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Village's affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

A. History of New Jersey Affordable Housing Policy

1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as "Mount Laurel I," wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a "realistic opportunity for the construction of low- and moderate-income housing in their communities." In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as "Mount Laurel II". In addition, the Supreme Court required the establishment of each municipality's fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the "builder's remedy" as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality's zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder's remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act ("FHA") to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the Council on Affordable Housing ("COAH") as an administrative alternative to litigation and

¹ https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF

judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA's legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH's regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round "Growth Share" methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

2010 – 2023 | COAH's Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH's regulatory structure. Ultimately, the task force recommended a model which included adjusted definitions of present and prospective need, a benchmark of 10 percent

growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as "Mount Laurel IV," the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

2024 – Present | Adoption of P.L. 2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, In re Application of Municipality of Princeton (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Adjudicators (formerly known as Special Court Masters) to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

B. Housing Element and Fair Share Plan Requirements

Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per P.L.2024, c.2,² as amended, the required contents of the housing element shall contain at least:

- a. *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;*
- b. *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;*
- c. *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;*
- d. *An analysis of the existing and probable future employment characteristics of the municipality;*
- e. *A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);*
- f. *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; and*
- g. *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 (C.52:27D-329.20).*

² <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310/> and <https://pub.njleg.state.nj.us/Bills/2024/PL24/2 .PDF>

- h. *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 (C.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*
- i. *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.*

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#),³ which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a section entitled "Required Elements of Housing Element and Fair Share Plan." In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality.
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

³ https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf

II. Housing Element: Municipal Summary

South Orange Village is roughly 2.85 square miles in area and is located in Essex County. For regional and planning purposes, South Orange is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey ("ACS"): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time.⁴
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis.⁵
3. North Jersey Transportation Planning Authority ("NJTPA"): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region's blueprint for transportation investment.⁶
4. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

A. Housing Conditions

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

- A) *"Inventory of 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"*

⁴ <https://data.census.gov/table>

⁵ <https://data.census.gov/table?d=DEC%20Demographic%20Profile>

⁶ <https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 6,110 housing units in South Orange Village which represented no increase since 2020.

67.2% of South Orange Village's housing structures were built prior to 1960, suggesting that more than 2 out of 3 units are older than 65 years.

Table 1: Year Structure Built

	UNITS	PERCENT
Total housing units	6,110	-
Built 2020 or later	0	0.0
Built 2010 to 2019	476	7.8
Built 2000 to 2009	309	5.1
Built 1990 to 1999	170	2.8
Built 1980 to 1989	404	6.6
Built 1970 to 1979	197	3.2
Built 1960 to 1969	450	7.4
Built 1950 to 1959	740	12.1
Built 1940 to 1949	507	8.3
Built 1939 or earlier	2,857	46.8
Source: 5-Year American Community Survey, 2023, DP04		

The table below details the condition of housing within South Orange Village based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Village. According to the current ACS estimate, 84 housing units in South Orange Village lacked either heating fuel, plumbing or kitchen facilities, which is greater than 2018.

Table 2: Housing Condition

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Occupied housing units lacking certain facilities	84	1.4	67	1.3	0.1
Lacking heating fuel	0	0.0	57	1.1	-1.1
Lacking complete plumbing facilities	36	0.6	0	0.0	0.6
Lacking complete kitchen facilities	48	0.8	10	0.2	0.6
Source: 5-Year American Community Survey, 2018 & 2023, DP04					

Housing Values and Costs

Since 2018, home values in the Village have increased by \$231,100 (40.05%). This change is accompanied by an increase in homes worth more than \$1,000,000 and a decrease in homes worth between \$300,000 and \$499,999.

Table 3: Value of Owner-Occupied Housing Units

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total Owner-occupied units	3,903	100	3,555	100	-
Less than \$50,000	14	0.4	37	1.0	-0.6
\$50,000 to \$99,999	8	0.2	16	0.5	-0.3
\$100,000 to \$149,999	20	0.5	20	0.6	-0.1
\$150,000 to \$199,999	42	1.1	17	0.5	0.6
\$200,000 to \$299,999	88	2.3	217	6.1	-3.8
\$300,000 to \$499,999	487	12.5	1,129	31.8	-19.3
\$500,000 to \$999,999	2,226	57.0	1,939	54.5	2.5
\$1,000,000 or more	1,018	26.1	180	5.1	21
Median (dollars)	\$808,100	(X)	\$577,000	(X)	40.05

Source: 5-Year American Community Survey, 2018 & 2023, DP04

The table below shows the housing expenditures for those who own and rent in South Orange. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes. Interestingly, the below data presents an “inverted bell,” where most homeowners and renters have low housing costs (below 20%) or are cost burdened. Regardless of mortgage status, homeowner cost burdened rates are nearly identical (34.1% with mortgage, 34.3% without mortgage), while a majority (51%) of renters are cost burdened.

Table 4: Housing Cost Burden, 2023
(Monthly Costs as Percentage of Household Income)

RANGES	OWNER				RENTER	
	W/ MORTGAGE		W/O MORTGAGE		TOTAL	PERCENT
	TOTAL	PERCENT	TOTAL	PERCENT		
Less than 20%	570	19.4	533	55	561	29.6
20.0-24.9%	286	9.7	64	6.6	219	11.6
25.0-29.9%	161	5.5	39	4.0	150	7.9
30.0-34.9%	431	14.7	77	8.0	221	11.7
35.0% or more	570	19.4	255	26.3	744	39.3
Not Computed	0	0	0	0	134	7.1

Source: 5-Year American Community Survey, 2023, DP04

Occupancy Characteristics and Type of Housing

As of 2023, the Village is predominately comprised of owner-occupied households, which comprise 65.8% of the Village's households. A total of 34.2% of households are renters, and 2.9% of the Village's housing units are vacant. Since 2018, the Village has seen a shift away from owner-occupied households, coming from a 3.4% increase in renters and an 5.2% decrease in the Village's vacancy rate.

Table 5: Housing Tenure and Occupancy

	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total	6,110	100	5,593	100	-
Owner Occupied	3,903	65.8	3,555	69.2	-3.4
Renter Occupied	2,029	34.2	1,584	30.8	3.4
Vacant Units	178	2.9	454	8.1	-5.2

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Village have remained constant since 2018.

Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units

OCCUPANTS PER ROOM	2023	PERCENT	2018	PERCENT
Total	5,932	100	5,139	100
1.00 or less	5,860	98.8	5,072	98.7
1.01 to 1.50	15	0.3	28	0.5
1.51 or more	57	1.0	39	0.8

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the share of Village's housing stock has increased from 5,593 units to 6,110 units, representing a 9.2% increase in the housing stock over just 5 years. This increase is driven by growth in 1-unit attached units and apartment buildings with at least 10 units, while other housing types saw modest decreases in unit counts.

Table 7: Housing Type and Size

HOUSING UNITS	2023	PERCENT	2018	PERCENT	PERCENT CHANGE
Total housing units	6,110	100	5,593	100	-
1-unit, detached	3,471	56.8	3,504	62.6	-5.8
1-unit, attached	336	5.5	119	2.1	3.4
2 units	285	4.7	355	6.3	-1.6
3 or 4 units	112	1.8	116	2.1	-0.3
5 to 9 units	58	0.9	86	1.5	-0.6
10 to 19 units	399	6.5	373	6.7	-0.2
20 or more units	1,434	23.5	1,040	18.6	4.9
Mobile home	15	0.2	0	0.0	0.2
Boat, RV, van, etc.	0	0.0	0	0.0	0

Source: 5-Year American Community Survey, 2018 & 2023, DP04

Since 2018, the bedroom typology of Village has decreased in "family" sized 3+ bedroom type from 66.8% to 62.2% in 2023, despite a modest increase in 5+ bedroom units. This trend contrasts with growth in efficiency, 1-, and 2-bedroom units.

Table 8: Number of Bedrooms Per Unit

ROOMS	2023 TOTAL	PERCENT	2018 TOTAL	PERCENT	PERCENT CHANGE
Total	6,110		5,593		
No Bedroom	387	6.3	200	3.6	2.7
1 Bedroom	940	15.4	742	13.3	2.1
2 Bedrooms	987	16.2	913	16.3	-0.1
3 Bedrooms	1,210	19.8	1,248	22.3	-2.5
4 Bedrooms	1,433	23.5	1,375	24.6	-1.1
5 or more Bedrooms	1,153	18.9	1,115	19.9	-1

Source: American Community Survey [2023](#) and [2018](#)

Existing Low- and Moderate-Income Housing Units

Based on review of available records, there are 231 LMI units approved and/or constructed in the Village. The Village is following the applicable requirements regarding unit monitoring and reporting.

B. Housing Projections

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

- B) "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."

Projection of Housing Stock

Below is a general prediction by NJTPA of South Orange Village's household population growth to 6,739 households in 2050. This 19.3% increase in households would require available units to accommodate and may be a predictive indicator of new projected housing stock.

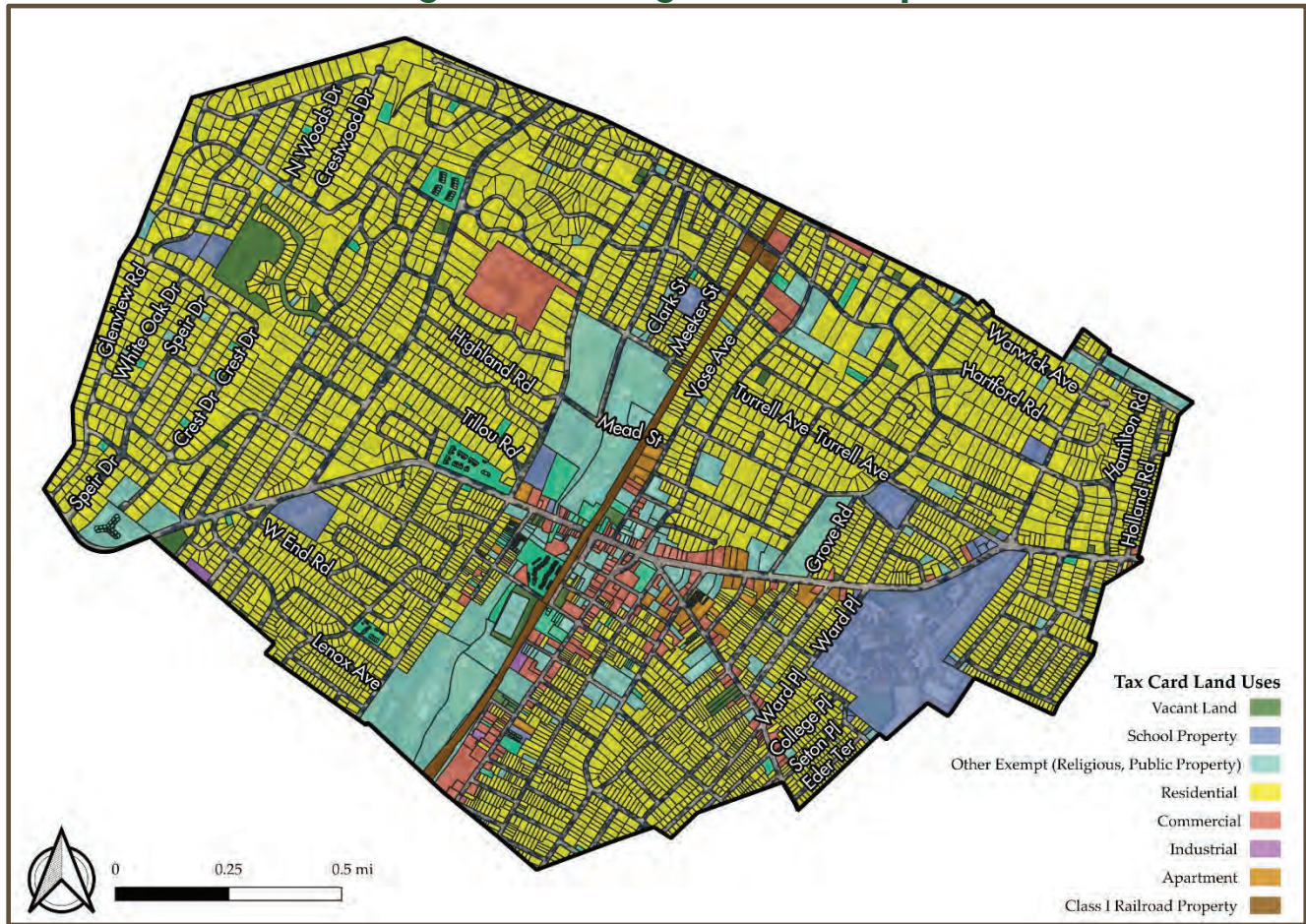
Table 9: Housing Unit Projection

YEAR	POPULATION	ANNUALIZED % CHANGE
2015	5,647	-
2050 (Predicted)	6,739	0.5%
Source: NJTPA, "Appendix E - 2050 Demographic Forecasts"		

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

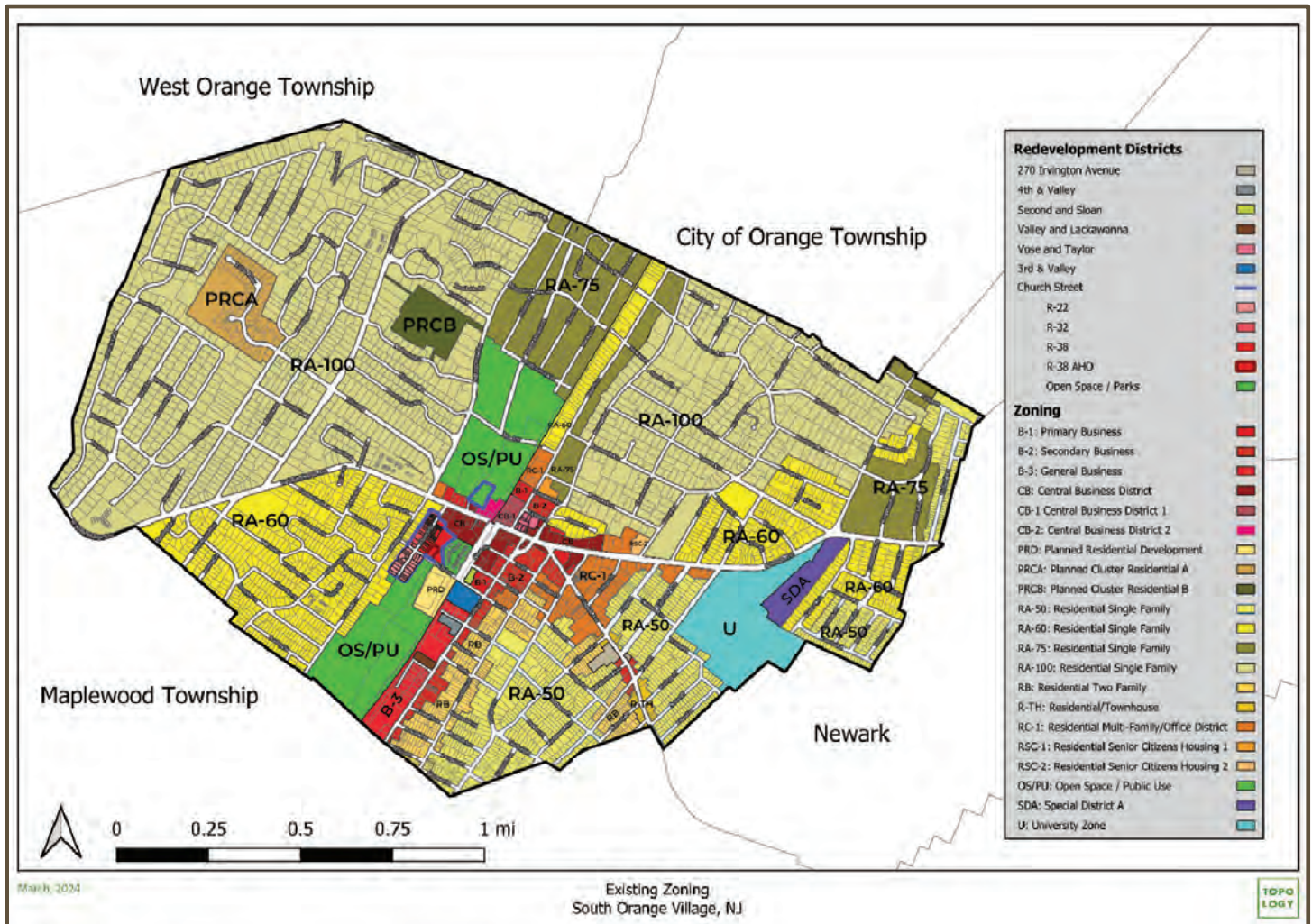
South Orange expects new developments to bear the cost that such development puts upon the existing infrastructure. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New developments that contribute revenue to the Village through annual service charges or ad valorem taxes should not be a burden on the Village's infrastructure.

Figure 1: Existing Land Use Map



South Orange Village Land Use Map

Figure 2: Existing Zoning Map



[South Orange Village Zoning Map](#)

C. Demographic Characteristics

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

- C) *“An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.”*

Population, General

The population estimate for South Orange in 2023 was 18,208, which represents a decrease of 276 from the 2020 Census (-1.5%). Despite this trend, the NJTPA predicts South Orange’s population to grow to 18,843 people in 2050.

Table 10: Historic Population Growth

YEAR	POPULATION	CHANGE	% CHANGE
1940	13,742	N/A	0.8%
1950	15,230	1,488	10.8%
1960	16,175	945	6.2%
1970	16,971	796	4.9%
1980	15,864	-1,107	-6.5%
1990	16,390	526	3.3%
2000	16,964	574	3.5%
2010	16,198	-766	-4.5%
2020	18,484	2,286	14.1%
2023	18,208	-276	-1.5%
2050 (Predicted)	18,843	635	3.5%

Source: [NJ State Data Center, New Jersey Population Trends 1790 to 2000](#), [US Census Bureau; NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

Population Composition by Age

The estimated current median age in South Orange Village is 36.8, compared to 37.7 for Essex County and 40.1 for New Jersey.

Table 11: Population by Age

AGE RANGE	SOUTH ORANGE VILLAGE	PERCENT	ESSEX COUNTY	PERCENT
Under 5 years	1,049	5.7	53,778	6.3
5 to 9 years	1,104	6.0	54,763	6.4
10 to 14 years	1,121	6.1	59,811	7.0
15 to 19 years	2,469	13.5	55,697	6.5
20 to 24 years	1,569	8.6	54,093	6.3
25 to 34 years	1,490	8.1	115,572	13.5
35 to 44 years	2,637	14.4	120,576	14.1
45 to 54 years	2,573	14.1	115,952	13.6
55 to 59 years	1,002	5.5	54,486	6.4
60 to 64 years	920	5.0	50,019	5.9
65 to 74 years	1,349	7.4	70,370	8.2
75 to 84 years	666	3.6	33,959	4.0
85 years and over	350	1.9	15,054	1.8
Median Age	36.8	(X)	37.7	(X)
Source: 5-Year American Community Survey, 2023, DP05				

Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit. For the purposes of this analysis, household data is used.

South Orange saw housing unit / household growth greater than County trends, while the Village deviated from the County on average household size, seeing a modest increase in owner-occupied household size and a 22% decrease in renter household size. Consistent with County trends, the number of single-member households decreased by over one-third.

Table 12: Population by Housing Type

	SOUTH ORANGE VILLAGE			ESSEX COUNTY		
	2018	2023	% CHANGE	2018	2023	% CHANGE
Total Housing Units	5,593	6,110	9.2	316,136	335,500	6.13
Total Households	5,139	5,932	15.4	282,502	317,473	12.38
Average Household Size (Owner)	3.08	3.18	3.24	3.06	2.94	-3.92
Average Household Size (Renter)	2.21	1.72	-22.17	2.47	2.37	-4.05
Householders living alone	1,274	840	-34.07	86,895	55,984	-35.57
Source: 5-Year American Community Survey, 2018 & 2023, DP02, DP04						

Race & Nationality

South Orange has evolved into a diverse, inclusive, and welcoming community for households from a variety of backgrounds.

Foreign born residents make up 14.5% percent of South Orange Village's population, which is lower than County (29.3%) and State (23.5%) levels. Conversely, significantly more of South Orange's foreign-born residents have become naturalized citizens (70.4%) compared to a smaller share across Essex County (51.1%) and the State (56.9%).

Table 13: Residents' Place of Birth

	SOUTH ORANGE VILLAGE		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	18,299	100	854,130	100	9,267,014	100
Born in United States	15,208	83.1	575,941	67.4	6,849,548	73.9
Foreign Born	2,659	14.5	250,406	29.3	2,181,755	23.5
Foreign Born	2,659	100	250,406	100	2,181,755	100
Naturalized Citizen	1,871	70.4	127,877	51.1	1,241,100	56.9
Not a Citizen	788	29.6	122,529	48.9	940,655	43.1
Source: 5-Year American Community Survey, 2023, DP02						

South Orange is located at a crossroads in Essex County between the State's main urban center around Newark and its further-flung suburbs. In this position, South Orange represents a diverse, suburban community of the highest quality. Notably, South Orange's racial demographics closely mirror that of New Jersey at large, with the exception of a significantly greater share of African American residents.

Table 14: Residents' Race

	SOUTH ORANGE VILLAGE		ESSEX COUNTY		NEW JERSEY	
	COUNT	PERCENT	COUNT	PERCENT	COUNT	PERCENT
Total	18,299	100	854,130	100	9,267,014	100
Two or More Races	1,860	10.2	97,291	11.4	978,591	10.6
One race	16,439	89.8	756,839	88.6	8,288,423	89.4
- White	11,032	60.3	283,278	33.2	5,276,142	56.9
- Black or African American	3,933	21.5	315,154	36.9	1,201,053	13
- American Indian and Alaska Native	6	0.0	3,926	0.5	41,900	0.5
- Asian	1,094	6.0	49,935	5.8	918,644	9.9
- Native Hawaiian and Other Pacific Islander	0	0.0	318	0.0	2,658	0.0
Source: 5-Year American Community Survey, 2023, DP05						

Income and Poverty Status

The median household income for South Orange Village grew dramatically from 2018 to 2023, growing 40.5% and far outpacing the County (27%) and the State (22.1%).

Table 15: Household Median Income

	2023	2018	INCREASE	% INCREASE
South Orange Village	187,583	133,555	54,028	40.5
Essex County	80,463	63,368	17,095	27.0
New Jersey	99,781	81,740	18,041	22.1

Source: 5-Year American Community Survey, 2018 & 2023, S2503

In South Orange Village, 1,020 residents (6.4%) live below the poverty line, a decrease from 10% in 2018. In this regard, the Village had a similar trajectory to Essex County, which experienced a more modest decrease from 15.2% to 14.2% over the same period.

Table 16: Poverty Status

SOUTH ORANGE VILLAGE	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	15,978		14,520		1,458
Total Below Poverty	1,020	6.4	1,450	10.0	-3.6%
ESSEX COUNTY	2023	PERCENT	2018	PERCENT	CHANGE
Total Persons	833,508		779,167		54,341
Total Below Poverty	118,250	14.2	118,156	15.2	-1%

Source: 5-Year American Community Survey, 2018 & 2023, S1701

D. Multigenerational Housing Continuity

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

- G) “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 (C.52:27D-329.20).”

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20,⁷ which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting

⁷ <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element to provide 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 commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in the above demographic and housing analysis, South Orange is diversifying its housing stock as the size of owner-occupied households increases and single-member households significantly decrease. The municipality is employing a variety of approaches to accomplish this task, such as the Village's Accessory Dwelling Unit Ordinance (#2022-34), adopted on February 1, 2023. Strategies proposed or already implemented include the creation of family housing. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

E. Employment Data

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

- C) *"An analysis of the existing and probable future employment characteristics of the municipality."*

Below is a general prediction by NJTPA of South Orange Village's employment forecast, which is a growth to 8,793 in 2050.

Table 17: Employment Projection

YEAR	LABOR FORCE	CHANGE	ANNUALIZED % CHANGE
2015	7,593	-	-
2050 (Predicted)	8,793	1,200	0.4
Source: NJTPA, "Appendix E - 2050 Demographic Forecasts"			

III. Fair Share Plan: Obligations and Compliance Plan

A. Introduction and Fourth Round Changes

As stated in the History of New Jersey Affordable Housing section of this Plan, New Jersey's Fourth Round methodology of calculating and fulfilling municipal obligations is set forth in the Law under a new system. The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or "Rehabilitation Obligation;" and the "Prospective Need" Collectively, the Present ("Gap") Need and the Prospective Need are referred to as the Round 4 obligation.

The figures that are presented in the fair share obligations below have been derived from were adopted by the Village via Resolution 2025-017 on January 27, 2025 (See Appendix A). Under the Resolution, the Village Present Need or "Rehabilitation Obligation" is 20 credits, and the "Prospective Need" is 163 credits.

The purpose of this section of the Plan is to set forth the Village's proposed approach to satisfying its Round 4 obligation.

Importantly, the Law sets forth opportunities for bonus credits. These credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities will also be restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

B. Prior Round Need Compliance “Look Back” (2015-2025)

Through its proactive planning practices, the Village is proud to have achieved a longstanding history of fulfilling its affordable housing obligations, beginning with the Village’s Substantive Certification for its prior round of affordable housing compliance. Most recently, in 2020, the Village received a Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation. The JCR was issued after a period of negotiation and settlement, primarily between the Village and Fair Share Housing Center (“FSHC”). During this period of negotiation, the Village adopted an HEFSP in January 2020 (amended through November 2022). Correspondingly, the Village and FSHC entered into a settlement agreement in May 2019. The HEFSP and settlement agreements set forth the Village’s Third Round obligation and identified the actions required by the Village to fulfill these obligations. The Village’s commitments, and the corresponding status of these commitments, is reflected in the table below, which demonstrates the Village’s ability to provide a variety of affordable housing typologies in projects big and small throughout South Orange:

Table 18: Projects cited to satisfy Third Round Realistic Development Potential:

PROJECT	CREDIT TYPE	CREDITS IDENTIFIED IN HEFSP / SETTLEMENT REQUIREMENT	STATUS
IDENTIFIED IN THIRD ROUND HEFSP			
B'nai B'rith	Rental, Senior	48 (capped)	Completed
Third + Valley	Rental, Family	21	Completed
320 Valley Street	Rental, Family	2	Completed
Fourth + Valley	Rental, Family	10	Completed
14 Second Street	Rental, Family	1	Completed
41-45 Third Street	Rental, Family	10	Under Construction 16 Supportive Credits Only (plus 10 rental family)
	Rental, Non-Family (Supportive)	19	
Vose + Taylor	Rental, Family	11	Completed
270 Irvington Avenue	Rental, Family	12	Application Approved
Second + Sloan	Rental, Family	8	Under Construction Deed Restrictions Recorded
6-8 S. Orange Avenue	Rental, Family	1	Application Approved
JESPY Unit	Rental, Non-Family (Supportive)	1	Not Executed – 0 Credits
Rental Bonus, All	Rental	48 (capped)	Court-approved
ADDITIONAL IDENTIFIED CREDITS			
Madeline / 232 Waverly	Rental, Non-Family (Supportive)	4	Under Construction
179 Irvington Avenue	Rental, Family	3	Under Construction
202 South Orange Avenue	Rental, Family	2	Under Construction
Total Credits Planned		192	
TOTAL Credits Achieved		197	
Prospective Obligation		192	
Surplus		5	

Zoning actions to capture additional affordable housing opportunities:

As demonstrated in the table above and supported by the issuance of the July 2019 JCR, the Village fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no “unmet need” obligation remained to be addressed. Nonetheless, the Village was thorough in its planning and identified a variety of mechanisms through which to provide additional credit opportunities should realistic development potential credits be unfulfilled. Such mechanisms include:

- Development Fee Ordinance (Adopted via Ordinance #10-2 on February 24, 2010 and replaced by Ordinance #2019-28 on January 27, 2020).
- Inclusionary Zoning Ordinance (Adopted via Ordinance #10-1 on February 24, 2010 and replaced by Ordinance #2019-28 on January 27, 2020), providing a 20% affordable housing set-aside requirement in the Village’s RC-1, B-1, B-2, B-3, CS R-22, CS R-32, and CS R-38 Zoning Districts.
- Identification of seven adopted and planned redevelopment areas that will provide further inclusionary housing.

Given the above analysis, no obligation is carried forward to the Fourth Round.

C. Present and Prospective Need Obligation (2025-2035)

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

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

Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In South Orange, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be 20. The Village plans to address this obligation through the continuation of its municipal Rehabilitation Program, currently being administered by the Village’s Administrative Agent. Attached to the Element as Appendix H is a copy of the Village’s current Rehabilitation Program Manual, which will be updated by the Administrative Agent once new UHAC Regulations are proposed and adopted.

In response to increasing construction costs and inflation, the Village will increase the funding limit of its Home Improvement Program to \$20,000 basic limit for an owner-occupied, single-family unit; an additional \$5,000 may be allocated via a special waiver on a case-by-case basis. For the Village’s Present Need Obligation of 20, this will require a total contribution of approximately \$400,000. Pursuant to COAH’s rules that allow municipalities to utilize money collected from development fees for this purpose, the Town shall set aside the required \$400,000 from its affordable housing trust fund account to be made available to income-qualified households to participate in the program. As of March 31, 2025, that account contains \$1,302,108.31. As detailed in the Village’s Spending Plan (see Appendix “A”), the Village will proactively seek solutions through its Affordable Housing Trust Fund to support the provision of affordable housing in South Orange, such as but not limited to the financing of market-to-affordable conversions of existing housing and supporting the development of workforce housing to serve the South Orange community serving populations at 60% and 80% of AMI. Because the Village has been a vanguard in providing affordable housing in its region, the Village seeks to focus its attention on the “missing middle” by utilizing Redevelopment to create affordable and “workforce” housing with a preference for qualified households who live and/or work in South Orange or in its consolidated fire department and school district, both shared with the Village’s sister community of Maplewood. Affordable units created from this endeavor and marketed with this preference will be credited toward the Village’s rehabilitation obligation.

Additionally, the Village proposes to participate in Essex County’s rehabilitation program. Essex County provides deferred payment loans to low- and moderate- income homeowners occupying a one- to three-family home in the Essex County Consortium, which includes South

Orange. A 10-year zero interest loan in the amount of assistance required for the rehabilitation work will be made to the homeowner by the County Division of Housing and Community Development. The Home Improvement Program will market the available funds to qualified residents and vet residents to ensure they qualify and manage the repairs. The program will primarily serve owner-occupied units and address homes with lack of heat, lack of hot water, roof leaks, dangerous electrical problems, broken pipes, problems with sanitary facilities, and other housing conditions that threaten the health, safety, or well-being of the household members per COAH rules (N.J.A.C. 5:93). All rehabilitated units shall remain affordable to low- and moderate-income households for a period of at least 10 years (the control period). For owner-occupied units, the control period is enforced with a recorded lien; and for renter occupied units, the control period is enforced with a recorded deed restriction.

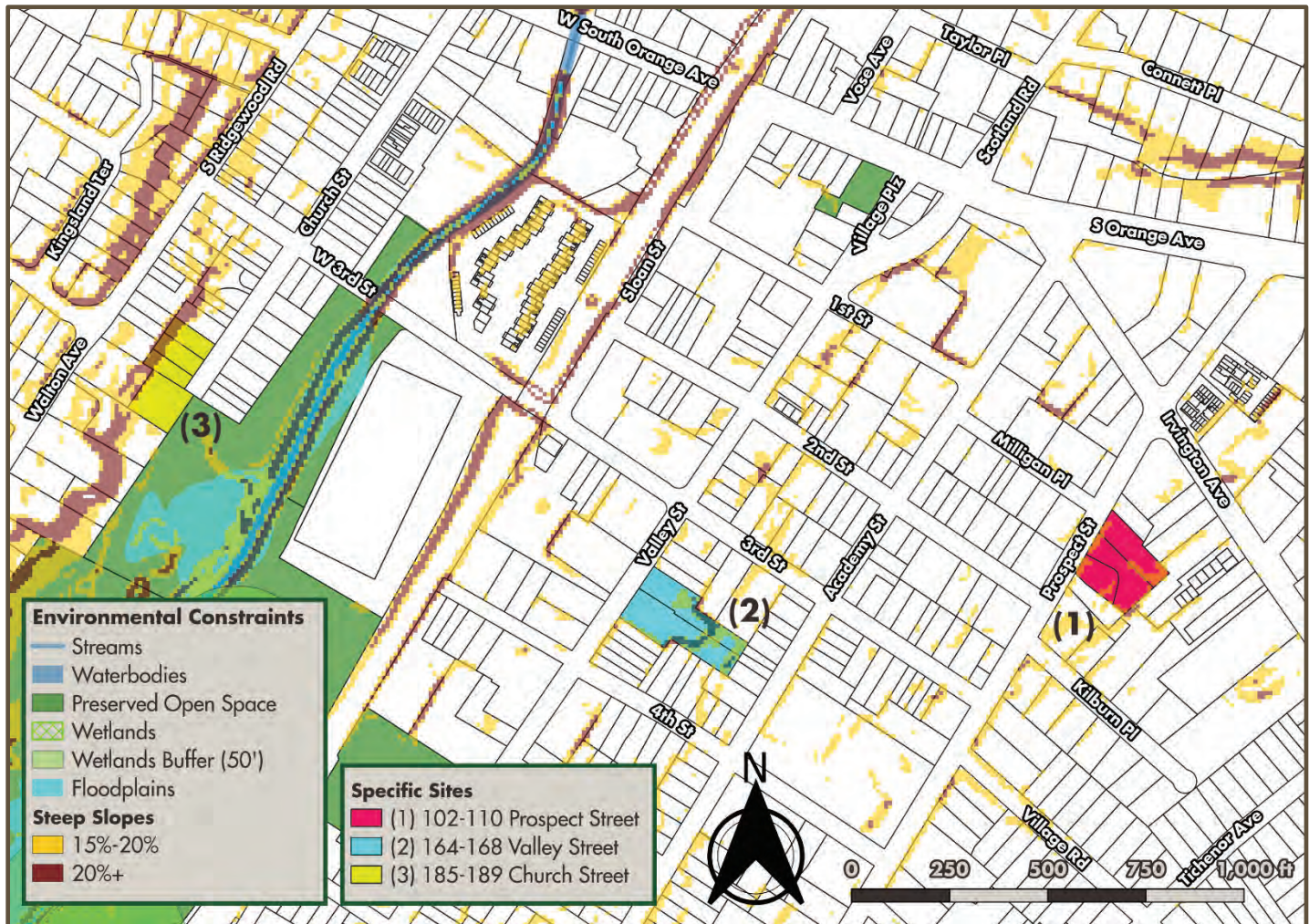
Prospective Need Obligation

The Village has a Fourth Round prospective need of 163 credits. The Village has prepared a Vacant Land Adjustment (attached hereto as Appendix "I"), which concludes that the Village has a Realistic Development Potential of 0. However, in following the Village's strong tradition of constructing affordable housing, the Village has already provided the realistic zoning needed to create 118.5 new credits – in addition to 5 surplus Third Round credits – well beyond the statute's requirement that a municipality seeking a vacant land adjustment must create realistic zoning for 25% of the "adjusted" Prospective Need Obligation. While there is some question as to what the 25% language in the statute entails, the Village has proudly met and exceeded whatever the final determination of this language by the Program and/or Appellate Court will be. For example, if the Village's adjusted prospective need is 0, 123.5 credits is significantly more. If it is interpreted as 25% of 163 credits, the total would be 41, and South Orange would still be producing credits in excess of 300% of this requirement.

The Village will satisfy this obligation through the following projects:

Figure 3: Prospective Need Projects Maps





Prospective Need Projects Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.

4. “Approvable site” – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

Table 18: Projects Description and Suitability Analysis

PROJECT	DESCRIPTION
185-189 Church Street	Total Units: 23 Units Round Four LMI Units: 4 Units
<i>Description of Availability</i>	Site is Owned by Applicant and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site is within Church Street Redevelopment Area and accordingly zoned alongside adjacent properties for residential uses, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Church Street.
<i>Description of Approvable</i>	Redevelopment zoning permits the proposed project, with an associated Planning Board Application #306 filed for development approval with variances limited to bulk setback variances, which are under the Planning Board’s jurisdiction to approve under the Redevelopment Plan.
102-110 Prospect Street	Total Units: 46 Bedrooms (Supportive) Round Four LMI Units: 46 Bedrooms
<i>Description of Availability</i>	Site is Owned by Applicant and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site has existing street access on Prospect Street in proximity to other residential and multifamily uses, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Prospect Street.
<i>Description of Approvable</i>	Application #300 was approved by the Planning Board on January 6, 2025.
164-168 Valley Street	Total Units: 50 Units Round Four LMI Units: 10 Units
<i>Description of Availability</i>	Site is Owned by Prospective Redeveloper and free of encumbrances that would preclude affordable unit development.
<i>Description of Suitable</i>	Site has existing street access on Valley Street along a mixed-use corridor, in addition to proximity to downtown businesses, transit, and parks. No environmental features preclude development.
<i>Description of Developable</i>	Site is serviced by municipal water, sewer, and electric service via Valley Street.

PROJECT	DESCRIPTION
<i>Description of Approvable</i>	The Site is planned for inclusion in the Valley Street Redevelopment Plan, which will expressly accommodate this development through review and incorporation of a concept plan and associated bulk conditions provided by the Prospective Redeveloper to the Village.

Land Most Appropriate for Affordable Housing

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

- *F) “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”*

As part of this Fair Share Plan, the Village has considered land that is appropriate for the construction of low- and moderate-income housing. As noted above, the Village has identified projects to fulfill three times its the most generous interpretation of therequirement of its “likely to redevelop” obligation of 41 credits through on-going projects, actively proceeding concept plans, and proactive Village planning. The Village believes that the approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law. Having satisfied exceeded the requirements of the Amended Law, the Village is excited to identify and implement innovative solutions to provide affordable housing in South Orange, working collaboratively with developers thatwho may express interest in proposing projects that include low or moderate income housing. share the Village’s commitment to growing its affordable housing base.

As a Transit Village, South Orange recognizes the importance of transit access for the community’s vitality, providing access to jobs, services, recreation, and other amenities locally and across the region. This mobility also makes South Orange livable for residents in all life stages and can make housing more affordable by reducing transportation costs. In this context, NJ Transit remains an important partner for the Village to continue implementing wholistic planning and redevelopment, particularly in and around the downtown.

More broadly, the Village has embraced and continues to pursue “missing middle” solutions to provide affordable housing solutions. This includes small-lot infill redevelopment, diversification of for-sale housing products beyond single-family homes – such as townhomes and family-oriented apartments – and providing affordability solutions for the Village’s workforce that may otherwise be overlooked or underserved within the Village’s compliance program for its Fourth Round obligation, especially for households at 60% and 80% AMI.

In addition to the above, the Village already hashas already proactively implemented a range of zoning mechanisms to facilitate the development of affordable housing. As aforementioned, various zoning districts permit multifamily housing, including the RC-1, B-1, B-2, B-3, CS R-22,

CS R-32, and CS R-38 Zoning Districts at densities between 22 and 43 units per acre. In addition, the Village permits multifamily housing in redevelopment areas where parcels remain that have not been redeveloped, including the Central Business District Redevelopment Area and Church Street Redevelopment Area. In conjunction with the Town's mandatory set-aside ordinance, these zoning mechanisms create the opportunity for new housing opportunities, both affordable and market-rate, beyond what is cited in this HEFSP as being relevant to South Orange's prospective need. This action, while grounded in recommendations and vision set forth by the municipality's master plan, is also consistent with the findings set forth in the Law, namely that: "comprehensive planning in alignment with smart growth principles, and the State Development and Redevelopment Plan" is critical to meeting the housing needs of the State.

Finally, the Village will focus on very-low, low-, and moderate-income seniors who wish to age in place within South Orange by pursuing a market-to-affordable program to deed restrict existing senior units within the Village for a period of at least forty (40) years in exchange for a subsidy to the property owner. The Village's Administrative Agent will provide a manual for the program and fill the newly-deed-restricted units utilizing the required affirmative marketing.

Table 19: Fourth Round Prospective Obligation Compliance Summary

PROJECT	ACRES	DENSITY	OWNER-SHIP	UNITS	AH UNITS	AH TYPE	BONUS CREDITS	BONUS TYPE
185-189 Church Street	0.863	26.66	Sale	23	4	Family	2.0	TOD
102-110 Prospect	0.872	N/A	Rental	46 Bedrooms	46 Bedrooms	Permanent Supportive Housing	46.0	Permanent Supportive Housing
164-168 Valley Street	0.903	55	Rental	50	10	Family	5.0	TOD
Age-Restricted Market-to-Affordable Conversion Program	N/A	N/A	Rental	18	18	Age-Restricted	18	Market-to-Affordable
Grand Total: 118.5 R4 Credits + 5 R3 Surplus = 123.5 Credits				137	78	N/A	40.5 (capped)	N/A
TOD = Transit-Oriented Development								

Below is a table reviewing additional obligation requirement thresholds.

Table 20: Mandatory Obligation Subsets

MANDATORY OBLIGATIONS	CITATION	# REQUIRED OF ACTUAL UNITS*	PROPOSED
Very Low-Income Units (13% Minimum) <i>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.</i>	52:27D-329.1	17	17
Family VLI Units (50% Minimum of VLI Units)	52:27D-329.1	9	9
Low-Income Units (50% Minimum) <i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>	52:27D-329.1	62	62
Family Units (50% Minimum)	52:27D-311.l	62	178
Rental Units (25% Minimum)	52:27D-311.l	31	201
Family Rental Units (50% Minimum of Rental Units)	52:27D-311.k.5	101	155
Age-restricted units (30% Maximum)	52:27D-302.q	37	0
Transitional Housing (10% Maximum of Total Credits)	52:27D-311.e	16	0
Age-Restricted Housing Bonus Credit (10% Maximum of Age-Restricted Units)	52:27D-311.k.4	1.5	0 Used (Capped)
<p><i>*Except where otherwise noted, actual units do not count bonus credits. In other words, actual units are the Prospective Need Credits of 163 minus bonus credits of 40.5 = 123.5 units.</i></p> <p><i>Note: Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.</i></p> <p><i>Note: Proposed values in italics are targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p>			

IV. Appendices

- A. Spending Plan
- B. Affirmative Marketing Plan
- C. Regulatory Resolutions (Adopting Obligation Number)
- D. Affordable Housing Ordinance and Development Fee Ordinance
- E. Prospective Obligation Plans
- F. Resolution of intent to fund cost of municipality's municipally sponsored affordable housing development as well as its rehabilitation program
- G. Copies of resolutions appointing Administrative Agent(s) and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison
- H. Village Home Improvement Program – Policies and Procedures Manual
- I. Vacant Land Adjustment

Appendix A – Spending Plan

NOTE: South Orange Village shall update its Spending Plan if and as needed at such a time when final UHAC amendments are promulgated.

Introduction

Pursuant to N.J.A.C. 5:99, a Spending Plan means “a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.”

All residential and non-residential development fees, payment in lieu of constructing affordable units, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs are deposited into this interest-bearing Affordable Housing Trust Fund (AHTF). These funds shall be spent in accordance with N.J.A.C. 5:99 or applicable regulations.

A development fee ordinance creating a dedicated revenue source for - and moderate-income housing was adopted by the municipality in 2010 and replaced in 2019 establishing South Orange’s AHTF. As such, South Orange has prepared this Spending Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of Proposed New Rules: N.J.A.C. 5:99.

Authorization of Affordable Housing Trust Fund

A municipality shall not spend, or commit to spend, any affordable housing trust funds, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the approval of the expenditure as part of its compliance certification or by the Division pursuant to N.J.S.A. 52:27D-329.2.a(4). A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.

Account Requirements and Use of Funds (5:99-2.2 to 2.8)

Account Requirements

(a) All affordable housing trust funds shall be deposited in a separate, interest-bearing account. In establishing the account, the municipality shall provide written authorization, in the form of a three-party escrow agreement between the municipality, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited.

(b) With the approval of the Department's Division of Local Government Services, the municipality may invest its affordable housing trust fund in the State of New Jersey cash management fund, provided that the amount of money in the cash management fund that comprises the funds and income attributable to such funds shall at all times be identifiable.

(c) All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.

(d) A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program or a court of competent jurisdiction has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.1.

(e) Any municipality with an affordable housing trust fund account shall be subject to N.J.A.C. 5:99-4.

(f) Municipal affordable housing trust funds shall not be expended:

1. To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
2. On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;
3. On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or
4. On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

(g) In addition to the restrictions at (f) above, no more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4.

(h) A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5.

(i) Compliant municipalities, Qualified Urban Aid Municipalities, or municipalities that have previously collected such funds while under the protection of presumptive validity of their affordable housing plan or immunity from exclusionary zoning litigation and in accordance with an approved spending plan are authorized to commit or expend affordable housing trust funds in accordance with this chapter, UHAC, and the Act.

(j) A non-compliant Qualified Urban Aid Municipality meeting the criteria set forth in paragraph (1) of subsection c. of section 7 at P.L. 2024, c. 2, which has been authorized to collect residential development fees pursuant to N.J.A.C. 5:99-3.5(b), may not spend, or commit to spend, any affordable housing development fees, without first obtaining the Division's approval of the expenditure by submitting a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round. The Division shall review the spending plan for consistency with N.J.A.C. 5:99-2 and shall notify the municipality upon the approval of the spending plan.

Use of Funds for Housing Activity

(a) A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or as approved by the Division as an emergent opportunity to create affordable housing. Such activities include, but are not limited to:

1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund and subject to the provisions thereof;
2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
5. RCAs, approved prior to July 17, 2008;
6. Acquisition and/or improvement of land to be used for affordable housing;
7. Accessory dwelling units;
8. The extension of expiring controls;
9. The construction of group homes and supportive and special needs housing;
10. Maintenance and repair of affordable housing units;

11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
15. Any other activity approved by the Division.

Use of Funds for Administrative Expenses

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

Use of Funds for Affordability Assistance

- (a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in the municipality's fair share plan.
 1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

(b) A municipality may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, or any program or activity for which the municipality expends development fee proceeds.

Barrier-Free Escrow

An affordable housing trust fund may include fees collected to adapt affordable unit entrances to be accessible in accordance with the Act and the Barrier Free Subcode, N.J.A.C. 5:23-7. The municipality shall set forth the mechanism by which it will collect and distribute funds intended to convert adaptable entrances in compliance with the technical design standards of the Barrier Free Subcode at N.J.A.C. 5:23-7. Funds collected for this purpose shall at all times be identifiable from other funds. A municipality that collects, or anticipates collecting, funds to adapt affordable unit entrances shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.

Payments in Lieu of Constructing Affordable Units On-Site

(a) Payments in lieu of constructing affordable units shall not be imposed on any non-residential development.

(b) A municipality that chooses to collect or anticipates collecting payments in lieu of constructing affordable units shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.2 and include a plan for the use of the funds in its spending plan.

(c) Payment-in-lieu fees shall be deposited into the municipality's affordable housing trust fund, but shall be accounted for separately from any other fees collected by a municipality. Whenever a payment-in-lieu fee is assessed by a municipality pursuant to this section, a development fee authorized pursuant to N.J.S.A. 52:27D-329.2 shall not be charged in connection with the same development.

Other Funds

(a) An affordable housing trust fund may also contain recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected by the municipality in connection with its affordable housing programs. A municipality that collects, or anticipates collecting, such fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.

(b) An affordable housing trust fund shall also contain any excess RCA funds, where the RCA has been completed in accordance with the RCA project plan.

(c) A municipality that is not a compliant municipality may not retain excess RCA funds and shall transfer any such funds to the New Jersey Affordable Housing Trust fund established pursuant to N.J.S.A. 52:27D-320.

South Orange Spending Pla

Revenues + Expenditures for Certification Period

South Orange has considered the following AHTF revenue sources between the period of 2025-2035:

- Development fees: South Orange analyzed six years (2019 through 2024) of residential and nonresidential development fees deposited into the AHTF and averaged these annual incomes to determine the expected annual fee. Through this analysis of qualifying projects, we determined an annual average revenue fee of \$363,815 to determine potential developer fees for the years of 2025 to 2035.

No deposits were entered into the AHTF in 2019, which is an outlier among the subsequent years. Therefore, 2019 was not considered as part of the annual average revenue calculations.

2020	\$53,905.80
2021	\$515,903.00
2022	\$835,120.00
2023	\$390,783.00
2024	\$23,364.28
Average	\$363,815

- Payment in lieu of constructing affordable units is anticipated for 1 unit, with a fee of \$100,000.
- Barrier-free escrow funds are not anticipated.
- Funds from other sources such as the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, or proceeds from the sale of affordable units are not anticipated.

Based on existing funds and anticipated revenue as described above, the municipality estimates the AHTF's funds to amount to a revenue of \$5,057,908.11.

As such, South Orange intends to use affordable housing trust fund revenues in accordance with 5:99-2.2 to 2.8, as detailed in the table on the following page.

Excess or Shortfall of Funds

The governing body reserves the right to revise projections and anticipated funding commitments based upon actual revenues to the Affordable Housing Trust Fund and any revisions to the Housing Element and Fair Share Plan.

In the event that a shortfall of anticipated revenues occurs, the municipality will revise its Spending Plan accordingly.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used toward low- and moderate-income housing in accordance with 5:99-2.2 to 2.8 and the Spending Plan will be revised accordingly.

Revenues		
Current cash on hand as of March 31, 2025		\$1,302,108.31
Projected developer fee revenue (Average annual developer fees x 10 years)	+	\$3,638,150.00
Projected payment in lieu of constructing affordable units	+	\$100,000.00
Projected barrier-free escrow funds	+	\$0
Projected recapture funds, sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, or any other funds collected by the municipality in connection with its affordable housing programs	+	\$0
Projected Interest (Average annual interest of \$1,764.98 x 10 years)	+	\$17,649.80
Projected Revenues	=	\$5,057,908.11
Expenditures		
Rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households	-	(\$400,000)
Total Administration (Max 20%)	-	(\$1,011,581.62)
Age-Restricted Market-to-Affordable Conversion "Buy-Down" @ \$75,000 / Unit	-	(\$1,350,000.00)
Affordability Assistance OR new construction of affordable housing units and related development costs	-	(\$2,296,326.49)
Total Projected Expenditures	=	\$5,057,908.11
Remaining Balance	=	\$0

Appendix B – Affirmative Marketing Plan

NOTE: The current South Orange Village Affirmative Marketing Plan is inconsistent with current UHAC regulations but was approved for the Third Round. The Affirmative Marketing Plan will be updated when the final UHAC amendments have been adopted.

**TOWNSHIP OF SOUTH ORANGE VILLAGE
ESSEX COUNTY, NEW JERSEY**

**RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE
TOWNSHIP OF SOUTH ORANGE VILLAGE**

WHEREAS, in accordance with applicable Committee on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Township of South Orange Village and Fair Share Housing Center (“FSHC”), which was entered into as part of the Village’s Declaratory Judgment action entitled “In the Matter of the Application of the Township of South Orange Village, County of Essex, Docket No. ESX-L-4173-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”), the Township of South Orange Village is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 2, which encompasses the Township of South Orange Village; and

NOW, THEREFORE, BE IT RESOLVED, that the Village President and Board of Trustees of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of South Orange Village shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Township of South Orange Village has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain very low, low and moderate income units, including those that are part of the Village’s current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Village’s Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.

- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Township of South Orange Village. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Village, shall undertake all of the following strategies:
 - 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 in which the Village is located and covers the entire period of deed restriction for each restricted housing unit.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 - 1. All newspaper articles, announcements and requests for application for very low, low and moderate income units shall appear in the Star Ledger.
 - 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. Additional advertising and publicity shall be on an “as needed” basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Village’s Administrative Agent.

3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees.
4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Essex County and the other two of which shall be circulated primarily outside of Essex County but within the housing region.
5. Advertisements will be broadcast on the following regional cable television station: Comcast TV-36 and Verizon Fios 24.
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Village Municipal Building
 - ii. Village Public Library
 - iii. Village Website
 - iv. Developer's Sales/Rental Office
 - v. Essex County Administration Building

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Locations of applications, brochures, and flyers to affirmatively market the program are listed in attached Appendix I. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary

applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call.

7. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

- i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Greater Union County Board of Realtors

North Central Board of Realtors (Essex and Morris County offices)

Warren County Board of Realtors

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Essex, Morris, Union, and Warren:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed in attached Appendix II in accordance with the Region 2 Affirmative Marketing Plan.
 - iv. Quarterly informational circulars, applications, and copies of press releases and advertisements of the availability of low and moderate income housing shall be sent to the following additional community and regional organizations:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Oranges and Maplewood 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)

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079)

- v. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Village to the organizations listed in attached Appendix I including those listed below:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Oranges and Maplewood 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)

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079)

8. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent in conformance with

N.J.A.C. 5:80-26.16(I). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union, and Warren Counties.

9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
10. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Village-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in South Orange Village that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Village's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 2, which is attached hereto as Appendix III.

13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Village a Final Judgment of Compliance and Repose.

BE IT FURTHER RESOLVED that the appropriate Village officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this ____ day of ____, 2020.

ATTEST:

Kevin Harris, Village Clerk

Appendix 1

<u>Business Name</u>	<u>Address1</u>	<u>Address 2</u>	<u>City State Zip</u>
Warren County North East Branch Library	40 US Highway 46		Hackettstown, NJ 07840
Morris County Library	30 E. Hanover Ave.		Whippany, NJ 07981
Warren County Library Headquarters	2 Shotwell Dr		Belvidere, NJ 07823
Essex County/Hall of Records	465 Dr. Martin Luther King Drive		Newark, NJ 07102
Union County/Administration Building	10 Elizabethtown Plaza		Elizabeth, NJ 07207
Township of South Orange Village	76 South Orange Avenue		South Orange, NJ 07079
South Orange Public Library	65 Scotland Road		South Orange, NJ 07079

Appendix 2

<u>Business Name</u>	<u>Additional name</u>	<u>Address1</u>	<u>Address 2</u>	<u>City State Zip</u>	<u>Email</u>	<u>County</u>	<u>Type of Organization</u>
Roseland Free Public Library		20 Roseland Ave.		Roseland, NJ 07068		ESSEX COUNTY	Libraries
South Orange Public Library		65 Scotland Rd.		South Orange, NJ 07079		ESSEX COUNTY	Libraries
The Orange Public Library		348 Main St.		Orange, NJ 07050		ESSEX COUNTY	Libraries
Verona Free Public Library		17 Gould Street		Verona, NJ 07044		ESSEX COUNTY	Libraries
West Caldwell Public Library		30 Clinton Rd.		West Caldwell, NJ 07006		ESSEX COUNTY	Libraries
West Orange Free Public Library		46 Mt. Pleasant Ave.		West Orange, NJ 07052		ESSEX COUNTY	Libraries
Boonton Holmes Public Library		621 Main St.		Boonton, NJ 07005		MORRIS COUNTY	Libraries
Chatham's Joint Free Public Library		214 Main St.		Chatham, NJ 07928		MORRIS COUNTY	Libraries
Chester Library		250 West Main St.		Chester, NJ 07930		MORRIS COUNTY	Libraries
Denville Free Public Library		121 Diamond Spring Rd.		Denville, NJ 07834		MORRIS COUNTY	Libraries
Dover Free Public Library		32 E. Clinton St.		Dover, NJ 07801		MORRIS COUNTY	Libraries
East Hanover Township Free Public Library		415 Ridgedale Ave.		East Hanover, NJ 07936		MORRIS COUNTY	Libraries
Florham Park Free Public Library		107 Ridgedale Ave.		Florham Park, NJ 07932		MORRIS COUNTY	Libraries
Harding Township Library		21 Blue Mill Rd.		New Vernon, NJ 07976		MORRIS COUNTY	Libraries
Kinnelon Public Library		132 Kinnelon Rd.		Kinnelon, NJ 07405		MORRIS COUNTY	Libraries
Lincoln Park Public Library		12 Boonton Turnpike		Lincoln Park, NJ 07035		MORRIS COUNTY	Libraries
Long Hill Township Free Public Library		917 Valley Rd.		Gillette, NJ 07980		MORRIS COUNTY	Libraries
Mendham Free Public Library		10 Hilltop Rd.		Mendham, NJ 07945		MORRIS COUNTY	Libraries
Mendham Township Library		2 East Main St.		Brookside, NJ 07926		MORRIS COUNTY	Libraries
Montville Township Public Library		90 Horseneck Rd.		Montville, NJ 07045		MORRIS COUNTY	Libraries
Morris County Library		30 E. Hanover Ave.		Whippany, NJ 07981		MORRIS COUNTY	Libraries
Morris Plains Library		77 Glenbrook Rd.		Morris Plains, NJ 07950		MORRIS COUNTY	Libraries
Morristown-Morris Twp Joint Public Library		1 Miller Rd.		Morristown, NJ 07960		MORRIS COUNTY	Libraries
Mount Arlington Public Library		333 Howard Blvd.		Mount Arlington, NJ 07856		MORRIS COUNTY	Libraries
Mount Olive Public Library		202 Flanders-Drakestown Rd.		Flanders, NJ 07836		MORRIS COUNTY	Libraries
Mountain Lakes Free Public Library		9 Elm Rd.		Mountain Lakes, NJ 07046		MORRIS COUNTY	Libraries
Parsippany-Troy Hills Public Library		449 Halsey Rd.		Parsippany, NJ 07054		MORRIS COUNTY	Libraries
Randolph Township Free Public Library		28 Calais Rd.		Randolph, NJ 07869		MORRIS COUNTY	Libraries
Riverdale Public Library		93 Newark Pompton Tpke		Riverdale, NJ 07457		MORRIS COUNTY	Libraries
Rockaway Borough Free Public Library		82 E. Main St.		Rockaway, NJ 07866		MORRIS COUNTY	Libraries
Rockaway Township Free Public Library		61 Mount Hope Rd.		Rockaway, NJ 07866		MORRIS COUNTY	Libraries
Roxbury Township Public Library		103 Main St.		Succasunna, NJ 07876		MORRIS COUNTY	Libraries
Washington Twp Public Library-Morris		37 E. Springtown Rd.		Long Valley, NJ 07863		MORRIS COUNTY	Libraries

Wharton Public Library	15 S. Main St.			Wharton, NJ 07885	MORRIS COUNTY	Libraries
Whippanong Library-Hanover Township	1000 Route 10			Whippany, NJ 07981	MORRIS COUNTY	Libraries
Clark Public Library	303 Westfield Ave.			Clark, NJ 07066	UNION COUNTY	Libraries
Elizabeth Free Public Library	11 South Broad. St.			Elizabeth, NJ 07202	UNION COUNTY	Libraries
Fanwood Memorial Library	5 Forrest Road			Fanwood, NJ 07023	UNION COUNTY	Libraries
Garwood Free Public Library	411 Third Ave.			Garwood, NJ 07027	UNION COUNTY	Libraries
Hillside Free Public Library	1409 Liberty Avenue			Hillside, NJ 07205	UNION COUNTY	Libraries
Kenilworth Public Library	548 Blvd.			Kenilworth, NJ 07033	UNION COUNTY	Libraries
Linden Free Public Library	31 E. Henry St.			Linden, NJ 07036	UNION COUNTY	Libraries
Mountainside Free Public Library	1 Constitution Plaza			Mountainside, NJ 07092	UNION COUNTY	Libraries
New Providence Memorial Library	377 Elkwood Ave.			New Providence, NJ 07974	UNION COUNTY	Libraries
Plainfield Free Public Library	800 Park Ave.			Plainfield, NJ 07060	UNION COUNTY	Libraries
Rahway Public Library	2 City Hall Plaza			Rahway, NJ 07065	UNION COUNTY	Libraries
Roselle Free Public Library	104 W. Fourth Ave.			Roselle, NJ 07203	UNION COUNTY	Libraries
Roselle Park Veterans Memorial Library	404 Chestnut St.			Roselle Park, NJ 07204	UNION COUNTY	Libraries
Scotch Plains Public Library	1927 Bartle Ave.			Scotch Plains, NJ 07076	UNION COUNTY	Libraries
Springfield Free Public Library	66 Mountain Ave.			Springfield, NJ 07081	UNION COUNTY	Libraries
Summit Free Public Library	75 Maple St.			Summit, NJ 07901	UNION COUNTY	Libraries
Union Free Public Library	1980 Morris Ave.			Union, NJ 07083	UNION COUNTY	Libraries
Westfield Memorial Library	550 E. Broad. St.			Westfield, NJ 07090	UNION COUNTY	Libraries
Catherine D. Hofman Library	4 Lambert Rd.			Blairtown, NJ 07825-9348	Warren County	Libraries
Hackettstown Public Library	110 Church St.			Hackettstown, NJ 07840-2206	Warren County	Libraries
Oxford Public Library	42 Washington Avenue			Oxford, NJ 07863	Warren County	Libraries
Phillipsburg Free Public Library	200 Frost Ave.			Phillipsburg, NJ 08865	Warren County	Libraries
W H Walters Free Library	1001 East Blvd			Phillipsburg, NJ 08865-4418	Warren County	Libraries
Warren Co. Community College Library	475 Route 57 West			Washington, NJ 07882	Warren County	Libraries
Warren Co. Library	199 Hardwick St.			Belvidere, NJ 07823	Warren County	Libraries
Washington Public Library	20 West Carlton Ave.			Washington, NJ 07882-1202	Warren County	Libraries
A.J. Seabra Inc.	574 Ferry St			Newark, NJ 07105-4402	Essex County	Major Employers
Alaris Health at Cedar Grove	110 Grove Ave			Cedar Grove, NJ 07009	ESSEX COUNTY	Major Employers
Applied Business Concepts	324 Belville Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Major Employers
ARC of Essex County	123 Naylor Ave			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
Berkeley College	536 Broad. St.			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Cambridge Bagel Factory	648 Bloomfield Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Major Employers

Care One	68 Passaic Ave			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
Continental Airlines	1 Newark Airport			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Essex County Hospital Center	204 Grove Ave			Cedar Grove, NJ 07009	ESSEX COUNTY	Major Employers
Essex Regional Health	204 Hillside Ave			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
Hoffman La Roche	340 Kingsland St.			Nutley, NJ 07110	ESSEX COUNTY	Major Employers
Horizon Blue Cross & Blue Shield	3 Penn Central Railroad			Newark, NJ 07105	ESSEX COUNTY	Major Employers
Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plaza W			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Horizon Blue Cross & Blue Shield of NJ	540 Broad Street			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Horizon Business Products	753 N. 6th St.			Newark, NJ 07102	ESSEX COUNTY	Major Employers
IDT Telecom	520 Broad. St.			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Livingston Board of Education	11 Foxcroft Drive			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
Newark Liberty International Airport	Newark Airport			Newark, NJ 07102	ESSEX COUNTY	Major Employers
PNC Bank - Bloomfield Center	2 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Major Employers
Prudential Financial	751 Broad. St.			Newark, NJ 07102	ESSEX COUNTY	Major Employers
PSEG	80 Park Plaza			Newark, NJ 07102	ESSEX COUNTY	Major Employers
Rutgers	123 Washington Street		Suite 590	Newark, NJ 07102	ESSEX COUNTY	Major Employers
St. Barnabas Hospital	94 Old Short Hills Road			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
St. Barnabas Hospital Ambulatory Care	200 South Orange Avenue			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
Stanlar Industries	24 Federal Plaza			Bloomfield, NJ 07003	ESSEX COUNTY	Major Employers
Summit Medical	75 E. Northfield Road			Livingston, NJ 07039	ESSEX COUNTY	Major Employers
University of Medicine/Dentistry	150 Bergen Street, Room D347			Newark, NJ 07103	ESSEX COUNTY	Major Employers
Verizon Business	271 Mount Pleasant Ave.			West Orange, NJ 07090	ESSEX COUNTY	Major Employers
Verizon Communications	540 Broad Street			Newark, NJ 07102	ESSEX COUNTY	Major Employers
West Essex Board of Realtors	10 Erie St			Montclair, NJ 07042	ESSEX COUNTY	Major Employers
AT&T	15 Midlan Ave #1			Paramus, NJ 07932	MORRIS COUNTY	Major Employers
AT&T	295 N Maple Ave			Basking Ridge, NJ 07920	Morris County	Major Employers
AT&T	180 Park Avenue			Florham Park, NJ 07932	Morris County	Major Employers
Atlantic Health System- Morristown Memorial Hospital	100 Madison Ave.			Morristown, NJ 07962	MORRIS COUNTY	Major Employers
Avaya Inc. Headquarters	350 Mt Kemble Ave			Morristown, NJ 07960	Morris County	Major Employers
Honewell	101 Columbia Rd			Morristown, NJ 07960	MORRIS COUNTY	Major Employers
Kraft foods	200 Deforest Ave.			East Hanover, NJ 07936	MORRIS COUNTY	Major Employers
Kraft foods	7 Campus Drive			Parsippany, NJ 07054	Morris County	Major Employers
Lucent Technologies	24 Mountain Ave.			Mendham, NJ 07945	MORRIS COUNTY	Major Employers
Lucent Technologies	67 Whippary Road			Whippany, NJ 07981	Morris County	Major Employers

Lucent Technologies	475 South Street			Morristown, NJ 07960	Morris County	Major Employers
Lucent Technologies	5 Wood Hollow Road			Parsippany, NJ 07054	Morris County	Major Employers
Mennen Sports Arena	161 E Hanover Ave			Morristown, NJ 07960	MORRIS COUNTY	Major Employers
Novartis Pharmaceutical	59 State Route 10			East Hanover, NJ 07936	MORRIS COUNTY	Major Employers
Pfizer	5 Wood Hollow Road			Parsippany, NJ 07054	Morris County	Major Employers
Pfizer	175 Tabor Road			Morris Plains, NJ 07950	Morris County	Major Employers
St. Clare's Hospital	130 Powerville Rd.			Boonton Township, NJ 07005	MORRIS COUNTY	Major Employers
St. Clare's Hospital	25 Pocono Rd.			Denville, NJ 07834	MORRIS COUNTY	Major Employers
St. Clare's Hospital	400 West Blackwell St.			Dover, NJ 07801	MORRIS COUNTY	Major Employers
St. Clare's Hospital	3219 Route 46 East, Suite 110			Parsippany, NJ 07054	MORRIS COUNTY	Major Employers
UNION COUNTY College	1033 Springfield Ave.			Cranford NJ 07016	MORRIS COUNTY	Major Employers
US Army Armament R&D	21 Picatinny Arsenal			Picatinny Arsenal, NJ 07806	Morris County	Major Employers
A&M Industrial Supply Co	37 West Cherry Street		PO Box 1044	Rahway, NJ 07065	UNION COUNTY	Major Employers
A&M Industrial Supply Co	1414 Campbell Street			Rahway, NJ 07065	Union County	Major Employers
Bristol-Myers Products R & D	1350 Liberty Avenue			Hillside, NJ 07205	Union County	Major Employers
Cede Candy Inc	1091 Lousons Road		PO Box 271	Union, NJ 07083	Union County	Major Employers
Comcast Network	800 Rahway Ave.			Union, NJ 07084	UNION COUNTY	Major Employers
Honeywell Inc	1515 West Blancke Street, Bldg 1501			Linden, NJ 07036	Union County	Major Employers
Honeywell Inc	1515 West Blancke Street, Bldg 1525			Linden, NJ 07036	Union County	Major Employers
Howard Press	450 West First Ave.			Roselle, NJ 07203	UNION COUNTY	Major Employers
IBM Corporation	27 Commerce Drive			Cranford, NJ 07016	Union County	Major Employers
Kerry Industries	160 Terminal Ave.			Clark, NJ 07066	Union County	Major Employers
L'Oréal	222 Terminal Ave.			Clark, NJ 07066	Union County	Major Employers
Lucent Technologies	600 Mountain Ave.			Murray Hill, NJ 07974-2008	UNION COUNTY	Major Employers
Rahway Hospital	865 Stone St.			Rahway, NJ 07065	UNION COUNTY	Major Employers
Rotuba Extruders, Inc	1401 Park Ave. South			Linden, NJ 07036	UNION COUNTY	Major Employers
ARC Warren County	319 W. Washington Ave. #2			Washington, NJ 07882	Warren County	Major Employers
Asbury Graphite	P.O. Box 144			Asbury, NJ 08802	Warren County	Major Employers
Atlantic States Cast Iron Pipe Co.	183 SigreAve.s St			Phillipsburg, NJ 08865	Warren County	Major Employers
Bihler of America	85 Industrial Dr.			Alpha, NJ 08865	Warren County	Major Employers
Blair Academy	2 Park Street		PO Box 600	Blairstown, NJ 07825	Warren County	Major Employers
Captive Plastics, Inc.	190 Strykers Rd.			Phillipsburg, NJ 08865	Warren County	Major Employers
Centenary College	400 Jefferson St			Hackettstown, NJ 07840	Warren County	Major Employers
Hackettstown Hospital	651 Willow Grove St.			Hackettstown, NJ 07840	Warren County	Major Employers

Hunterdon Transformer	75 Industrial Dr.			Phillipsburg, NJ 08865	Warren County	Major Employers
Lopatcong Care Center	390 Red School Lane			Phillipsburg, NJ 08865	Warren County	Major Employers
Mallinckrodt Baker INC	222 Red School Lane			Phillipsburg, NJ 08865	Warren County	Major Employers
Masterfoods	800 High St.			Hackettstown, NJ 07840	Warren County	Major Employers
Nova Borealis Compounds LLC	176 Thomas Rd.			Port Murray, NJ 07865	Warren County	Major Employers
Pechiney	191 Route 31 North			Washington, NJ 07882	Warren County	Major Employers
Roche Vitamins	206 Roche Dr.			Belvidere, NJ 07823	Warren County	Major Employers
Warren Hospital	185 Roseberry St.			Phillipsburg, NJ 08865	Warren County	Major Employers
Comcast of Northwest NJ	155 Port Murray Rd.			Port Murray, NJ 07865	Warren County	Media
Star-Ledger	1 Star Ledger Plaza			Newark, NJ 07102	Warren County	Media
North Central Board of Realtors	375 Broad Street			Bloomfield, NJ 07003	ESSEX COUNTY	Realtor
North Central Board of Realtors	910 Mt. Kemble Avenue			Morristown, NJ 07960	Morris County	Realtor
Greater Union County Board of Realtors	767 Central Ave			Westfield, NJ 07090	Union County	Realtor
Warren County Board of Realtors	292 Route 46W			Oxford, NJ 07863-0038	Warren County	Realtor
Agape Worship Center	33 West St. #100			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Bethany United Presbyterian	293 West Passaic Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Bethel Church of Love & Praise	55 Lawrence St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Bloomfield Presbyterian	147 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Brookdale Baptist Church	1350 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Christian Bible Center	430 Franklin St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Christian Faith Center	132 Montgomery St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
First Baptist Church	1 Washington St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Korean United Presbyterian Church	27 Bay Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
New Life Christian Church	12 Prospect St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
New Light Baptist Church	91 Dewey St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Park United Methodist Church	12 Park St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Personnel Board of the Newark Archdiocese	194 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Presbyterian Church on the Green	147 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Presbytery of Newark	192 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Sacred Heart Church	76 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Saint Thomas the Apostle	60 Byrd Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Saint Valentines	120 North Spring St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Skyline Community Church	498 Watchung Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Temple Ner Tamid	936 Broad. St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings

Union Baptist Church	21 Conger St.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Watchung Presbyterian Church	375 Watchung Ave.			Bloomfield, NJ 07003	ESSEX COUNTY	Religious Buildings
Jehovah's Witness	1170 Old Raritan Road			Clark, NJ 07066	Union County	Religious Buildings
St. Agnes RC Church	332 Madison Hill Road			Clark, NJ 07066	Union County	Religious Buildings
St. John the Apostle Church	1805 Penbrook Terrace			Linden, NJ 07036	Union County	Religious Buildings
Mountaintop Church	6 Naughton Rd.			Hackettstown, NJ 07840	Warren County	Religious Buildings
St. James Episcopal Church	214 Washington St.			Hackettstown, NJ 07840	Warren County	Religious Buildings
Washington Assembly of God Church	33 Brass Castle Rd.			Washington, NJ 07882	Warren County	Religious Buildings
Belleville Senior Center	125 Franklin Avenue			Belleville, NJ 07109	ESSEX COUNTY	Social Service
Belleville Senior Citizen Club	518 Washington Ave.			Belleville, NJ 07109	ESSEX COUNTY	Social Service
Essex Co. Board of Social Services	50 South Clinton			East Orange, NJ 07018	ESSEX COUNTY	Social Service
Essex Co. Community Action	50 South Clinton #3			East Orange, NJ 07018	ESSEX COUNTY	Social Service
Essex Co. Division of Senior Services	900 Bloomfield Avenue			Verona, NJ 07044	Essex County	Social Service
Essex Co. Division of Welfare	18 Rector St. - 9th Floor			Newark, NJ 07102	ESSEX COUNTY	Social Service
Essex County Division of Housing and Community Development	50 South Clinton Street, Suite 5400			East Orange, NJ 07018	ESSEX COUNTY	Social Service
Fairfield Golden Age Club	230 Fairfield Rd.			Fairfield, NJ 07004	ESSEX COUNTY	Social Service
Grover Cleveland Senior Center	1 Provost Square	Borough of Caldwell		Caldwell, NJ 07006	ESSEX COUNTY	Social Service
Oranges and Maplewood NAACP	PO Box 1127			East Orange, NJ 07019	ESSEX COUNTY	Social Service
Supportive Housing Association	185 Valley Street			South Orange, NJ 07079	ESSEX COUNTY	Social Service
United Way of Essex and West Hudson	60 Park Place, Suite 1400			Newark, NJ 07102	ESSEX COUNTY	Social Service
United Way of Northern New Jersey - Millburn	P.O. Box 546			Millburn, NJ 07041	ESSEX COUNTY	Social Service
West Essex YMCA	321 South Livingston Ave			Livingston, NJ 07039	ESSEX COUNTY	Social Service
Northwest New Jersey Community Action Program, Inc. (NORWESCAP)	350 Marshall St.			Phillipsburg, NJ 08865	Middlesex County	Social Service
Homeless Solutions of Morristown	540 W. Hanover Ave			Morristown, NJ 07960	Morris County	Social Service
Housing Partnership for Morris County	2 East Blackwell Street			Dover, NJ 07801	Morris County	Social Service
Morris Co. Department of Senior, Disability and Veteran Services	340 W. Hanover Ave			Morris, NJ 07961	Morris County	Social Service
Morris Co. Family Services	County of Morris			Morristown, NJ 07963-0900	MORRIS COUNTY	Social Service
Morris Co. Human Services	30 Schuyler Place			Morristown, NJ 07960	MORRIS COUNTY	Social Service
Morris Co. Office of Assistance	P.O. Box 900			Morristown, NJ 07963	MORRIS COUNTY	Social Service
Morris County Housing Authority	99 Ketch Road			Morristown, NJ 07960-2606	Morris County	Social Service
Morris County Office of Community Development	1 Medical Drive			Morris Plains, NJ 07950	Morris County	Social Service
United Way of Northern New Jersey	PO Box 1948			Morristown, NJ 07962	MORRIS COUNTY	Social Service
Catholic Charities	505 South Ave			Cranford, NJ 07016	Union County	Social Service
Community Access Unlimited	80 Grand St., # 2			Elizabeth, NJ 07202	UNION COUNTY	Social Service

Jewish Family Service of Central Jersey	655 Westfield Ave.			Elizabeth, NJ 07202	UNION COUNTY	Social Service
Salvation Army	1005 East Jersey St.			Elizabeth, NJ 07202	UNION COUNTY	Social Service
UNION Co. Social Services Department	342 Westminster Ave.			Elizabeth, NJ 07202	UNION COUNTY	Social Service
Union County Division on Aging	342 Westminster Ave.			Elizabeth, NJ 07202	UNION COUNTY	Social Service
Union County Housing Authority	1 Elizabethtown Plaza 5th Floor			Elizabeth, NJ 07202-3467	UNION COUNTY	Social Service
United Way of Greater Union County	33 West Grand Street			Elizabeth, NJ 07202	UNION COUNTY	Social Service
Urban League of Union County	288 N Broad St #2			Elizabeth, NJ 07208	UNION COUNTY	Social Service
Westfield United Way Fund	301 North Avenue West			Westfield, NJ 07090	UNION COUNTY	Social Service
Women Helping Women	530 Elm St			Westfield, NJ 07090	Union County	Social Service
North West NJ Community Action Program	350 Marshall St.			Phillipsburg, NJ 08865	Warren County	Social Service
Warren Co. Administration Building	165 County Route 519 South			Belvidere, NJ 07823	Warren County	Social Service
Warren Co. Divi. of Aging and Disability Svcs.	165 County Route 519 South	Wayne Dumont, Jr. Admin. Bldg.		Belvidere, NJ 07823-1949	Warren County	Social Service
Warren Co. Division of Senior Services	165 County Rte 519 So.	Wayne Dumont Jr. Admin. Bldg.		Belvidere, NJ 07823	Warren County	Social Service
Warren Co. Social Services	501 Second St.	Court House Annex		Belvidere, NJ 07823	Warren County	Social Service
Warren County Housing Authority	415 Front Street			Belvidere, NJ 07823-1532	Warren County	Social Service
Birth Haven, Inc.	4 Academy Street	Tina Magarino, Executive Director		Newton, NJ 07860	tina@birthhaven.org	Social Service
Elizabeth NAACP	1251 Fairmount Avenue			Elizabeth, NJ 07208		Social Service
Fair Share Housing Center	510 Park Blvd			Cherry Hill, NJ 08002		Social Service
Latino Action Network	PO Box 943			Freehold, NJ 07728		Social Service
Mental Health Association of Essex And Morris	33 S Fullerton Ave	Jonathan Hinkis		Montclair, NJ 07042	JHinkis@mhasssxmorriss.org	Social Service
Morris Co. NAACP	PO Box 2256			Morristown, NJ 07962		Social Service
New Jersey State Conference of the NAACP	4326 Harbor Beach Blvd. #775			Brigantire, NJ 08203		Social Service
Newark NAACP	PO Box 1262			Newark, NJ 07101		Social Service
VA NJ Health Care System	151 Knollcroft Rd., Bldg. 53	Joni Owen, LCSW		Lyons, NJ 07939-5000	joni.owen@va.gov	Social Service
Warren/Sussex County Branch Unit of the NAACP	President: Charles Boddy			Washington 07882		Social Service

Appendix 3

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in Region II

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: 2 Number of Rental Units: 2 Number of For-Sale Units: 0	1d. Price or Rental Range From: \$ To: \$		1e. State and Federal Funding Sources (if any) <div style="text-align: center;">N/A</div>
1f. <div style="margin-left: 20px;"> <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted </div>	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Essex, Morris, Union, Warren		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

II. RANDOM SELECTION

<p>2. Describe the random selection process that will be used once applications are received.</p> <p>The Administrative Agent will assign random numbers to each applicant through a computerized random number generator.</p> <p>After the list of applications submitted during the initial lottery period is exhausted, the priority of preliminary applications is established by the date the household submitted their preliminary application (Interest Date).</p> <p>In addition to the random number assigned to the household and/or the interest date, there are other factors impacting waiting priority which are described below.</p> <ul style="list-style-type: none"> • Regional Preference: Applicants that indicated that they lived or work in the Affordable Housing Region will be contacted first. Once those applicants are exhausted, applicants outside the region will be contacted. • Household Size: Whenever possible, there will be at least one person for each bedroom. If the waiting list is exhausted and there are no in or out region households with a person for each bedroom size, units will be offered to smaller sized households that do not have a person for each bedroom. The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor. A household

can be eligible for more than one unit category.

- **Fully Accessible Units:** A household with a person with physical disabilities will get preference on the waiting list because of the very limited number of accessible units. If there is more than one household with a person with physically disabilities on the waiting list, in region households with a person for each bedroom will be contacted first. Applicants must provide a letter from their doctor stating what kind of accommodation they require as a result of their disability.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)			
<input type="checkbox"/> White (non-Hispanic) <input type="checkbox"/> Black (non-Hispanic) <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Other group:			
3b. Commercial Media (required) (Check all that applies)			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 2			
Daily Newspaper			
<input checked="" type="checkbox"/>	Initial occupancy and as needed	Star-Ledger	Region II
<input checked="" type="checkbox"/>	Initial occupancy and as needed	Verizon Fios 24 Comcast 36	Essex County
<input checked="" type="checkbox"/>	Initial occupancy and as needed	HMFA's Housing Resource Center (njhrc.gov)	Regions I-VI
<input checked="" type="checkbox"/>	Initial occupancy and as needed	Affordable Homes Jersey (CGP&H) website www.affordablehomesnewjersey.com	Regions I-VI
<input checked="" type="checkbox"/>	Initial occupancy and as needed	The Township of South Orange Village Website https://www.southorange.org/	Essex County

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	Various	At beginning of affirmative marketing period and as needed
NJ State Conference of the NAACP	Statewide	African American	At beginning of affirmative marketing period and as needed
The Latino Action Network	Statewide	Latino	At beginning of affirmative marketing period and as needed
Oranges and Maplewood NAACP	Region 2	African American	At beginning of affirmative marketing period and as needed
Newark NAACP	Region 2	African American	At beginning of affirmative marketing period and as needed
Morris County NAACP	Region 2	African American	At beginning of affirmative marketing period and as needed
Elizabeth NAACP	Region 2	African American	At beginning of affirmative marketing period and as needed
Supportive Housing Association	Statewide	Various	At beginning of affirmative marketing period and as needed
See attached list of businesses, social service agencies, libraries, and community contacts	Throughout region	Various	At beginning of affirmative marketing period and as needed

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
	BUILDING
<input checked="" type="checkbox"/>	Morris County Library
<input checked="" type="checkbox"/>	Warren County Library Headquarters
<input checked="" type="checkbox"/>	Essex County/Hall of Records
<input checked="" type="checkbox"/>	Union County/Administration Building
	LOCATION
	30 East Hanover Avenue, Whippany, NJ 07981
	199 Hardwick Street, Belvidere, NJ 07823
	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400
	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Township of South Orange Village, 76 South Orange Avenue, South Orange, NJ 07079	
South Orange Public Library, 65 Scotland Road, South Orange, NJ 07079	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature

Date

Appendix C – Regulatory Resolutions (Adopting Obligation Number)

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



RESOLUTION #2025-017

January 27, 2025

RESOLUTION OF THE VILLAGE COUNCIL OF SOUTH ORANGE VILLAGE COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the South Orange Village (hereinafter the "Village" or "South Orange") has a demonstrated history of voluntary compliance as evidenced by its Prior Round Substantive Certification granted by the Council on Affordable Housing ("COAH") and its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on June 12, 2015, the South Orange Village 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 Village's Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 20 and a Prospective Need (New Construction) Obligation of 163; 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's estimate of the Village's Present and Prospective Need for Round 4 (2025-2035), 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 Village'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 Village 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 Structural Conditions Survey or similar exterior 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 Village 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 Village 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 Village'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 Administrative Office of the Courts issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

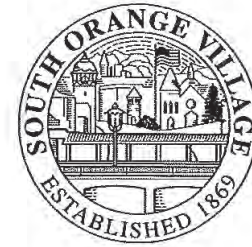
WHEREAS, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, 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 Village reserves any and all rights and remedies in relation to the AOC Directive; and

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

NOW, THEREFORE, BE IT RESOLVED on this ____ day of January of 2025, by the Village Council of South Orange Village, 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 Village Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 20 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 163 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

a) The right to adjust the Village's fair share obligations based on a Structural Conditions Survey or similar exterior 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 Village's fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the Village 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 Village's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

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

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg		X	X			
Haskins			X			
Hartshorn Hilton	X		X			
Jones			X			
Lewis Chang			X			



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Village Council at their regular meeting held on Monday, January 27, 2025.

A handwritten signature in blue ink, appearing to read "Ojetti E. Davis", is written over a horizontal line.

Ojetti E. Davis
Village Clerk

Appendix D – Affordable Housing and Development Fee Ordinance

Part 15 Affordable Housing

[Article XXXVI: General Program Purposes, Procedures](#)

[Article XXXVII: Affordable Unit Controls And Requirements](#)

[Article XXXVIII: Administration](#)

[Article XXXIV: Developer Fees](#)

HISTORY

Adopted by Ord. [2019-28](#) on 1/27/2020

Article XXXVI: General Program Purposes, Procedures

[185-222 Affordable Housing Obligation](#)

[185-223 Definitions](#)

[185-224 New Construction](#)

[185-225 Permissible Manner Of Satisfaction Of Affordable Housing Obligation Of Residential Developers](#)

[185-227 Reserved](#)

[185-228 Reserved](#)

[185-229 Reserved](#)

[185-230 Reserved](#)

185-222 Affordable Housing Obligation

- A. This section of the Village Code sets forth regulations regarding the low and moderate income housing units in the Village consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., except where modified by the requirements for very-low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at N.J.S.A. 52:27D-329.1) as reflected in the terms of a Settlement Agreement between the Village and Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 17, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Village's constitutional obligation to provide a fair share of affordable housing for low and moderate income households.
- B. This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- C. The South Orange Village Joint Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Village Council of South Orange Village. The Fair Share Plan describes the ways the Village shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- E. The Village shall file monitoring and status reports with Fair Share Housing Center ("FSHC") and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the South Orange Municipal Building, 500 West Crescent Avenue, South Orange, New Jersey 07401.

- F. On or about September 15 of each year through the end of the period of Third Round Judgment of Repose, the Village will 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 all parties to the Village's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
- G. The Fair Housing Act includes two provisions regarding action to be taken by the Village during the ten-year period of protection provided in the Village's Court-approved agreement with FSHC. The Village agrees to comply with those provisions as follows:
1. By July 1, 2020, the Village must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Village 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. 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 any 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. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.
 2. Within 30 days of September 15, 2020 and September 15, 2024 the Village shall prepare a review of compliance with the very-low income housing requirements required by N.J.S.A. 52:27D-329.1 and its Court-approved Settlement Agreement with FSHC. The Village 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 and in the Village's Settlement Agreement with FSHC. 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.

185-223 Definitions

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

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing trust fund.

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

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

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

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

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

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

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

"Development Fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

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

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Village proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

"Green Building Strategies" means those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

"Housing Element" means the portion of the Village's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Village's fair share obligation.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the median household income.

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

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

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

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

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

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

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

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

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

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

"Special master" means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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

"Very-low income household" means a household with a total gross annual household income equal to 30% or less of the median household income.

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

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

185-224 New Construction

The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

- A. **Quantification of Affordable Housing Obligation for Multifamily Developers.** Any multifamily residential development providing a minimum of five (5) new housing units created through any municipal rezoning, planning board, or zoning board action, use or density variance, or redevelopment plan is required to include an affordable housing set-aside in accordance with the requirements of this section. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of South Orange Village or its Zoning Board to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. All zones or districts shall be subject to a mandatory set-aside of affordable dwelling units and shall provide affordable dwellings on site in accordance with the requirements of this section.
- B. Any multifamily residential development of five (5) or more dwelling units, whether sold in fee simple or leased ("for sale" or "for-rent" units) shall provide a twenty percent (20%) affordable housing set-aside. For example, if five (5) units are proposed on a site, at least one (1) affordable unit must be constructed on site.
- C. Where the set-aside requirement of twenty (20%) percent results in fractional unit obligation, the affordable housing set-aside requirement shall be rounded upwards to the next whole number, with no exceptions, for units to be constructed on or off site. In all other cases, the fractional obligation shall be converted to a monetary payment-in-lieu of constructing affordable housing based upon the payment in lieu provisions set forth in Section §185-225 (E) below. For example, a thirteen-unit (13 unit) development creates an affordable housing obligation of 2.6 units (13 times .20 = 2.60). In that case, the developer would owe a fractional obligation of 0.60 units. According to Section §185-225 (E) below, therefore, the fractional payment in lieu would be \$60,000.00.

185-225 Permissible Manner Of Satisfaction Of Affordable Housing Obligation Of Residential Developers

- A. Unless otherwise exempt due to preceding and conflicting governmental approvals, executed agreements, or other vested rights, for all residential developments described above, an applicant shall presumptively satisfy its affordable housing production obligation through on-site housing production in connection with the residential project, which is one of the mechanisms permitted pursuant to COAH's regulations. Notwithstanding the aforementioned presumption, however, the applicant may request to satisfy a maximum of fifty percent (50%) of its non-fractional affordable housing obligation off-site, subject to consent by the Village in its sole discretion. For example, in the 13-unit development referenced above, the applicant would be presumptively required to satisfy its 2-unit affordable housing obligation on site; or may secure consent of the Village to construct one unit on site and one unit off-site. The fractional payment in lieu would be unaffected.
- B. If the applicant secures permission from the Village to provide offsite construction of affordable housing as referenced in paragraph A above, it must satisfy its off-site obligation either through:
 - 1. "Market to Affordable" buy-downs pursuant to N.J.A.C. 5:93-5.10 (for vacant or "never-occupied" units) and/or N.J.A.C. 5:93-5.11 (for the "write down/buy down" of previously occupied units); or

2. A \$100,000 per-unit Payment In Lieu of constructing the units pursuant to the provisions set forth in Section E below.

B. Full and complete satisfaction of the affordable housing requirements of this section shall be a specific, automatic, essential and non-severable condition of all land use approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition shall be a continuing condition of all Board approvals for development.

C. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

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

D. Design. In inclusionary developments, low- and moderate- income units shall be integrated with the market units.

E. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with the requirements below:

1. The base dollar amount of the payment-in-lieu of constructing an affordable unit ("payment-in-lieu") at the time of adoption of this Ordinance shall be \$100,000, unless the developer can demonstrate to the satisfaction the Governing Body that a payment-in-lieu of \$100,000 per affordable unit would render the proposed inclusionary development economically unfeasible. Developers seeking a lower per-unit payment-in-lieu amount must present, at a minimum, verifiable information, such as pro formas, Phase 1 and 2 environmental studies, and any other relevant facts to aid the Village in applying its discretion regarding the Developer's request for an adjusted payment-in-lieu. In addition to the above-referenced information, the Developer must provide the Village with a proposed adjusted payment-in-lieu amount that, if accepted by the Village, would maintain the economic feasibility of the proposed inclusionary development. The Village shall not adjust the payment-in-lieu amount adjustment lower than \$75,000 per affordable unit.

2. The Village shall render decisions regarding an applicant's request for an adjusted payment-in-lieu amount on a case-by-case basis and based upon the unique facts of each case. The Village shall be under no obligation to provide an explanation, or otherwise justify its decisions, but may do so at its sole discretion. Decisions rendered by the Village in the past shall be irrelevant to, and therefore non-binding upon, subsequent applications.

3. At its sole discretion, the Village may periodically adjust the payment-in-lieu amount applicable to

inclusionary developments to reflect the cost of constructing a new affordable unit at 52 percent of median income in the region, which shall include the sum of development hard costs, related soft costs and developer's fees pursuant to the cost-containment provisions of N.J.A.C. 5:43-2.4(a)1 through 6 and land costs equal to 25 percent of the first quartile of new construction costs as reported to the New Jersey Homeowner Warranty Program.

4. The payment-in-lieu, whether or not adjusted by the Village as set forth above, shall be imposed as a condition of development approval by the Joint Land Use Board.

5. Such payments shall be tendered as follows:

- i. Fifty percent (50%) prior to the first building permit; and
- ii. Fifty percent (50%) prior to issuance of a certificate of occupancy for each unit.

6. Specific Developments Exempted From/Limited In Making Payments in Lieu of Construction. the following development sites are specifically exempted from this section and must rely upon the applicable Redevelopment Plan:

- i. 270 Irvington: pursuant to the applicable Redevelopment Plan, 270 Irvington is prohibited from making payments in lieu of construction.
- ii. Lustbator: pursuant to the applicable Redevelopment Plan and Settlement Agreement with Fair Share Housing Center, Lustbator may make a payment in lieu of \$75,000.00 per unit, pursuant to the payment schedule set forth in subsection (G)5 of this section.

F. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

G. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units. All developments involving the construction of affordable housing shall conform, in all respects, with relevant COAH and UHAC regulations and relevant provisions of the New Jersey FHA, including but not limited to:

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

iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

H. Accessibility Requirements:

1. The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

2. All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor;

(b) An adaptable kitchen on the first floor;

(c) An interior accessible route of travel on the first floor;

(d) An interior accessible route of travel shall not be required between stories within an individual unit;

(e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Village has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(2) To this end, the builder of restricted units shall deposit funds within South Orange Village's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (2) herein, shall be used by the Village for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of South Orange Village.

(5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to South Orange Village's affordable housing trust fund in care of

the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

H. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and using calculation procedures approved by the Court.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - a. At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two and one-half person household.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes,

homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

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

- a. Regional income limits shall be established for the Region 2 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 2. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average medium income for a family of four. The income limit for a very-low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - b. The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Village updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Village annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
10. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in

any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

185-227 Reserved

185-228 Reserved

185-229 Reserved

185-230 Reserved

Article XXXVII: Affordable Unit Controls And Requirements

185-231 Purpose

185-232 Affirmative Marketing

185-233 Occupancy Standards

185-234 Selection Of Occupants Of Affordable Housing Units.

185-235 Control Periods For Restricted Ownership Units And Enforcement Mechanisms.

185-236 Price Restrictions For Restricted Ownership Units, Homeowner Association Fees And Resale Prices.

185-237 Buyer Income Eligibility.

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185-239 Control Periods For Restricted Rental Units.

185-240 Price Restrictions For Rental Units; Leases.

185-241 Tenant Income Eligibility.

185-242 Conversions.

185-243 Alternative Living Arrangements.

185-244 Reserved

185-245 Reserved

185-231 Purpose

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

185-232 Affirmative Marketing

- A. The Village shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.

- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2, comprised of Essex, Morris, and Union Counties.
- D. The Administrative Agent designated by the Village shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. The Village shall add 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, the New Jersey State Conference of the NAACP, the Latino Action Network, Oranges and Maplewood NAACP, Newark NAACP, Morris County NAACP, Elizabeth NAACP, and the Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Village also agrees to notice other entities, including developers or other companies retained to do affirmative marketing, to comply with this paragraph.
- F. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- G. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by South Orange Village.

185-233 Occupancy Standards

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide separate bedrooms for parents and children;
 - 3. Provide children of different sexes with separate bedrooms; and
 - 4. Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

185-234 Selection Of Occupants Of Affordable Housing Units.

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

185-235 Control Periods For Restricted Ownership Units And Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

185-236 Price Restrictions For Restricted Ownership Units, Homeowner Association Fees And Resale Prices.

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate- income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

185-237 Buyer Income Eligibility.

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

185-238 Limitations On Indebtedness Secured By Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

185-239 Control Periods For Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
 - 1. Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Essex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

185-240 Price Restrictions For Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be

applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

185-241 Tenant Income Eligibility.

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
2. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
3. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
4. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
5. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
6. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
7. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
8. The household is currently in substandard or overcrowded living conditions;
9. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
10. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
11. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

185-242 Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

185-243 Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

185-244 Reserved

185-245 Reserved

Article XXXVIII: Administration

[185-246 Municipal Housing Liaison](#)

[185-247 Administrative Agent](#)

[185-248 Enforcement Of Affordable Housing Regulations](#)

[185-249 Appeals](#)

185-246 Municipal Housing Liaison

- A. The position of Municipal Housing Liaison for South Orange Village is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Village Council and be subject to the approval by the Superior Court.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of South Orange Village.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for South Orange Village, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - 2. The implementation of the Affirmative Marketing Plan and affordability controls.
 - 3. When applicable, supervising any contracting Administrative Agent.
 - 4. Monitoring the status of all restricted units in South Orange Village's Fair Share Plan;
 - 5. Compiling, verifying and submitting annual reports as required by the Superior Court;
 - 6. Meeting with affordable housing developers and Administrative Agents, as applicable; and
 - 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

185-247 Administrative Agent

- A. The Village shall designate by resolution of the Village Council, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 - 2. Affirmative Marketing;
 - 3. Household Certification;
 - 4. Affordability Controls;
 - 5. Records retention;
 - 6. Resale and re-rental;
 - 7. Processing requests from unit owners; and
 - 8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
 - 9. The Administrative Agent shall, as delegated by the Village Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

185-248 Enforcement Of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- a. A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - b. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the South Orange Village Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate- income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and

crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

185-249 Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Village.

Article XXXIV: Developer Fees

[185-250 Purpose](#)

[185-251 Basic Requirements](#)

[185-252 Definitions](#)

[185-253 Residential Development Fees](#)

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[185-255 Collection Procedures](#)

[185-256 Affordable Housing Trust Fund](#)

[185-257 Use Of Funds](#)

[185-258 Monitoring](#)

[185-259 Ongoing Collection Of Fees](#)

185-250 Purpose

- A. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- C. In *Re: Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.

- D. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

185-251 Basic Requirements

- A. This ordinance shall not be effective until approved by Superior Court approves the Borough's development fee ordinance in accordance with N.J.A.C. 5:93-8.
- B. South Orange Village shall not spend development fees until the Superior Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-8.

185-252 Definitions

- A. The following terms , as used in this ordinance, shall have the following meanings:
1. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 2. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of "In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing (M-392-14) 067126," any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division-Essex County.
 3. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 4. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 5. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
 6. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

185-253 Residential Development Fees

- A. Imposed fees

1. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

185-254 Non-Residential Development Fees

A. Imposed fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved

structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
2. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by South Orange Village as a lien against the real property of the owner.

185-255 Collection Procedures

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property

which is subject to a development fee.

- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should South Orange Village fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by South Orange Village. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by South Orange Village. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

185-256 Affordable Housing Trust Fund

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units;
 - 2. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and

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

185-257 Use Of Funds

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address South Orange Village's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse South Orange Village for past housing activities.
- C. At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners

association or condominium fees and special assessments, and assistance with emergency repairs.

2. Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income.

3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. South Orange Village may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.

E. No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements for the affordable housing in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

185-258 Monitoring

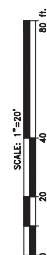
On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose, South Orange Village shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Village's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

185-259 Ongoing Collection Of Fees

A. The ability for South Orange Village to impose, collect and expend development fees shall expire with its substantive certification unless the Village has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance. If South Orange Village fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). South Orange Village shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance and repose, nor shall South Orange Village retroactively impose a

development fee on such a development. South Orange Village shall not expend development fees after the expiration of judgment of compliance and repose.

Appendix E – Prospective Obligation Plans

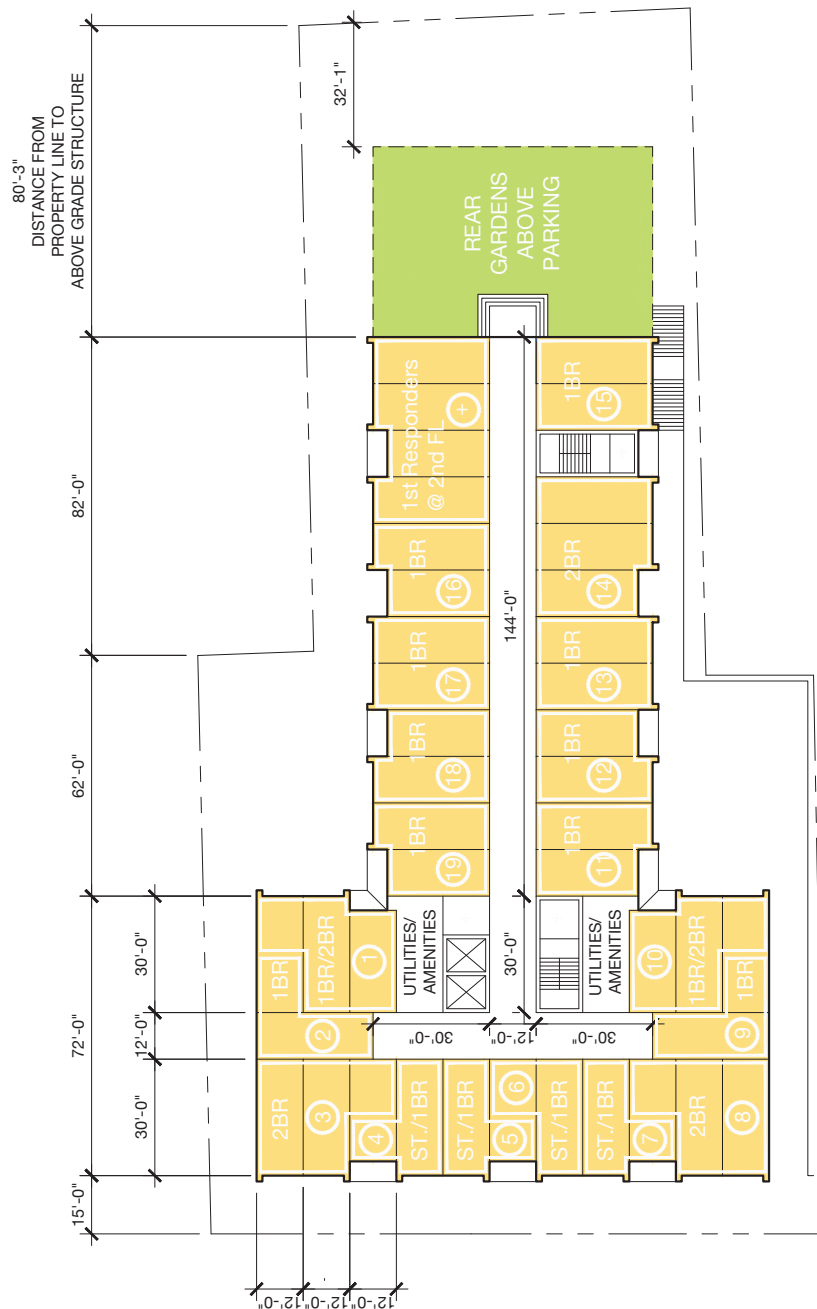


Development Parameters Outline

Wednesday, May 1, 2024

A History of development strategies at 164-168 Valley Street, Township of South Orange Village, New Jersey
(JBG column data references)

JBG University Housing		Hero w/Workshop Proposal	
USE	Student Residences	Market Rate Residential & Commercial	
LOT AREA	40,039 sf	40,039 sf	no change
BUILDING HEIGHT (FRONT)	4 stories 47 ft	3.5 stories 48 ft	consistent 1 ft taller than JBG
BUILDING HEIGHT (REAR)	20 ft (from top of wall)	32 ft (#F to Roof)	12 ft higher than JBG
DENSITY	64 units/acre	59 units/acre	5 less than JBG
TOTAL UNITS	58 student residences 155 bedrooms	51 units (final split TBD) 73 bedrooms	7 less than JBG 82 less than JBG
RESIDENT POPULATION	202 ppl	95 ppl	(assume 1.3 ppl /bedroom on average)
BUILDING COVERAGE <i>(impact on site disturbance/below grade)</i>	76% (assumption*) 30,325 sf	58% 23,398 3,528 sf below only @ parking	18% less than JBG 6,927 sf less than JBG
FOOTPRINT ABOVE GRADE	65% 26,111 sf	50% 19,870 sf	15.6% less than JBG 6,241 less than JBG
IMPERVIOUS COVERAGE	100%	86% max. paving plans TBD	14% less than JBG ref. undisturbed rear yard sloped area
FRONT YARD SETBACK	15 ft from property line 21 ft from the curb	15 ft from property line 21 ft from the curb	consistent consistent
REAR YARD SETBACK	10 ft below grade 16 ft above grade	32 ft below grade 81 ft above grade	22 ft more than JBG 65 ft more than JBG
SIDE YARD SETBACK	10 ft below grade 16 ft above grade	11.7 ft at closest pt above (SE) 10.5 ft at closest pt below (SE)	2 ft better than JBG 4 ft less than JBG
SETBACK @ 4TH FLOOR <i>(along Valley Street)</i>	21 ft	30 ft	9ft more than JBG
PARKING	54 spaces	58 spaces***	4 more than JB(
TOTAL GFA	<i>GFA (state method of calculation)</i>	60,558 GFA	JBG calculations are based on assumptions



CONCEPT DESIGN STAGE DEVELOPMENT NOTES:

1. 19 UNITS ACCOUNTED FOR ON 2ND FLOOR + FIRST RESPONDERS' SUITE
2. 19,380 GSF AS DRAWN/ARTICULATED FACADE
3. TOTAL UNIT COUNT AND ARRANGEMENT MAY BE DEVELOPED FURTHER
4. MAY VARY DURING SCHEMATIC DESIGN.
5. CORE DESIGNS TO BE DEVELOPED AFTER BULK & MASSING CONCEPTS HAVE BEEN APPROVED.

1 2ND FLOOR PLANS
1/16" = 1'-0"



0 16' 32'

Notes:

Legend

Not For Construction

CONCEPT DESIGN

REVISION:

The Gallery on Valley

164 - 188 Valley Road
Township of South Orange, Village, NJ

3RD FLOOR PLAN

SCALE: AS NOTED

DATE: JANUARY 31, 2024

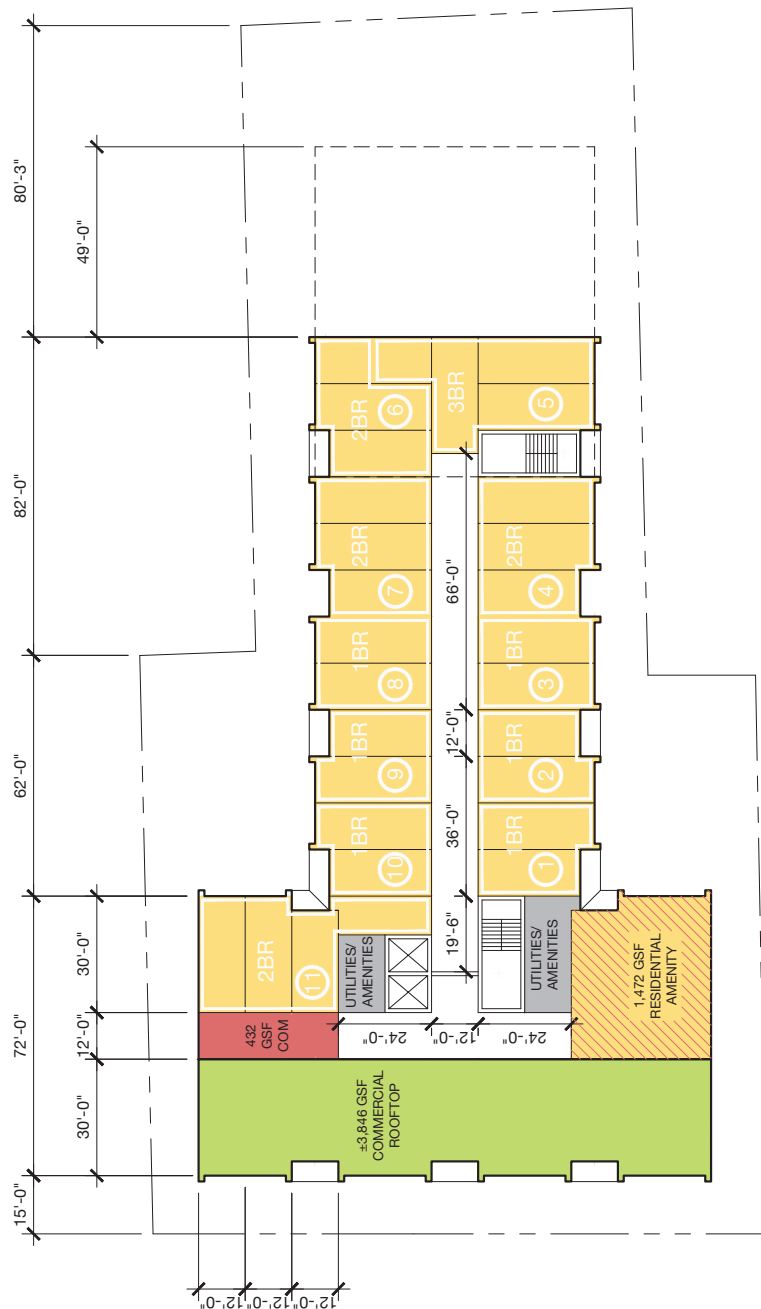
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CONCEPT DESIGN STAGE DEVELOPMENT NOTES:
1. 20 UNITS ACCOUNTED FOR ON THE 3RD FLOOR.
2. 10 UNITS ACCOUNTED FOR ON THE 2ND FLOOR.
3. TOTAL UNIT COUNT AND ARRANGEMENT MAY BE DEVELOPED FURTHER
AND MAY VARY DURING SCHEMATIC DESIGN.
4. THESE UNITS WERE DEVELOPED AFTER BULK & MASSING CONCEPTS
HAVE BEEN APPROVED.

1 3RD FLOOR PLAN
1/16" = 1'-0"





CONCEPT DESIGN STAGE DEVELOPMENT NOTES:
 1. 11 UNITS ACCOUNTED FOR ON 4TH FLOOR (50 UNITS ON ALL FLOORS 2-4)
 2. *1ST RESPONDERS' SUITE
 3. 2. 1, 472 50' RESIDENTIAL AVENUE SPACE
 4. 3. 482 50' COMMERCIAL AVENUE SPACE FOR ROOFTOP SUPPORT
 5. 4. 1, 472 50' COMMERCIAL AVENUE SPACE LET
 6. 5. TOTAL UNIT COUNT AND APPOINTMENT MAY BE DEVELOPED FURTHER
 7. AND MAY VARY DURING SCHEMATIC DESIGN.
 8. 6. CORE DESIGNS TO BE DEVELOPED AFTER BULK & MASSING CONCEPTS
 9. HAVE BEEN APPROVED.

15,534 GSF AT 4TH FLOOR

1

FOURTH FLOOR PLAN

$1/16" = 1'-0"$



16" 32"

164-168 Valley Street: Gallery South Orange
April 3, 2024

Design Calculations				Utility/Circ.
Two over One on Valley ALT				
Ground Floor	51	Commercial	Residential	765 sf
First Responders' Suite		3,906 gsf	1,593 gsf 1,216 gsf	
2nd Floor				
ST/1BR (540)			6	
1BR (720)			8	
2BR/1BR (900)			4	
2BR (1080)			4	
2BR (1080)			1	
3BR (1260) / 1ST RESP. SUITE			1	
3rd Floor				
ST/1BR (540)			6	
1BR (720)			6	
2BR/1BR (900)			5	
2BR (1080)			5	
3BR (1260)			2	
3BR (1260)			1	
4th Floor				
ST/1BR (540)			0	
1BR (720)			6	
2BR/1BR (900)			1	
2BR (1080)			3	
3BR (1260) +1 @ 4th Floor			1	
Total Resi. Units/Bldg	51			

6,264 nsf

20 Units Incl. Responders Suite

20 Units

11 Units

Total Units by Type	% OF TOT	# of Bdrms
ST/1BR	24%	12
1BR	39%	20
2BR/1BR	20%	20
2BR	12%	12
3BR / 1st Resp. Unit	6%	9
51 Total	100%	73

Total GFA	
Ground Floor	6,264.00
2nd Floor	19,380.00
3rd Floor	19,380.00
4th Floor	15,534.00
60,558.00 Total	

Market Rate by Type	UNITS
Studio	10
1BR	20
2BR	0
3BR	0
Market Rate Units	40

Affordable Units	
Studio	20% combined max
1BR	30% min
2BR	20% min
3BR	30% balance
Balance to be 2BR or 3BR (assum)	
20% TOTAL	
AH UNITS	10.2 11

Design Calculations				Utility/Circ.
Two over One on Valley ALT				
Ground Floor	50	Commercial	Residential	765 sf
First Responders' Suite		3,906 gsf	1,593 gsf 1,216 gsf	
2nd Floor				
ST/1BR (540)			6	
1BR (720)			8	
2BR/1BR (900)			4	
2BR (1080)			4	
2BR (1080)			1	
3BR (1260) / 1ST RESP. SUITE			1 n.i.c.	
3rd Floor				
ST/1BR (540)			6	
1BR (720)			6	
2BR/1BR (900)			5	
2BR (1080)			5	
3BR (1260)			2	
3BR (1260)			1	
4th Floor				
ST/1BR (540)			0	
1BR (720)			6	
2BR/1BR (900)			1	
2BR (1080)			3	
3BR (1260) +1 @ 4th Floor			1	
Total Resi. Units/Bldg	50			

6,264 nsf

20 Units Incl. Responders Suite

20 Units

11 Units

Total Units by Type	% OF TOT	# of Bdrms
ST/1BR	24%	12
1BR	40%	20
2BR/1BR	20%	20
2BR	12%	12
3BR	4%	6
1st Resp. Unit	2%	3
1 n.i.c.		
50 Total	100%	73

Total GFA	
Ground Floor	6,264.00
2nd Floor	19,380.00
3rd Floor	19,380.00
4th Floor	15,534.00
60,558.00 Total	

Market Rate by Type	UNITS
Studio	10
1BR	20
2BR	10
3BR	0
Market Rate Units	40

Affordable Units	
Studio	20% combined max
1BR	30% min
2BR	20% min
3BR	30% balance
Balance to be 2BR or 3BR (assu)	
20% TOTAL	
AH UNITS	10 10

* Note the assumption that the 1st Responders' Suite is not in the calculations associated with Affordable Housing Units.

**Resolution
South Orange Village
Planning Board
In the Matter of JESPY House, Inc.
Application # 300
66, 102-110 Prospect Street
Block 2017, Lots 16-19
Decided on November 4, 2024
Memorialized on January 6, 2025
Variances, Design Waiver and Site Plan
Approval**

WHEREAS, JESPY House, Inc. (hereinafter the “Applicant”) has made an application for bulk variances, a parking variance, a design waiver and major preliminary and final site plan approval to construct a five-story structure containing housing for intellectually and developmentally disabled individuals, administrative offices for JESPY House and space for services and programming for JESPY House clients, at property known as 66, 102-110 Prospect Street, also known as Block 2017 Lots 16-19 on the Tax Map of the Township of South Orange; and

WHEREAS, public hearings were conducted on April 1, 2024; April 11, 2024; May 6, 2024; July 11, 2024; August 5, 2024; August 14, 2024; September 4, 2024; October 10, 2024; and November 4, 2024; and

WHEREAS, the Applicant was represented by Derek W. Orth, Esq.; and

WHEREAS, the Applicant provided testimony by Audrey Winkler, representing the Applicant as its Executive Director; Nancy Dougherty, a professional architect whose credentials were accepted by the Board; Michael Lanzafama, a professional engineer and land surveyor whose credentials were accepted by the Board; Matthew Seckler, a professional

traffic engineer whose credentials were accepted by the Board; Brian Conway, a professional landscape architect whose credentials were accepted by the Board; and Mallory Clark, a professional planner whose credentials were accepted by the Board; and

WHEREAS, the Applicant presented and relied upon the application package submitted and the following exhibits introduced:

1. Aerial exhibit with depiction of proposed structure (A-1);
2. Site Plan sheet 5, colorized (A-2);
3. Partial Site Plan with loading study, April 1 2024 (A-3);
4. Truck Turning Analysis of Alternate Loading, April 1 2024 (A-4);
5. JESPY House Presentation (A-5);
6. NJ Division of Developmental Disabilities support letter (A-6);
7. Aerial photograph, updated April 11, 2024 (A-7);
8. Photographs of existing structures, April 11, 2024 (A-8);
9. Photographs of structures in the vicinity used to develop design for proposed building (A-9);
10. Colorized courtyard plan and elevation (A-10);
11. Site History, April 11, 2024 (A-11);
12. Existing Conditions, 108-110 Prospect, March 4, 2024 (A-12);
13. Height Analysis, April 11, 2024 (A-13);
14. Complete revised Site Plan set, June 13, 2024 (A-14);
15. Lower level floor plan exhibit with areas triggering parking (A-15);
16. First floor plan exhibit with areas triggering parking (A-16);
17. Truck turning templates (A-17);
18. Truck turning plan (A-18);
19. Revised Site Plan sheet previously marked A-1 (A-19);
20. Revised landscape plan, June 13, 2024 (A-20);
21. Streetscape sections (three sheets), May 6, 2024 (A-21);
22. Parking calculation plan diagram, July 22, 2024 (A-22);
23. Second floor rooftop amenity plan, August 5, 2024 (A-23);
24. Equipment enclosure detail, August 5, 2024 (A-24);

25. Garage gate detail, August 5, 2024 (A-25);
26. Updated North elevation, August 5, 2024 (A-26);
27. Bike rack detail, August 5, 2024 (A-27);
28. Planning testimony exhibit, October 10, 2024 (A-28); and

WHEREAS, representatives of the public were provided with an opportunity to ask questions of the witnesses and offer statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearing and in written reports, including the reports of Greer Patras and Justin Cutroneo, Board planners, dated March 28, 2024; August 14, 2024; and October 9, 2024; and the reports of Eric Keller, Board engineer, dated December 4, 2023; December 28, 2023; February 19, 2024; July 9, 2024; and October 7, 2024; a Memoranda from the Design Review Board dated January 20, 2024 and March 1, 2024; and correspondence from William C. Sullivan, Jr., Esq on behalf of the South Orange Village Historic Preservation Commission dated July 9, 2024;

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made.

1. The applicant proposes to construct a five-story mixed-use structure containing 31 housing units accommodating 46 persons with intellectual and developmental disabilities, as well as administrative offices for the applicant's staff and space for providing services and programming for clients of the applicant, including clients that do not reside in the proposed building.
2. The property is located in the RC-1 residential multifamily office zone, in which the proposed facility is a permitted use.

3. On one of the four lots that are the subject of the application (Lot 18), the applicant currently carries out various administrative and clinical service programs. On the other three lots within the scope of this application, there are residential and office uses. The applicant has recently acquired the 4th lot. All of the structures on these four lots are proposed for demolition under this application.
4. The applicant seeks the following relief:
 - a) under Ordinance Section 185, Attachment 3, a side yard setback variance is required on the West side of the property because a minimum setback of 15 feet is required, whereas 12.22 feet is proposed to the limits of a parking garage to be constructed below grade;
 - b) under Section 185, Attachment 3, a rear yard setback variance is required on the South side of the property because a minimum setback of 25 feet is required, whereas 11.03 feet is proposed to the limits of the below-grade parking garage;
 - c) under Section 185-174.A, a parking variance is required because a minimum of 131 spaces is required for the combined uses on the property and a six space credit is applicable for the six electric vehicle spaces provided, for a net parking requirement of 125 spaces, whereas the applicant is proposing to install 36 spaces;
 - d) under Section 185-143.A.2.a, a variance is required because the Ordinance permits one sign whereas the applicant is proposing two signs; and
 - e) a design waiver from section 185-141.A.8, requiring a maximum of six colors on a sign whereas the applicant proposes nine colors.
5. For many years, the applicant has provided housing and a wide variety of support services to adults with intellectual and developmental disabilities, on properties located in the

Village. The housing and services provided to these clients help them become more independent and thus more capable of navigating through the complexities of daily life. The proposed building provides affordable housing for 46 clients, some of whom cannot afford to live in market-rate housing. For others, this housing will allow them to move into a space of their own, a significant step in increasing their independence. The construction of this project will generate 20 affordable housing credits for the Village.

6. The non-residential portion of the new building will include a Health and Wellness Center providing occupational therapy, physical therapy, athletic training, yoga, meditation, health and nutritional counseling and other activities. These areas also include a nursing office and exam room for the applicant's clients. Portions of the building will also include space for clinical and behavioral support evaluations, a lobby, a library/tech center, counseling and workshops and related services, daily living skills, work readiness and employment counseling; and other services and activities.
7. The four lots involved have a total area of approximately 37,998 square feet or 0.872 acres. The proposed improvements include the proposed building, indoor and exterior parking, loading, drop off area, rear yard courtyard, rooftop courtyard, landscaping and other improvements.
8. The proposed building will include five stories, with partially underground level containing 6,000+ SF of health-related services (gym, physical therapy, nurses' office), a parking garage. The proposed height is 44.9 feet whereas 45 feet is the maximum permitted. That height is based upon an average grade, which is consistent with the Ordinance. Because the height is based on average grade, the part of the building visible at the entrance to the garage is not counted as part of

the building height. Measured from the driveway in front of the garage access, the structure is approximately 57 feet high because the driveway is cut into the grade. The height of 44 feet 11 inches is approximately 18 feet higher than the house to the East and 23 feet higher than the house to the West. The properties in the vicinity consist of multifamily and commercial properties of varying types and sizes ranging from one to three stories and 26 to 44 feet in height.

9. There is a 6% grade differential from south to north so that the grade of the properties rises up from the street, such that the elevation of 209 feet at Prospect Street rises to elevation 226 feet at the rear of the properties.
10. The basement level will have an elevation of 206.5 feet. The door at the lower level will be at elevation 207.5. The roof will have an elevation of 262.6 feet at the highest point of the parapet. The first floors of the existing structures range in elevation from 216 to 221 feet. The first floor elevation at the proposed main entrance and lobby is 218.5 feet, which is approximately three feet lower than the existing first floor elevation of the structures at 108-110 Prospect and the same elevation as the structures existing at 104-106 Prospect. The building is set back further from Prospect Street than the existing structures.
11. The building has a gross floor area of approximately 79,000 square feet and includes the following elements. The cellar level will include parking, utility rooms and a trash and recycling room fed by a trash chute as well as the health/wellness studio, OT/PT area, nurses' office, and ancillary offices. The garage entry is located on the east side of the building. There will be a bike rack with capacity for 10 bikes and bollards surrounding it.

12. The first floor contains administrative offices and client service offices workspaces, and related programming spaces. It also contains the lobby, library, multi-purpose room, mail room, and break room.
13. On the second floor there will be 5 four-bedroom units for an older adult population with increased need for assistance. On the third floor there will be thirteen apartments, lounge space in the front and a music room. On the 4th floor there will be thirteen apartments and lounge space in the front. Apartment sizes on the 3rd and 4th floors will range from 729 square feet to 853 square feet.
14. The roof level will include the elevator bulkhead with a grey stucco finish, HVAC equipment, and an emergency generator, all within a dark grey enclosure six feet high, as well as a solar installation. The equipment area will be 1,498.7 square feet, less than ten percent of the overall roof area of 15,328.6 square feet, so that a height variance is not required.
15. There will be an open courtyard in the middle of the building with a total area of 2100 square feet including benches and planters. It will also include planters with underlying drainage with a collective area of approximately 750 square feet. It will be accessible from the building. The building will have two elevators and smart building technology. The building will be fully sprinklered.
16. Several sustainability elements are incorporated in the building design, including a green roof over a portion of the parking garage, Energy Star appliances and low flow fixtures, a solar installation on the roof, and six electric vehicle spaces.
17. Patio and green space will be included in the rear of the

building with an area of 2600 square feet.

18. The facade design as presented to the Board as of the conclusion of testimony had been modified to address some comments of the Historic Preservation Commission and the Design Review Board. Among the modifications were a reduction in building height and the reduction of the height of retaining walls in some places or the elimination of same in some locations, as well as modifying the entrance to provide for accessible pedestrian access. Among the recommendations that were not accepted were a proposed portico, a first floor entrance at a lower level, making the building smaller and relocating the office space to an off- site location.
19. Building materials will include brick, stucco and cast stone details, as well as Hardie panels and siding. There will be carriage lights at the front entrance.
20. The plans for this facility were reviewed by the New Jersey Division of Developmental Disabilities, which issued a letter in support of the project. Exhibit A-6. Among the building elements developed to meet the agency requirements were the size and layout of apartments, programming spaces and amenity spaces and life safety upgrades.
21. The South Orange Historic Preservation Commission ("HPC") considered this application at a meeting held on December 21, 2023 pursuant to the Commission's authority pursuant to N.J.S.A. 40:55D-110 and Ordinances 2012-09 and 2012-16. Following that meeting, by letter of January 2, 2024 prepared by William C Sullivan, Jr. counsel for the HPC, the HPC provided a number of comments and recommendations. Thereafter, the Applicant made a number of modifications to the project.

22. The HPC considered the modified project at a meeting held on June 20, 2024, at which time the Applicant's architect explained that a number of modifications were made to address the prior comments by the HPC. After considering that testimony, the HPC provided modified comments and recommendations which were set forth in correspondence from Mr. Sullivan dated June 27, 2024. The HPC maintained its prior position that the Village's recognition of the historic value of the existing structures should lead the Planning Board to conclude that these structures should not be demolished. The HPC stated that it appreciated the fact that the Applicant had made several design modifications to address the HPC's prior comments, including but not limited to the relocation of the loading space to the side yard, the reconfiguration of the driveway to provide a new, lower level entrance to the garage on the side; the elimination or reduction in height of retaining walls, the reduction of the building height by 4 feet, and the providing of additional trim and articulation.
23. If the Board was inclined to grant the application, then the HPC also recommended that the Applicant should reuse historic materials in the existing structures to the extent feasible, that design and detailing at the top of the front facade should extend along the length of the sides, that the Applicant should consider a modified parking lot design to be more historically attractive, and that more landscaping should be provided. Ultimately, the Applicant agreed to reuse historic materials to the extent feasible, extended the roof detail on the sides but not along their entire length, (because doing so would require alterations to the interior of the 4th floor); and provided additional landscaping. The Applicant maintained that it was not practical to use the existing buildings for the proposed residential and programming uses due to changes in grade and height and non-accessible interior elements. The Applicant also maintained that it had made the exterior parking area more

attractive by eliminating a parking space and adding landscaping.

24. As explained in paragraph 11 above, the project, as modified, provides for an entry to the garage from the east side of the building at the lower level. There will be a garage gate that is locked after approximately 8 pm, with card access thereafter. The gate will slide side to side and not up and down and will have a bronze anodized finish.
25. The loading space, with an area of approximately 12 feet by 35 feet, is also located in the side yard, eliminating the need for a variance from the requirement that loading spaces are prohibited in the front yard. The transformer location was also changed to a less prominent location that is easier to screen. The Applicant also provided for a drop off area, with a pedestrian entrance at grade and with a bench and a canopy with an area of approximately 200 square feet, which extends 8 feet from the front façade of the building.
26. The project provides for 36 parking spaces, 31 in the garage and five outside; including two ADA-compliant spaces and six electric vehicle spaces within the garage. On-street parking may also be available though it was not considered in the grant of the parking variance.
27. The Ordinance requires 1 space per 300 sq ft of office space. Based on programming and office space of 20,571 sq ft, 69 spaces are required, and 62 spaces for the residential component (2 spaces per unit), for a total demand of 131 spaces, minus a six-space credit for the electric vehicle spaces, for a total parking requirement of 125 spaces, whereas 36 spaces are proposed.

28. The Applicant presented testimony supporting the position that the proposed number of spaces was adequate. Very few of the clients drive and therefore the 62 spaces related to the residential component were not necessary. There are few visitors. Staff will work on three shifts and share office space. During the peak shift, the 8 am to 4 pm shift, 24 employees are expected on-site. Because the change of shift at 4 pm will include 24 employees from the day shift still on site and the evening shift arriving, the Applicant adjusted the day shifts as follows: Day A (7 am to 3 pm)(5 employees); Day B (7:30am to 3:30 pm)(5 employees) and Day C (8am to 4 pm)(14 employees). The evening shift (4pm to 12 am) will include 16 employees and the night shift (12am to 8 am) will include 8 employees. As a result, there will be a maximum of 30 employees on duty in the afternoon and 32 employees in the overlap between the night and day shifts. Vans used to transport clients to appointments and activities are maintained at the Applicant's facility located at 110 Irvington Avenue. They also transport residents from other buildings to this proposed facility for services. They will likely make a few trips a day to and from the proposed facility.
29. The Applicant agreed to schedule events so as to not overtax the parking. The Applicant also agreed to conduct a study every two years, commencing two years after the issuance of the Certificate of Occupancy to confirm that the proposed parking is adequate. The study will be conducted by a consultant retained by the Applicant but reviewed and confirmed by the Board engineer. If the parking on-site is not adequate, then the Applicant shall implement a plan for employees to park at off-site facilities (either applicant or Village controlled), implement car-pooling or propose another alternative that will redirect parking in sufficient numbers to provide for adequate parking on-site, to the satisfaction of the