

Housing Element and Fair Share Plan

Township of Deptford
Gloucester County, New Jersey

June 18, 2025

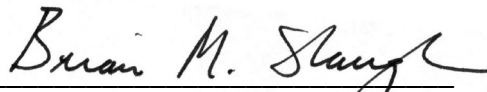
Clarke Caton Hintz



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Township Council and Planning Board
Township of Deptford
Gloucester County, New Jersey

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Housing Element and Fair Share Plan

EXECUTIVE SUMMARY

The Housing Element and Fair Share Plan for the Township of Deptford, Gloucester County, addresses its constitutional obligation to provide for affordable housing under the mandate of the *Mount Laurel Doctrine* established by the New Jersey Supreme Court beginning in 1975 and addressed legislatively in the New Jersey Fair Housing Act of 1985.¹ Together, the Housing Element and Fair Share Plan constitute the affordable housing plan for the Township of Deptford. The Housing Element is a component of the Township's Master Plan for development and redevelopment, and the Fair Share Plan constitutes the means and documents designed to implement the Housing Element. Together, the two major divisions are called the "housing plan" in this document.

There are four components to a municipality's affordable housing obligation: (1) the Present Need or Rehabilitation share, (2) the Prior Round obligation or the recalculated First and Second Round obligation, (3) the Third Round obligation which covers both the Gap Present Need (1999-2015) and Future Need for the period covering July 1, 2015 through June 30, 2025, and (4) the Fourth Round prospective Need obligation for the period covering July 1, 2025 through June 30, 2035.

Affordable Housing Obligations of Deptford

For the Third and Prior Round Obligations, the Township entered into a Settlement Agreement with Fair Share Housing Center, Inc. ("FSHC") on October 13, 2020. Deptford adopted its Third Round Housing Element and Fair Share Plan ("HEFSP") on August 5, 2020 that was endorsed by the Township Council on September 14, 2020. The Town's Third Round HEFSP was approved by the Superior Court in a Judgment of Compliance and Repose ("JOR") issued on May 6, 2021 (see Appendix A). The Township's court-approved fair share obligation is as follows:

- Third Round Rehabilitation Share of 94 units;
- Prior Round obligation of 296 units; and
- A Third Round Prospective Need obligation encompassing both the Gap Present Need and Prospective Need of 975 units.

For the Fourth Round, the Township accepted the obligations calculated by the Department of Community Affairs (DCA) with a Present Need of 87 units and a Prospective Need of 398 units. This housing plan sets forth the means whereby these obligations will be met.

¹ - N.J.S.A. 52:27D-301 et seq.

INTRODUCTION

The proposed Fourth Round HEFSP was prepared in accordance with N.J.S.A. 40:55D-28(b)(3) of the Municipal Land Use Law (MLUL) and the mandatory requirements of a Housing Element under the recently amended New Jersey Fair Housing Act (“FHA;” P.L. 2024, c.2), relevant regulations of the New Jersey Council On Affordable Housing (COAH), and the Administrative Office of the Courts Directive #14-24. The Fourth Round Housing Element and Fair Share Plan also delineates the actions taken, and to be taken, by the Town to satisfy its affordable housing responsibilities under applicable laws. This Fourth Round Housing Element and Fair Share Plan will be submitted to the Affordable Housing Dispute Resolution Program and subsequently to Superior Court for a determination as to its compliance with the requirements.

A municipality’s Fourth Round affordable housing obligation has two major aspects: (1) Present Need (Rehabilitation Share); and (2) Prospective Need. Pursuant to the amended FHA, the New Jersey Department of Community Affairs (“DCA”) calculated these obligations on an advisory basis for all municipalities. Municipalities were able to either elect to accept the DCA’s calculated obligations or to perform their own calculations based on the revised law. However, Deptford decided to accept the DCA’s numbers, and the Township Council adopted Resolution No. R.68.25 (Appendix B) on January 27, 2025, accepting a Fourth Round Present Need of 87 units and a Prospective Need of 398 units. On January 28, 2025, Special counsel for the Township also filed its Fourth Round Declaratory Judgment Action (“DJ Action”) with the Affordable Housing Dispute Resolution Program/Superior Court (“Program”), pursuant to the requirements of the amended FHA and the Administrative Directive #14-24 and was assigned Docket No. GLO-L-128-25. Thereafter, on April 28, 2025, the Superior Court issued an Order accepting the Town’s Fourth Round Present Need and Prospective Need obligations (see Appendix B) and directing the municipality to file this document.

BRIEF HISTORY AND REGIONAL LOCATION

Deptford Township is located in northern Gloucester County, New Jersey, about eight miles from the center of Philadelphia and eighty miles from New York City. The municipality contains 17.5 square miles and had a population estimated to be 32,570 people on July 1, 2024².

The Township of Deptford dates from the earliest days of English rule over the colonies after Dutch and Swedish claims to the land were eliminated, sometimes by force. New Jersey was the province of James, the Duke of York, who was given the land by his brother, King Charles II, in 1664. The Duke of York in turn rewarded two of his loyal courtiers, Sir George Carteret and John, Lord Berkeley, with East and West New Jersey, respectively. Lord Berkeley found himself in financial difficulties and sold West New Jersey to two Quakers in 1673. The part occupied by modern Deptford Township was

² - Municipal Population Estimates, 2020-2024, NJ Department of Labor and Workforce Development

shortly thereafter owned by Edward Byllynge. Byllynge's land was divided into smaller shares of about 20,000 acres each. Byllynge, along with a group of trustees who marketed the shares, established a common document promising religious freedom, representative government, and fair taxation. These provisions were attractive to a group of Irish Quakers who ended up being the first legal settlers in West New Jersey in 1681, a year before William Penn chartered Pennsylvania. Deptford was established in 1695 as a township under the Crown when it was known as Bethlehem. The Township was about 106 square miles when first established. Deptford was formally incorporated as Township on February 21, 1798 by an act of the New Jersey legislature. Woodbury, Westville, Washington, Woodbury Heights, Wenonah and West Deptford at one time were part of Deptford.

On January 9, 1793, Deptford was the landing site of the first hot air balloon flight in North America undertaken by Frenchman Jean-Pierre Blanchard. Blanchard, an early pioneer of balloon flight, was also the first to cross the English Channel from England to France and undertook the first manned flights in Belgium, Germany, the Netherlands and Poland, as well as the United States. The ascent from Philadelphia was witnessed by then President George Washington, as well as future presidents John Adams, Thomas Jefferson, James Madison, and James Monroe. The landing site is believed to be located next to Big Timber Creek, north of Clements Bridge Road.

The demand for wood for construction and industrial heating from Philadelphia led to felling of forests in Deptford in Colonial times. This wood was floated down the Big Timber Creek and led to the stream's name used today. The forests were also cut to make charcoal used in ironwork, which burned with a more consistent and hotter flame. As the original forest declined and the land was cleared, Deptford became a farming community on the outskirts of Woodbury. A railroad line was established by 1865 in Woodbury that gave more consistent access to markets for agricultural products. The opening of the Walt Whitman Bridge in 1957 and the subsequent construction of Rt. 42 in 1957-59 brought a more direct route to Philadelphia and opened the Township to suburban development. Suburbanizing pressure accelerated with the opening of the Deptford Mall in 1975 and its subsequent retail development that continues to this day.

AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel³ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision,⁴ the NJ Supreme Court extended to all municipalities with any "growth area" as designated in the State Development Guide Plan (now superseded by the State Development and

³ - Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

⁴ - Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

Redevelopment Plan, or SDRP) the obligation to provide their “fair share” of a calculated regional need for affordable units. Mount Laurel II also introduced a “builder’s remedy” if a municipality was not providing its fair share of affordable housing. A builder’s remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multifamily project on land not zoned to permit such use, so long as a “substantial” percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act (“FHA”).⁵ The FHA created the Council on Affordable Housing (“COAH”) as an administrative body responsible for oversight of municipalities’ affordable housing efforts, rather than having oversight go through the courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

COAH’s First and Second Rounds, 1986 - 1999

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁶ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (“prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH’s Second Round regulations.⁷ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality’s cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality’s obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

COAH’s Third Round and Related Judicial and Legislative Activity, 1999-2025

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds, then in 2001, the time period increased to a 10-year period

⁵ - N.J.S.A. 52:27D-301 et seq.

⁶ - N.J.A.C. 5:92-1 et seq.

⁷ - N.J.A.C. 5:93-1.1 et seq.

consistent with the Municipal Land Use Law (“MLUL”). In order to utilize 2000 census data which had not yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH’s first version of the Third Round rules⁸ became effective, and the 15-year Third Round time period (1999 – 2014) was condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH’s Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision⁹ invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules, with COAH issuing revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008) which largely retained the growth share approach.

Just as various parties had challenged COAH’s initial Third Round regulations, parties challenged COAH’s 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.¹⁰ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision¹¹ and ordered COAH to prepare the necessary rules. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on FSHC’s Motion in Aid of Litigant’s Rights, which became known as *Mount Laurel IV*.¹² In this decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges, declaring COAH

⁸ - N.J.A.C. 5:94-1 and 5:95-1

⁹ - In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

¹⁰ - In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

¹¹ - In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹² - ibid.

“moribund.” Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH’s substantive certification.

While the NJ Supreme Court’s decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH’s Second Round rules (N.J.A.C. 5:93) and those components of COAH’s 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision¹³ that found that the period between 1999 and 2015, now known as the “gap period,” when no valid affordable housing regulations were in force, generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

In addition to the state agency negotiation and judicial decisions, the New Jersey Legislature has amended the FHA several times in recent years.

- A statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing was established in 2008;
- New regional contribution agreements (“RCAs”) were eliminated in 2008;
- A very-low income requirement was added in 2008;
- In 2008, a requirement was added that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹⁴

¹³ - In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

¹⁴ - In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan.

- In 2020, all affordable units have to be affirmatively marketed and also listed on the state's Affordable Housing Resource Center website.¹⁵

The Fourth Round, 2025-2035

As noted in the introduction, the rules upon which this document is based came about from the FHA amendments in P.L. 2024, c. 2, passed on March 20, 2024. The key parts of the law include:

- The abolition of the NJ Council on Affordable Housing;
- Designating the NJ Department of Community Affairs ("DCA") to develop new municipal obligations using a methodology that is mainly spelled out in the law. These obligations are advisory, not binding;
- Establishing a timeline within which municipalities need to adopt and submit binding resolutions establishing their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Requiring the NJ Housing and Mortgage Finance Agency ("HMFA") and DCA to update rules and standards governing affordable housing production, trust funds and administration;
- Establishing a court-based Affordable Housing Dispute Resolution Program ("Program") that hears challenges to municipalities' affordable housing obligation determinations and housing plans;
- Establishing a longer period of deed restrictions for rental units to 40 years;
- Changing the criteria whereby municipalities may gain affordable housing bonuses;
- Establishing new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

Furthermore, in December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment filings, etc. This Administrative Directive also sets requirements for what must be included in a Fourth Round HEFSP.

¹⁵ - [and Implementing Ordinances](https://njhrc.gov) (112 A.3d 595 (App. Div. [2015]))
<https://njhrc.gov>

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This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive, as necessary. Where such requirements contradict each other, this document adheres to the statute.

DEPTFORD'S AFFORDABLE HOUSING HISTORY

Deptford has demonstrated a long-standing commitment to comply voluntarily with its Mount Laurel fair share obligations. The Township has addressed its constitutional affordable housing obligation in response to the New Jersey Fair Housing Act ("FHA"), at N.J.S.A. 52:27D-301 et seq., in each affordable housing round by preparing and adopting Housing Elements and Fair Share Plans and either receiving substantive certification from the NJ Council on Affordable Housing or Superior Court – including five different plans in the Third Round alone. The following facts demonstrate the Township's voluntary commitment.

Deptford was granted First Round (1987-1993) substantive certification from COAH on May 20, 1987 and was one of the group of seven that were the first towns certified by COAH.

The Deptford Planning Board adopted a Second Round (1993-1999) Housing Element on October 7, 1996. The petition for substantive certification was filed on May 28, 1997 and granted final substantive certification on September 3, 1997.

The Township prepared a Third Round housing plan which was adopted by the Planning Board on July 20, 2005, and endorsed by the Township Council on August 1, 2005. COAH received the petition for initial Third Round certification on August 4, 2005. COAH's Report Requesting Additional Information (dated January 23, 2006) requested a detailed analysis of some of the assumptions and calculations in the plan. Based on this report, the Township decided to entirely revamp its approach to its affordable housing obligation and produce a new housing plan.

The Deptford Planning Board adopted a new Housing Element and Fair Share Plan conforming to the 2004 COAH rules on November 9, 2006. The housing plan was filed with COAH on November 21, 2006. The plan was required to address a Prior Round of 317 units. The 2006 plan had a total of 353 units. This plan was not reviewed by COAH and in fact the agency only granted substantive certification for three municipalities of the hundreds of petitions that were submitted.

The Deptford Planning Board adopted the Township's third Third Round Plan on November 6, 2008. The 2008 Housing Element and Fair Share Plan, and Spending Plan, were filed with COAH on December 31, 2008. Four objections were received.

On October 5, 2011, the Planning Board of Deptford adopted an amendment to the 2008 Third Round Plan to address the Appellate Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (App. Div. 2010) that invalidated the use of compliance bonuses.

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The 2011 Plan Amendment was filed with COAH on November 16, 2011. There were no objections filed with COAH on the 2011 amendment. COAH did not issue a staff report and did not take any action on the filed 2011 housing plan amendment.

In 2012 the Township amended its spending plan in order to acquire the former Elite Construction site located at Block 4.01, Lot 1. Renamed the Donason Tract, the Township entered into a contract for the purchase with Donason, Inc. The revised spending plan, dated June 26, 2012, was submitted to COAH for review. COAH did not issue a staff review on the amendment and did not take any action to signal approval of the revised spending plan.

In 2013 the Deptford Township Planning Board amended the 2008 Housing Element and Fair Share for the second time. The 2013 housing plan amendment revised the new construction plan to account for the acquisition of the Donason Tract for a 100% municipally sponsored project and also addressed a change in the type of units from Maple Ridge. The re-petition of the housing plan was filed with COAH on May 14, 2013. Two objections were received. COAH did not issue a staff report and did not take any action on the filed 2013 housing plan amendment. These two objectors, MiPro Homes and Planland, LLC, were the two intervenors in the Township's July 2015 Declaratory Judgment action.

Pursuant to the NJ Supreme Court's March 10, 2015 decision, the Township of Deptford was deemed to be a 'participating' municipality. As noted previously, on July 7, 2015, the Township Solicitor filed a Declaratory Judgment action in Superior Court seeking court approval that the municipality's amended Third Round Housing Element and Fair Share Plan meets its constitutional obligation for the provision of affordable housing¹⁶. Simultaneously the municipality also filed a motion to be granted temporary immunity. Subsequent to the initial filing, the municipality participated in mediation with Fair Share Housing Center, an interested party as designated by the NJ Supreme Court. This led to the Settlement Agreement noted before that is dated October 13, 2020 and the August 5, 2020 HEFSP that was finally approved by Superior Court on May 5, 2021 that finalized Deptford's response to the Third Round and cemented its obligations for the housing compliance period. For a more detailed accounting of the Township's affordable housing efforts, see the August 5, 2020 HEFSP.

¹⁶ - Docket No.: GLO-L-0929-15.

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the FHA, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- An **inventory of the municipality's housing stock** by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A **projection of the municipality's housing stock**, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An **analysis of the municipality's demographic characteristics**, including, but not necessarily limited to, household size, income level, and age;
- An **analysis of the existing and probable future employment characteristics** of the municipality;
- A **determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate** its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A **consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to**, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- An **analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity** as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and
- An **analysis of consistency with the State Development and Redevelopment Plan**, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

In addition to FHA requirements, this Fourth Round HEFSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

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1. One of the requirements for a final HEFSP is the inclusion of **detailed site suitability analyses**, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The **concept plan for the development of each of the selected sites** should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the **creditworthiness of all of the existing affordable housing units** in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP must include an **analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement**. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the FHA and UHAC regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

The HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the HEFSP, including:

1. All **zoning amendments** (or **redevelopment plans, if applicable**).
2. An **Affordable Housing Ordinance** that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low

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income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).

3. The adoption of the **mandatory set aside ordinance**, if any, and the repeal of the existing growth share provisions of the code.
4. An executed and updated **Development Fee Ordinance** that reflects the court's jurisdiction.
5. An **Affirmative Marketing Plan** adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
6. An updated and adopted **Spending Plan** indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.
7. A **resolution of intent to fund any shortfall** in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
8. Copies of the **resolution(s) and/or contract(s) appointing one or more Administrative Agent(s)** and of the adopted ordinance creating the position of, and resolution appointing, the **Municipal Affordable Housing Liaison**.
9. A **resolution from the Planning Board adopting the HEFSP**, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a **resolution of the governing body** endorsing the HEFSP.

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100% affordable housing development will be required to be shovel-ready within two years of the deadlines set forth in the settlement agreement:

- I. The municipality will be required to submit the **identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding** to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.

2. Additionally, a **construction schedule or timetable** must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of construction, such that construction can begin within two years of the deadline set forth in the settlement agreement. Since Deptford is not a party to a settlement agreement, these sections are not applicable to the housing plan.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low- or moderate-income, as is measured within each housing region. Deptford Township is in COAH's Region 5, which includes Burlington, Camden, and Gloucester Counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very-low income households, a subset of "low-income" households that earn 30% or less of the regional median income, must also be accounted for.

The Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3(d) and (e) requires that the maximum rent for a qualified unit be affordable to households that earn 60% or less of the median income for the region. The average rent for affordable units in a rental development must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn 70% or less of the median income. The average sale price for affordable units in a for-sale development must be affordable to a household that earns 55% or less of the median income.

The regional median income has historically been defined by COAH using the HUD income limits on an annual basis. In the spring of each year HUD releases updated regional income limits which COAH has historically reallocated to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. COAH last published regional income limits in 2014. Since COAH stopped functioning, income limits have been calculated and published annually by the Affordable Housing Professionals of New Jersey (AHPNJ), and those income limits have been approved by the Court for the Township to use in determining who is eligible to live in affordable housing.

Pursuant to P.L. 2024 c.2, the New Jersey Housing and Mortgage Finance Agency ("HMFA") was assigned responsibility for calculating and publishing annual income limits. In May of 2025, HMFA enacted new income limits for 2025, which are shown for Housing Region 5 in Table 1, below.

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Table 1. 2025 Income Limits for Region 5

Household Income Levels	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household
Moderate	\$68,880	\$76,480	\$86,000	\$95,520	\$103,200	\$110,880
Low	\$41,800	\$47,800	\$53,750	\$59,700	\$64,500	\$69,300
Very Low	\$25,080	\$28,680	\$32,250	\$35,820	\$38,700	\$41,580

Source: New Jersey Housing and Mortgage Finance Agency

The sample rents and sale prices shown in Tables 2 and 3, below, are gross figures and do not account for the specified utility allowance.

Table 2. Illustrative 2024 Affordable Gross Rents for Region 5

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (60%)	\$1,290	\$1,548	\$1,789
Low (50%)	\$1,075	\$1,290	\$1,491
Very Low (30%)	\$645	\$774	\$895

Source: Affordable Housing Professionals of New Jersey Affordable Housing Rental Calculator

Table 3. Illustrative 2024 Affordable Sales Prices for Deptford

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70%)	\$154,088	\$187,267	\$218,234
Low (50%)	\$106,689	\$130,389	\$152,508
Very Low (30%)	\$59,291	\$73,510	\$86,782

Source: Affordable Housing Professionals of New Jersey Affordable Housing Sales Calculator

HOUSING, POPULATION, AND EMPLOYMENT ANALYSIS**Housing Conditions**

The 2019-2023 American Community Survey (ACS)¹⁷ indicates that Deptford's housing stock has 12,465 units, including 605 (4.9%) that are vacant. The Township's housing stock consists predominantly of single-family detached units (72.5%), followed by townhouses (7.8%). The Township's renter-occupied households comprised approximately 26.7% of all occupied units, which is a lower percentage than the County (35%) and State (36.3%).

Table 4. Housing Units by Number of Units in Structure, 2023

Number of Units	Owner Occupied	Percent of Total	Renter Occupied	Percent of Total	Vacant	Percent of Total	Total
1, Detached	7,728	88.9%	925	29.2%	387	64.0%	9,040
1, Attached	803	9.2%	168	5.3%	58	9.6%	1,029
2	16	0.2%	115	3.6%	45	7.4%	176
3 or 4	104	1.2%	336	10.6%	0	0.0%	440
5 to 9	13	0.1%	668	21.1%	23	3.8%	704
10 to 19	12	0.1%	462	14.6%	0	0.0%	474
20 or more	0	0.0%	465	14.7%	92	15.2%	557
Mobile Home	6	0.1%	25	0.8%	0	0.0%	31
Other	14	0.2%	0	0.0%	0	0.0%	14
Total	8,696	100.0%	3,164	100.0%	605	100.0%	12,465

Source: Tables B25032, DP04, 2019-2023 American Community Survey Five-Year Estimate

Only 9.0% of Deptford's housing stock was constructed before 1950. The Township's housing stock grew steadily from the 1950s through the 2000s, with growth slowing significantly after 2009. The peak housing production decades were the 1950s, 1960s, 1970s and lastly the 2000s when Locust Grove was finally completed. The median year homes were built (1977 is earlier than that of the County (1979) but later than that of the State (1969).

¹⁷ - The American Community Survey replaced the long-form Census as the source for much of the housing data necessary to complete this section. The Census is a one-time count of the population while this ACS is an estimate taken over five years through sampling. Thus, data in the ACS is subject to a margin of error.

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Table 5. Housing Units by Year Built, 2023

Year Built	Occupied Units	Percent	Owner	Renter	Vacant
2020 or later	31	0.2%	31	0	0
2010 to 2019	586	4.7%	430	156	0
2000 to 2009	1,993	16.0%	1,497	455	41
1990 to 1999	1,289	10.3%	959	313	17
1980 to 1989	1,628	13.1%	1,111	517	0
1970 to 1979	1,594	12.8%	744	744	106
1960 to 1969	1,883	15.1%	1,234	379	270
1950 to 1959	2,337	18.7%	1,903	287	147
1940 to 1949	501	4.0%	324	153	24
1939 or earlier	623	5.0%	463	160	0
Total	12,465	100.0%	8,696	3,164	605
Median Year Built	1977		1976	1978	

Sources: Tables B25036, B25037. DP04, 2019-2023 American Community Survey Five-Year Estimate

The plurality (40.6%) of housing in Deptford contains three bedrooms, and 64.3% of all units have three or more bedrooms. The breakdown of housing units by number of bedrooms is generally consistent with that of Gloucester County, although the County has a higher percent of four bedroom homes (26.9%).

Table 6. Number of Bedrooms per Housing Unit, 2023

Bedrooms	Number of Units	Percent of Total
Efficiency	336	2.7%
1	1,300	10.4%
2	2,814	22.6%
3	5,058	40.6%
4	2,483	19.9%
5+	474	3.8%
Total	12,465	100.0%

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

The median home value in Deptford increased slightly more (29.1%) between 2013 and 2023, compared with that of the County (26.2%). The Township had lower median home values than the County in both 2013 (\$199,000 vs. \$224,700, respectively) and 2023 (\$256,900 vs. \$283,500, respectively).

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Table 7. Owner-Occupied Housing Values, 2013 and 2023

Housing Unit Value	2013 Units	Percent	2023 Units	Percent
Less than \$50,000	153	1.7%	180	2.1%
\$50,000 to \$99,999	422	4.7%	118	1.4%
\$100,000 to \$149,999	1,095	12.2%	496	5.7%
\$150,000 to \$199,999	2,865	32.0%	1,354	15.6%
\$200,000 to \$299,999	3,343	37.3%	3,759	43.2%
\$300,000 to \$499,999	965	10.8%	2,577	29.6%
\$500,000 to \$999,999	75	0.8%	162	1.9%
\$1,000,000 or more	46	0.5%	50	0.6%
Total	8,964	100.0%	8,696	100.0%
Median	\$199,000		\$256,900	

Sources: Table DPo4, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

Based on the information in Table 7 and in Table 16, below, approximately 7,405 housing units (approximately 83% of all housing units in the Township) may be affordable to moderate-income buyers. Of those, 3,976, or 44.4%, may also be affordable to low-income buyers, and 561 may be affordable to very low-income buyers.

The median rent in Deptford in 2023 was \$1,620, compared to \$1,480 across Gloucester County.

Table 8. Deptford and Gloucester County Gross Rent, 2023

Gross Rent	Units in Deptford	Percent	Units in Gloucester County	Percent
Less than \$500	126	4.0%	1,583	6.9%
\$500 to \$999	375	11.9%	2,938	12.8%
\$1,000 to \$1,499	789	24.9%	6,807	29.6%
\$1,500 to \$1,999	1,054	33.3%	5,923	25.7%
\$2,000 to \$2,499	484	15.3%	3,109	13.5%
\$2,500 to \$2,999	238	7.5%	1,093	4.8%
\$3,000 or more	20	0.6%	624	2.7%
No cash rent	78	2.5%	925	4.0%
Total	3,164	100.0%	23,002	100.0%
Median Rent	\$1,620	\$1,480		

Source: Table DPo4, 2019-2023 American Community Survey Five-Year Estimate

Based on the information in Table 8 and in Table 16, below, approximately 2,240 units, or 70.8% of all rental units, may be affordable to moderate-income renters. Of those,

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approximately 1094, or 34.6% of all rental units, may be affordable to low-income renters, and 380 units, or 12% of all rental units, may be affordable to very low-income renters.

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Homeowner rates are lower to account for the additional home maintenance costs associated with ownership. In Deptford, 36% of all households in occupied units are expending more than 30% of their incomes on housing. About 54% of renter-occupied households are paying more than 30%, compared to about 27% of owner-occupied households.

Table 9. Housing Affordability, 2023

Monthly Housing Costs as % of Income	Owner-Occupied	% of Total	Renter	% of Total	All Occupied	% of Total
Less than 20 Percent	2,464	41.3%	709	23.3%	3,173	35.2%
20 to 29 Percent	1,887	31.7%	703	23.1%	2,590	28.8%
30 Percent or More	1,611	27.0%	1,631	53.6%	3,242	36.0%
Total	5,962*	100.0%	3,043**	100.0%	9,005	100.0%

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

* Includes only households with a mortgage

** Excludes 121 households labeled as "Not Computed"

In 2023, there were an estimated 48 units that had incomplete plumbing facilities and 125 units that had incomplete kitchens, some or all of which may also have incomplete plumbing. There were no housing units that were overcrowded (more than one occupant per room) and built before 1950. Overcrowding is often associated with substandard housing due to overuse of facilities. Overcrowded housing is often occupied by lower income households who share space to save on housing costs. These households may not be able to afford to maintain the home, leading to deteriorated conditions. Historically, the conditions mentioned in this paragraph have been indicators of housing deficiency, which are used to determine the number of units requiring rehabilitation.

Table 10. Indicators of Housing Deficiency, 2023

Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded, and Built Pre-1950
No. of Units	48*	125	0*

Source: Tables B25050, DP04, 2019-2023 American Community Survey Five-Year Estimate

* - The margin of error for this information exceeds the estimated counts, thus the estimate may be unreliable.

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Population Characteristics

The population of Deptford grew 4.4% from 2010 to 2020, compared with 4.6% growth countywide. Both the Township and County grew more slowly during this past decade than between 2000 and 2010 (12.4% and 11.7%, respectively).

Table 11. Population Growth, 2000 to 2020

Governmental Level	2000	2010	'00-'10 Change	2020	'10 - '20 Change	'00 - 20 Change
Deptford	26,763	30,561	12.4%	31,977	4.4%	16.3%
Gloucester County	254,673	288,288	11.7%	302,295	4.6%	15.8%
New Jersey	8,414,350	8,791,894	4.3%	9,288,994	5.4%	9.4%

Source: U.S. Census 2000, 2010, 2020

Between 2010 and 2020, there were large increases in the numbers of residents at or approaching retirement age and older in Deptford Township. The largest growth was in the number of residents aged 65-74 (42.7%), followed by the age 55-64 cohort (31.4%). The largest declines were in adults between 35 and 54 and in young children, with the age 45-54 cohort declining the most (-12.7%), followed by the under-5 cohort (-12.2%). These changes have helped increase the median age of Deptford residents from 39.8 in 2010 to 40.6 in 2020.

Table 12. Age Distribution, 2010 and 2020

Age Group	2010	Percent	2020	Percent	2010-2020
Under 5	1,876	6.1%	1,648	5.2 %	-12.2%
5-14	3,630	11.9%	3,497	11.0%	-3.7%
15-24	3,660	12.0%	3,686	11.5%	0.7%
25-34	4,058	13.3%	4,412	13.8%	8.7%
35-44	4,264	14.0%	3,916	12.3%	-8.2%
45-54	4,808	15.7%	4,196	13.1%	-12.7%
55-64	3,668	12.0%	4,821	15.1%	31.4%
65-74	2,337	7.6%	3,334	10.4%	42.7%
75+	2,260	7.4%	2,467	8.7%	9.2%
Total	30,561	100.0%	31,977	100.0%	4.4%
Median Age	39.8		40.6		

Sources: 2010 and 2020 U.S. Census

Household Characteristics

While the total number of households in Deptford did not change much from 2013 to 2023 (11,706 to 11,860), the household size distribution is very different. Single-person households

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dropped from 50% of all households to 30.3%, while two-person households rose from 10.5% to 27.9%. At the same time, three person households dropped from 27.6% in 2013 to 15.7% in 2023 and four or more person households rose from 11.9% to 26.1%. Overall, three or more person households grew from 39.5% to 41.8%.

Table 13. Household Size, 2013 and 2023

Household Size	2013 Households	Percent	2023 Households	Percent
1 Person	5,853	50.0%	3,594	30.3%
2 People	1,229	10.5%	3,305	27.9%
3 People	3,231	27.6%	1,862	15.7%
4 or More People	1,393	11.9%	3,099	26.1%
Total Households	11,706	100.0%	11,860	100.0%

Sources: Table S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

A household is defined by the U.S. Census Bureau as those individuals who occupy a single room or group of rooms constituting a housing unit; however, these individuals may or may not be related. By comparison, a family is identified as a group of individuals, including a householder and one or more people related by blood, marriage or adoption, all living in the same household. In 2023, there were 11,860 households in Deptford, and 7,529 families (63.5%). Almost half of all households were married-couple families. Approximately 11.9% of households were female-headed and 4.8% were male-headed. About half of heads of male- and female-headed households have no children under 18 years old in the household. Approximately 30.3% of households are people living alone.

Table 14. Household Composition, 2023

Household Type	Number of Households	Percent
Family households	7,529	63.5%
Married-couple family	5,554	46.8%
With Children	3,063	25.8%
Male householder, no spouse present	568	4.8%
With Own Children Under 18	291	2.5%
Female householder, no spouse present	1,407	11.9%
With Own Children Under 18	665	5.6%
Nonfamily households	4,331	36.5%
Householder living alone	3,594	30.3%
Total Households	11,860	100.0%

Source: Table S1101, 2019-2023 American Community Survey Five-Year Estimate

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Household Size vs. Unit Size

When the number of bedrooms in a unit is considered vs. the size of households in Deptford, there appears to be a mismatch: There are many more small households (two people or fewer; 58.2% % of all households) than there are smaller units (one or two bedrooms; 35.7% of all units). This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other locations when seeking smaller-sized housing, or to occupy housing that is larger than their needs. Table 15 provides more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	1,636	13.1%	1 Person	3,594	30.3%
2 bedrooms	2,814	22.6%	2 Persons	3,305	27.9%
3 bedrooms	5,058	40.6%	3 Persons	1,862	15.7%
4 or more bedrooms	2,957	23.7%	4+ Persons	3,099	26.1%
Total	12,465	100.0%	Total	11,860	100%

Source: Tables DP04 and S2501, 2019-2023 American Community Survey Five-Year Estimate

INCOME CHARACTERISTICS

The median household income in Deptford was \$90,128 in 2023, compared to \$102,807 for Gloucester County. The income distributions in the Township and the County are generally consistent, except that almost 20% fewer of the County's households earn incomes below \$50,0000 than in Deptford (22.5% vs. 27.9%, respectively). This is consistent with the Township's poverty rates for individuals and families (9.7% and 6.4%, respectively) being higher than the individual and family rates for the County (7.6% and 4.5%, respectively).

Table 16. Household Income by Income Bracket, 2023

Income Bracket	Households	Percent
Less than \$10,000	437	3.7%
\$10,000-\$14,999	184	1.6%
\$15,000-\$24,999	739	6.2%
\$25,000-\$34,999	769	6.5%
\$35,000-\$49,999	1,169	9.9%
\$50,000-\$74,999	1,433	12.1%
\$75,000-\$99,999	1,686	14.2%
\$100,000-\$149,999	2,396	20.2%
\$150,000-\$199,999	1,234	10.4%
\$200,000+	1,813	15.3%
Total	11,860	100.0%
Median Income	\$90,128	

Source: Table DP03, 2019-2023 American Community Survey Five-Year Estimate

Table 17. Individual and Family Poverty Rates, 2023

Governmental Level	Individuals	Families
Deptford	9.7%	6.4%
Gloucester County	7.6%	4.5%
New Jersey	9.8%	7.0%

Source: Table DP03, 2019-2023 American Community Survey Five-Year Estimate

EMPLOYMENT CHARACTERISTICS

The largest industrial sector in the Township, Retail Trade, employed 44.8% of all residents in the labor force in 2022. This is not surprising, given the presence of the Deptford Mall. The next largest sector was Educational Services (14.5%), attributable to the presence of Rowan College at Gloucester County. Accommodation and Food Services is the third largest employment sector in Deptford, with 13.1% of the employed labor force.

Table 18. Covered Employment by Sector, 2022

Private Sector Category	Count	Percent
Agriculture	40	0.3%
Utilities	21	0.1%
Construction	717	5.0%
Manufacturing	140	1.0%
Wholesale Trade	125	0.9%
Retail Trade	6,390	44.8%
Transportation/Warehousing	173	1.2%
Information	49	0.3%
Finance/Insurance	304	2.1%
Real Estate	98	0.7%
Professional/Technical	112	0.8%
Management of Enterprises	6	0.0%
Admin/Waste Remediation	622	4.4%
Educational Services	2,073	14.5%
Health Care	881	6.2%
Arts and Recreation	303	2.1%
Accommodation and Food Services	1,886	13.1%
Other Services	279	2.0%
Private Sector Total	14,199	99.5%
Public Administration	73	0.5%
Total Covered Employment	14,272	100.0%

Source: OnTheMap, Center for Economic Studies, U.S. Census Bureau, 2022.

POPULATION AND HOUSING PROJECTIONS

The Delaware Valley Regional Planning Commission (DVRPC), the Metropolitan Planning Organization (MPO) that covers Deptford as well as the remainder of Gloucester County, published population and employment projections for the year 2050. The DVRPC projects that the Township's population and employment will increase by 3.1% and 9%, respectively, from 2020 to 2050. As Table 19, Population and Employment Projections, 2020 to 2050, shows, these rates are lower than for the County as a whole, which is projected to see population and employment increases of 9.2% and 16.8%, respectively, from 2020 to 2050.

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Table 19. Population and Employment Projections, 2020 to 2050

	Deptford			Gloucester County		
	2020	2050	% Change	2020	2050	% Change
Population	31,977	33,002	3.1%	302,294	330,205	9.2%
Employment	16,680	18,337	9.0%	148,183	173,115	16.8%

Sources: DVRPC Regional, County, and Municipal Population and Employment Forecasts, 2020-2050 pub. June 2022.

The Fair Housing Act requires that Housing Plans include a 10 year projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). Annual building permit issuance in Deptford during the years 2014 through 2023 averaged approximately 38.8 units. However, when reviewing the Township's issuance of certificates of occupancy, the number of dwellings newly occupied was 214 over the last 10 years, or 174 units less than the issuance of building permits suggest. When taking demolition into account, Deptford averages approximately 34.1 net new units per year. Table 20, Housing Projections to 2033, shows prior housing activity.

Table 20. Housing Projections to 2033

Year	Building Permits	Demolitions	Net New Dwellings
2014	52	5	47
2015	83	5	78
2016	42	0	42
2017	49	1	48
2018	55	6	49
2019	18	4	14
2020	22	5	17
2021	32	6	26
2022	13	7	6
2023	22	8	14
Total	388	47	341
10-Year Average	38.8	4.7	34.1
10-Year Background Growth	388	47	341
Housing Sites Growth	1,850		

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

Land suitable for affordable housing should ideally be located in near proximity to employment centers, retail shopping for everyday needs, and public transportation routes. In Deptford, the confluence of these land uses is mainly found in the northern third of the municipality where the regional shopping center, the Deptford Mall, is located and public transportation concentrated. Everyday shopping needs are also found in the cluster of secondary retail centers surrounding the Mall, along Clements Bridge Road, Cooper Street and Rt. 47. The northern third of the municipality also has Deptford's highest concentration of population. Accordingly, this area of the municipality is favored for the development of affordable housing. The Township's system of public sewer and water is most extensively developed in this area and most able to efficiently service new residential development to the degree necessary. The southeast corner of the municipality where the Five Points Redevelopment Areas are located is the area in the southern portion of the municipality earmarked for higher intensity uses in the south end of Deptford due to its proximity to Rt. 55 where NJ Transit is proposing a new bus rapid transit stop.

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY

The Fair Housing Act requires an HEFSP 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 Multigenerational Family Housing Continuity Commission, adopted pursuant to N.J.S. 52:27D-329.20. As of June 2025, no recommendations have been issued by the Commission.

CONSISTENCY WITH THE MASTER PLAN AND OTHER PLANNING DOCUMENTS

Deptford Township Master Plan

The Deptford Township 2017 Master Plan is the Township's most recently adopted full Master Plan document. The Planning Board has also adopted a 2023 and 2024 Reexamination Report and a 2025 amendment to the 2024 Report.

- Maintain a fair share housing plan and associated development regulations that meet the municipality's state mandate for affordable housing.
- Facilitate access to a variety of housing to meet the income, aesthetic and personal requirements of the Township's future population. Develop new standards for residential development intended for an aging population.
- Utilize redevelopment statutes sparingly and only within the context of the overall goals and objectives of this document.
- Target resources towards neighborhood preservation as the housing stock ages.

- Ensure that as the Township builds-out, that its balance of open space, residential, institutional, industrial and commercial uses will provide sufficient revenue for the provision of public services at a level that meets the needs of its people.

This Housing Element supports the above goals and objectives by providing for its fair share of low and moderate income housing within the municipal boundaries. Additionally, the affordable and market units projected in the Housing Element consist of a wide variety of housing types, including but not limited to single-family detached housing units, single family semi-detached, townhouses and apartments that will be affordable to a range of household incomes.

State Development and Redevelopment Plan

The State Development and Redevelopment Plan in its latest incarnation was adopted in 2001. The State Plan includes a map of the entire state drawn with varying levels of intensity, generally from Planning Areas 1 to 5 from highest to lowest. The State Plan Map designates Deptford as containing both Metropolitan and Suburban Planning Areas, Planning Areas 1 and 2, respectively. These Planning Areas are designated in the State Plan as areas for growth, which can be further defined as areas where infrastructure improvements and development, including housing and employment, should be concentrated.

Fair Share Plan

DEPTFORD TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

A municipality's Fourth Round affordable housing obligation has four components: Fourth Round Present Need (Rehabilitation share), Prior Round Prospective Need, Third Round "Gap"/Prospective Need, and Fourth Round Prospective Need. For Deptford Township, these four components were determined as follows.

In May 2021, the Court approved the October 6, 2020, FSHC settlement agreement (see Appendix A for the agreement and fairness/compliance order), which included the Township's cumulative Prior Round Prospective Need (previously established by COAH) and which set the Third Round Gap/Prospective Need (as negotiated with FSHC. In January 2025, the Township filed its Fourth Round DJ action, which included Township Council Resolution #R.68.25 accepting the DCA calculation of its Fourth Round Present Need/Rehabilitation Share and Prospective Need. The entire four-component Fourth Round fair share obligation is as follows:

- Fourth Round Present Need/Rehab Share: 87
- Prior Round Prospective Need: 296
- Third Round "Gap"/ Prospective Need: 975
- Fourth Round Prospective Need: 398

Fourth Round Present Need/Rehab Share

The amended FHA defines *present need* as "the number of substandard existing deficient housing units currently occupied by low- and moderate-income (LMI) households" and *deficient housing unit* as "housing that (1) is over 50 years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities." The Township's Fourth Round Present Need of 87 was calculated by DCA according to its October 2024 methodology report. The Township accepted DCA's determination of its Fourth Round Present Need obligation by resolution as submitted to the Program/Superior Court with its Fourth Round DJ filing.

Prior Round Prospective Need

The Prior Round Prospective Need obligation is the cumulative prospective need obligation for the First and Second Rounds (1987 to 1999). The Township's Prior Round Prospective Need of 296 was calculated by COAH as set forth in the Appendices to COAH's Substantive Rules at N.J.A.C. 5:93-1.

Third Round "Gap"/ Prospective Need

As established by the Township's 2020 FSHC Settlement Agreement, Deptford's Third Round obligation (1999-2025) was set at 975 units.

Fourth Round Prospective Need

The FHA, as amended by P.L. 2024, c.2, defines *prospective need* as “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality, as the case may be, as a result of actual determination of public and private entities.” The Township’s Fourth Round Prospective Need of 398 was calculated by DCA according to the methodology described in the October 2024 report titled *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*. The Township accepted DCA’s determination of its Fourth Round Prospective Need of 398 by resolution, which was filed with the Program/Superior Court as part of its Fourth Round DJ action (Appendix B). The Township’s cumulative obligations are summarized in Table 21.

Table 21. Deptford Affordable Housing Allocation, Fourth Round Summary

Affordable Housing Component	Initial Number	Number
Rehabilitation Obligation		87
Prior Round Obligation Unadjusted	522	296
- Urban Aid First Round Adjustment	-226	
Prior Round Obligation	296	
Third Round Obligation		975
Fourth Round Obligation		398
Total Allocation		1,756

Each of these components will be addressed in turn below.

REHABILITATION OBLIGATION

N.J.A.C. 5:93-1.3, defines a dwelling needing rehabilitation as, “...a housing unit with health and safety code violations that require the repair or replacement of a major system.” “Major systems” include weatherization, exterior cladding, window and door replacement, roofing, plumbing (water supply and sanitary), heating, electricity, lead paint abatement and load bearing structural systems.

Deptford has relied upon Gloucester County’s operation of an owner-occupied rehabilitation program for its prior rehabilitation obligations in previous housing elements. The program is administered by Triad Associates, the Township’s Administrative Agent. The municipality intends to continue to utilize Gloucester County’s Office of Housing and Community Development owner-occupied rehabilitation program for a portion of its Rehabilitation obligation. The County’s rehabilitation program is funded by pass-through federal Community Development Block Grant (CDBG) monies that are administered by the County’s Office of Housing and Community Development in the Department of Public Works, Division of Planning. The CDGB funding may only be used to benefit low- and moderate-income

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households. The program makes funds available for repair or replacement of a major system in a housing unit occupied by an income-qualified household. The County places a lien on the property that functions as a no-cost loan. The loan is either repaid by the homeowner or when the house changes title if that occurs before the end of 10 years. After 10 years the loan is forgiven.

All rehabilitated units will meet the following criteria under N.J.A.C. 5:93-5:

1. *Rehabbed to code.* Units will be rehabilitated in accordance with the standards of the Uniform Construction Code and BOCA Property Maintenance Code in effect at the time of evaluation. The rehabilitation activity will renovate one or more major building systems and will not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic.
2. *Occupied by eligible households at time of rehabilitation.* Under Gloucester County's rehabilitation program and federal CDBG requirements, each owner is income-qualified before any contract is executed.
3. *Appropriate affordability controls are enacted.* The County imposes a 10-year lien on the property in the amount of the cost of the work, to be discharged if title changes hands before the 10 years are up. After 10 years, the loan is forgiven.
4. *Administration.* The municipality anticipates that the Gloucester County Office of Housing and Community Development, through its agreement with Triad Associates, will continue to administer the owner-occupied rehabilitation program. Triad will also administer the municipally sponsored program.
5. *Rental units must be included in the program.* The municipally sponsored program will be available to rental units.
6. *Submission of a rehabilitation manual.* A copy of Gloucester County's rehabilitation manual may be found in Appendix C. Triad will provide an operating manual for the municipally sponsored program.

PRIOR ROUND OBLIGATION

Deptford has previously addressed its prior obligations with a combination of 100% affordable development, inclusionary development, group homes, and rental bonuses. In determining the obligation of the Prior Round, COAH established a number of formulas in N.J.A.C. 5:93-1 et seq. pertinent to the calculations in Table 22, Formulas Applicable to the Prior Round Obligation (below). The formulas applicable to the Third Round (based on Second Round rules) being used for the document are calculated as follows:

Table 22. Formulas Applicable to the Prior Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = 74 units

$$.25 \text{ (prior round obligation - 20\% cap - 1,000-unit cap) =}$$

$$.25 (296 - 0 - 0) = .25 (296) = 74 \text{ units.}$$

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Maximum Rental Bonus = **74 units**

No more than the minimum rental obligation = 74 units.

Maximum Senior Units N.J.A.C. 5:93-5.14(a)1 = **74 units**

.25 (prior round obligation) =

.25 (296) = 74 units.

Satisfaction of the Prior Round Obligation

The Prior Round Obligation has been calculated to be 296 units. The municipality will utilize prior cycle credits, 100% affordable buildings, zoned inclusionary sites and rental bonuses to meet its requirement, as indicated in Table 23.

Table 23. Credits for the Prior Round Obligation

Prior Round Obligation (296)	Family	Rental	Senior	Units	Rental Bonuses	Total Credits
100% Affordable (built)						
New Sharon Woods	50	50		50		50
Deptford Park (74 of 99)		74	74	74		74
Housing Authority of Gloucester County (scattered sites; 2 of 19)	2	2		2		2
Village at New Sharon	22			22		22
Conifer Village at Deptford – 74 of 90	74	74		74	74	148
Total	148	200	74	222	74	296

Deptford exceeds its required minimum rental number of 74 units with 200 such units. The number of age-restricted units for which it is claiming credit, 74, is equal to the maximum allowed. Deptford seeks 74 rental bonuses, the maximum permitted, from the Conifer Village project. All documentation for Prior Round units has previously been provided and has been approved by the Court. It is available for inspection upon request.

New Sharon Woods – New Sharon Woods is a development that contains 50 units, built in 1983 on Block 309.01, Lot 1. It is owned and operated by New Sharon Woods Associates, LP, an experienced affordable housing administrator, and includes 44 low-income units and six moderate-income units. The project was refinanced in 2006 through HUD's Mark-to-Market loan program and as part of the agreement, 30-year affordability controls were imposed.

Deptford Park – Deptford Park (called Cooper Street Senior Housing in earlier plans) is owned by the Housing Authority of Gloucester County, which built and operates the mid-rise apartment building at Block 456, Lot 12 as a 100-unit affordable age-restricted and disabled adult development, with 99 creditable units and one superintendent's unit (note the Settlement Agreement indicates there are 100 available units). All affordable apartments are

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one-bedroom units, of which 97 are currently occupied by low-income households and two by moderate-income households (note the Settlement Agreement indicates all 100 are low-income units). Ten of the units are designed for the disabled. Because it is owned by a public housing authority, tenants are screened using HUD criteria for eligibility. Deptford is claiming 74 credits, the maximum available for age-restricted affordable units, from this project.

Housing Authority of Gloucester County – The Housing Authority of Gloucester County owns 19 single-family homes throughout Deptford Township that it makes available as affordable family rental units. Of the 19 Prior Cycle credit-eligible units, the Township is claiming credit for two units as partial satisfaction of its prior-round obligation – Block 50, Lot 1, which was deed-restricted in April 1980, and Block 599, Lot 3, which was deed-restricted in May 1980. Both are occupied by very low-income households.

The Village at New Sharon – The Village at New Sharon is located on Block 395, Lots 10 and 11; and Block 396, Lots 2, 3, 9, 10, 12, 14, 17 and 21, totaling 2.44 acres located just to the north of New Sharon Woods. The development is 100% affordable and includes 22 semi-detached family affordable for-sale units – 15 moderate-income units and seven low-income units (note the Settlement Agreement says all 22 units are moderate-income units). The final certificate of occupancy was granted on October 22, 1998. Twenty-year affordability controls were put in place between 1995 and 2000, pursuant to the terms of Deptford Township's First Round substantive certification.

Conifer Village at Deptford – The site is located at the intersection of Deptford Avenue and Tacoma Boulevard (C.R. 644), on Block 80, Lot 4. The units comply with the bedroom distribution requirements of N.J.A.C. 5:80-26.3 and low-moderate income distribution under -26.4; according to the most recent tax credit report, of the 90 units, 10 are occupied by very low-income households, 39 are occupied by low-income households, and 41 are occupied by moderate-income households (note the Settlement Agreement says 13 are very low-income, 38 are low-income and 39 are moderate-income, and older tax credit documents say 10 are very low-income, 40 are low-income and 40 are moderate-income). Deptford Housing Associates LLC, a wholly owned subsidiary of Conifer Realty and a qualified and experienced affordable housing administrator, owns and manages the site. The property was deed-restricted for a minimum of 30 years in April 2010. The Township is claiming 74 units toward Prior Round compliance, and will claim the remaining 16 units toward Third Round compliance. Because these are rental units, the Township is also claiming 74 rental bonuses, the maximum permitted.

THIRD ROUND OBLIGATION

The Township's original May 3, 2019, Settlement Agreement with FSHC details a Third Round obligation of 975 units, and two options for how the Township could meet that obligation affecting a few hundred units. This was modified by the first amendment to the Settlement Agreement, dated August 15, 2019, that included a firm commitment from the Lakes of Bankbridge developer, Glouco Development Co., and from Gloucester County and associated entities for a large special-needs and family mixed-income development. In the second

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Settlement Agreement, the Gloucester County site was reduced to 24 units, all special-needs, additional group homes were documented, and additional inclusionary housing sites identified.

The following formulas apply to the Township's Third Round obligation, using the Second Round Rules for the Third Round and indicated in Table 24, below.

Table 24. Formulas Applicable to the Third Round Obligation

Minimum Rental Obligation (N.J.A.C. 5:93-5.15(a)) = **244 Units**

$$\begin{aligned} &.25 \text{ (Third Round Obligation} - 20\% \text{ cap} - 1000\text{-unit cap)} = \\ &.25 (975 - 0 - 0) = .25(975) = 243.75, \text{ rounded up to 244 units.} \end{aligned}$$

Maximum Rental Bonuses (N.J.A.C. 5:93-5.15(d)3) = **244 units**

$$\begin{aligned} &.25 \text{ (Third Round Obligation)} = .25 (975) = 243.75, \text{ rounded up to 244 units} \\ &\text{(No rental bonus is granted in excess of the rental obligation.)} \end{aligned}$$

Maximum Age-Restricted Units (N.J.A.C. 5:93-5.14(a)2) = **243 Units**

$$\begin{aligned} &.25 \text{ (Third Round Obligation)} \\ &.25 (975) = 243.75 \text{ units, rounded down to 243 units.} \end{aligned}$$

Minimum Low-Income Units (N.J.A.C. 5:93-3.1(e)1) = **366 Units**

$$\begin{aligned} &.5 \text{ (Third Round Obligation} - \text{rental bonuses)} = .5 (975 - 244) = 365.5 \text{ units,} \\ &\text{rounded up to 366 units.} \end{aligned}$$

Minimum Family Units (N.J.A.C. 5:93-5.14(a)1) = **366 Units**

$$\begin{aligned} &.5 \text{ (Third Round Obligation} - \text{Rental Bonuses)} = \\ &.5 (975 - 244) = 365.5, \text{ rounded up to 366 units.} \end{aligned}$$

Minimum Family Rental Units (N.J.A.C. 5:93-5.15(d)2) = **122 Units**

$$.5 \text{ (Minimum Rental Obligation)} = .5 (244) = 122 \text{ units}$$

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Satisfaction of the Third Round Obligation

Table 25, Units and Bonuses Addressing the Third Round Obligation, shows how the Township originally proposed to address the 975 required units and bonuses of the Third Round, with 731 units and 244 bonus credits.

Table 25. Units and Bonuses Addressing the Third Round Obligation

Affordable Housing Mechanism	Family	Rental	Senior	Units	Bonuses	Total Credits
100% Affordable Housing - Built						
Deptford Park – 25 of 99		25	25	25		25
Nancy J. Elkins Senior Housing		80	80	80		80
Housing Authority of Gloucester County (scattered sites – 17 of 19)	17	17		17		17
Conifer Village (LIHTC; 16 of 90)	16	16		16	16	32
Tanyard Oaks (LIHTC)	65	65		65	65	130
Habitat for Humanity	2			2		2
100% Affordable Housing - Proposed						
Diocese of Camden Housing		81	81	81		81
Inclusionary Sites - Built						
Deptford Landing	4			4		4
Willow Ridge	4			4		4
Reserve at Willow Ridge	2			2		2
JAS Homes (Tarp Lane)	4			4		4
Inclusionary Sites – Under Construction or Approved						
DR Horton (was NJTD Investment Group; under construction)	41			41		41
Rizzuto (approved)			14	14		14
Inclusionary Sites – Approved or To Be Rezoned/Redeveloped						
Deptford 15, LLC	27	27		27		27
Miller	22			22		22
Haddonwood Remainder	25	25		25		25
Local 360 United F&C	9			9		9
Lakes of Bankbridge	101	57		101	57	158
DR Horton (was P&I Associates)	18			18		18
Five Points South (Benderson)	115	115		115	82	160
Alternative Living Arrangements – Completed, Under Construction, or Approved						
Devereux Group Homes (3 units)		13		13		13
Community Options (1 unit)		4		4		4

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Affordable Housing Mechanism	Family	Rental	Senior	Units	Bonuses	Total Credits
ARC Gloucester (2 units)		8		8		8
Residences at South College Drive (under construction)	24	24		24	24	48
Twin Cedars Assisted Living (approved)		10	10	10		10
Total	496	567	210	731	244	975

However, since the 2020 Settlement Agreement was executed, changes to two compliance mechanisms, discussed below, leave the Township with a six-unit shortfall at the start of the Fourth Round. To remedy this, the Township will add a new compliance mechanism – Extensions of Affordability Controls – to its Third Round compliance plan, and will move some units from Third Round compliance to Fourth Round compliance, to provide the revised Third Round compliance plan shown in Table 25 (changes highlighted). Table 25 also shows that the Township meets its 244-unit minimum rental requirement with 564 existing and proposed rental units. It is entitled to 244 rental bonus credits. It proposes 241 age-restricted units, two fewer than the maximum allowed, 289 family rental units, 167 more than the 122 minimum required, and 442 total family units, against a required minimum of 366.

Table 25. Units and Bonuses Addressing the Third Round Obligation – REVISED

Affordable Housing Mechanism	Family	Rental	Senior	Units	Bonuses	Total Credits
100% Affordable Housing - Built						
Deptford Park – 25 of 99		25	25	25		25
Nancy J. Elkins Senior Housing		80	80	80		80
Housing Authority of Gloucester County (scattered sites – 17 of 19)	17	17		17		17
Conifer Village (LIHTC; 16 of 90)	16	16		16	16	32
Tanyard Oaks (LIHTC)	65	65		65	65	130
Habitat for Humanity	2			2		2
Extensions of Controls – New						
New Sharon Woods	50			50		50
100% Affordable Housing - Proposed						
Diocese of Camden Housing – -7 units		74	74	74		74
Inclusionary Sites - Built						
Deptford Landing	4			4		4
Willow Ridge	4			4		4
Reserve at Willow Ridge	2			2		2
JAS Homes (Tarp Lane)	4			4		4

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Affordable Housing Mechanism	Family	Rental	Senior	Units	Bonuses	Total Credits
Inclusionary Sites – Under Construction or Approved						
DR Horton (was NJTD Investment Group; under construction) – +1 unit	42			42		42
Rizzuto (approved)			14	14		14
Inclusionary Sites –To Be Rezoned/Redeveloped						
Deptford 15, LLC	27	27		27		27
Miller (4 of 22)	4			4		4
Haddonwood Remainder	25	25		25		25
Local 360 United F&C	9			9		9
Lakes of Bankbridge (71 of 101; - 30 units)	71	57		71	57	128
DR Horton (was P&I Associates)	18			18		18
Deptwood Center – NEW		38	38	38		38
Five Points South (Benderson; 82 of 115; -33 units)	82	82		82	82	164
Alternative Living Arrangements – Completed, Under Construction, or Approved						
Devereux Group Homes (3 units; - 1 bedroom)		12		12		12
Community Options (1 unit)		4		4		4
ARC Gloucester (2 units)		8		8		8
Residences at South College Drive (under construction)		24		24	24	48
Twin Cedars Assisted Living (approved)		10	10	10		10
Total	442	564	241	731	244	975

Descriptions of the affordable housing developments for the Third Round Obligation follow. All crediting information for Third Round compliance mechanisms have been provided and accepted by the Court. They are available for inspection upon request.

Third Round 100% Affordable Housing – Completed

Deptford Park – Under the Prior Round obligation is a description of Deptford Park. The Township is claiming the remaining 26 units not included in the Prior Round obligation as partial satisfaction of its Third Round obligation.

Nancy J. Elkins Senior Housing (formerly Deptford Park II) – Nancy J. Elkins Senior Housing is located on Block 456, Lot 13 and, like Deptford Park, is operated by the Housing Authority of Gloucester County. The age-restricted development has 80 units, of which 34 are occupied by very low-income households, 34 are occupied by low-income households, and 12 are occupied

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by or available to moderate-income households (note the Settlement Agreement lists all 80 units as moderate-income). The development was funded by Low Income Housing Tax Credits and Balanced Housing funds, was completed in 1997, and has 30-year affordability controls in place.

Housing Authority of Gloucester County – The Township is claiming 17 credits for the remaining 17 of 19 Prior Cycle creditworthy single-family homes owned by the Housing Authority of Gloucester County as affordable family rentals. As noted above, the other two were claimed by the Township as partial satisfaction of its Prior Round obligation. Of the 17, seven are currently occupied by very low-income households, four are occupied by low-income households, and six are occupied by moderate-income households.

Conifer Village at Deptford – Under the Prior Round is a description of Conifer Village at Deptford. The Township is claiming the remaining 16 credits not included in the Prior Round obligation as partial satisfaction of its Third Round obligation. Because these are family rental units, the Township is also claiming 16 rental bonuses.

Tanyard Oaks – The Tanyard Oaks development consists of 65 units, 55 of which are low-income and 10 of which are very low-income (note the Settlement Agreement indicates 56 units are low-income and nine are very low-income). The site is located on Tanyard Road on Block 398, Lot 29. Developed by Community Investment Strategies, Inc., the site was funded with Low Income Housing Tax Credits and Balanced Housing funds. The site received its final certificate of occupancy in 2010, and 30-year affordability controls were filed at that time. Because these are family rental units, the Township is claiming 65 rental bonuses.

Habitat for Humanity – In 2015, Habitat for Humanity purchased Block 410, Lot 10, subdivided it, and built two three-bedroom homes for sale to moderate-income households. The units received their certificates of occupancy in 2017, and both units were sold and are occupied. A deed restriction imposes affordability controls for 30 years.

Third Round Extensions of Controls – NEW

New Sharon Woods – Please see the discussion of this property under Prior Round Compliance. The project was refinanced in 2006 through HUD's Mark-to-Market loan program and as part of the agreement, new 30-year affordability controls were imposed on all 50 units. The units meet the necessary criteria for extensions of controls, including:

- *They meet the criteria for Prior Cycle or post-1986 credits as set forth in N.J.A.C. 5:97-4.2 or -4.3. The units were previously approved as Prior Cycle units for Prior Round credit.*
- *The affordability controls for the units were scheduled to expire during the 1999-2018 crediting period, and were extinguished by the imposition of new controls per the new loan agreement.*
- *The Township obtained a continuing certificate of occupancy or a certified statement from the municipal building inspector that the units meet all code standards;*
- *The Township was required to fund and complete any work necessary to bring the units up to code.*

Please see Appendix D for documentation related to extensions of controls on these units.

Third Round 100% Affordable Housing – Proposed

Diocese of Camden Housing/Donason Tract –The original proposal was for 81 units on the site; however, the current developer, the Diocese of Camden, has proposed 74 units due to the limited portion of the site in the Township’s sanitary sewer service area, a loss of seven credits, which shortfall the Township is addressing through new Third Round extensions of controls, discussed above, and rearrangement of some credits between the Third and Fourth Rounds.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The Township owns the land. There is a gas pipeline easement along the northwestern edge adjacent to the New Jersey Turnpike that borders the site. There are no conditions of title that would preclude the development of affordable housing on the site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has more than 900 feet of frontage along a county highway (C.R. 621 - Almonesson Road) and 1,400 feet on Caulfield Avenue, a designated “major collector” in the Circulation Element of the Township’s Master Plan. The site is adjacent to and across Caulfield Avenue from existing multi-family housing in the Locust Grove planned community. Across Almonesson Road is one of the Township’s major active recreational complexes with baseball, softball, and an indoor wrestling/basketball facility. None of these land uses is incompatible with the proposed use of the site.
- *Adequate sewer and water is available.* According to the Deptford Township Municipal Utilities Authority, water and sewer service are available for the site. A small 1.5-acre portion of the site remains in the sanitary sewer service area, sufficient to serve the 74-unit building.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are freshwater and tidal wetlands associated with a tributary of Big Timber Creek in the center of the tract. The site has approximately sixteen acres that are constrained by these environmental features and their regulatory riparian and freshwater buffers. The net developable area is 7.09 acres. A project totaling 81 units would have a net density of slightly less than 11.5 units per acre.

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- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

COAH's Second Round rules at N.J.A.C. 5:93-5.5 will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.
- *Sources of Funds.* The Township will provide a pro forma according to the schedule below of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality will provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township anticipates being able to meet this requirement through anticipated funds to be generated from non-residential and residential development not incorporating affordable units as spelled out in the Township's Spending Plan and as required by the Settlement Agreement. The Township intends to pass a resolution of intent to bond in the event of a shortfall in funding of the means to implement its Housing Element and Fair Share Plan.
- *Construction Schedule:* In accordance with the Settlement Agreement, The Township will adhere to the following construction schedule for each step in the process of developing this site:

Activity	Schedule
Developer submits for tax credits	Next tax-credit application cycle
Tax credit decision/final site plan application and approval	Four to six months from tax credit application

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Activity	Schedule
Developer seeks syndication/completes financing/architectural drawings completed	Six months from award of tax credits
Municipality closes on land transfer/Developer closes on Financing	One month from completion of financing
Construction starts	One month from land transfer
Construction completed	10 months from construction start
Total Time	22-24 months of Order approving the HEFSP

* This assumes that the site has been added to the sewer service area by this point. If that has not happened, then this step's timeframe and all subsequent steps shall be tolled in accordance with paragraph 10 of the Settlement Agreement until the site has been added to the approved sewer service area, or alternative site(s) have been identified that present a realistic opportunity for the development of the same number of units.

Third Round Inclusionary Developments – Completed

Deptford Landing – Four inclusionary single family semi-detached dwellings, located on Block 389 Lots 1.07 and 1.08, and Block 392, Lots 10 and 11, were constructed as required by the major subdivision approval for this project. Two of the units received certificates of occupancy in 2012, and the remaining two in 2013. Thirty-year deed restrictions were applied prior to the issuance of each certificate of occupancy. Two of the units are moderate-income and two are low-income. The units are administered by Triad Associates.

Willow Ridge – Willow Ridge, at one time known as Raven's Hill, includes four affordable for-sale single-family detached houses located on Block 386.04, Lots 11 and 12 and Block 386.10, Lots 9 and 10. Two of the units are low-income and two are moderate-income. One low-income and one moderate-income unit have two bedrooms each and the remaining two are three-bedroom units. Thirty-year affordability restrictions for these units were filed in 2005. The units are administered by the Housing Affordability Service.

Reserve at Willow Ridge – This development includes two affordable single-family detached dwellings, Block 386.08 Lots 11 and 28. One is a low-income unit and one moderate-income, one with four bedrooms and one with five bedrooms. Thirty-year affordability controls were put into place in 2009. The units are administered by the Housing Affordability Service.

JAS Homes (Tarpy Lane) – This inclusionary development of 26 single-family homes includes four affordable for-sale units – two low-income and two moderate-income – on Block 233, Lots 145 and 146, and Block 233.01, Lots 3 and 4. All four units have three bedrooms. The last unit

received its certificate of occupancy in 2011, at which time 30-year affordability controls were put in place. The units are administered by the Housing Affordability Service.

Third Round Inclusionary Developments – Approved

DR Horton (was NJTD Investment Group) – NJTD Investment Group owns two discrete parcels: The first, Block 395, Lots, 16, 17, 24, 42, 50, constitutes only 1.68 acres in essentially a vacant part of New Sharon Village where the development is single-family semi-detached dwellings rather than townhouses. The second, Block 398, Lots 14-16, 17-01, 18, 35, 50, on the east side of Cattell Road, also all vacant or farmed (and in farmland assessment), has been approved for the development of townhouses, including 42 affordable family for-sale units, one more than originally proposed, on the remaining 32.27 acres. The project is under construction.

Rizzuto – This is a 23.4-acre parcel at the corner of Tanyard Road and Ayres Avenue (Block 84, lot 1). Across Ayres Avenue are school administrative offices and a moving company. On the property is a 120-foot-wide PSE&G utility easement, acquired for overhead electrical transmission lines to a planned substation in Woodbury Heights that was never built. There are no overhead or underground utility lines in the easement, and the subdivision plan places this in open space.

The project has a preliminary major subdivision approval for 81 age-restricted units, of which 14 would be single family semi-detached dwellings.

This property was affected by a pullback of sanitary sewer service areas that occurred in 2014. Gloucester County has submitted an application to amend the sewer service area for the county, including this site. However, in accordance with N.J.A.C. 5:93-5.3(b), if there is a denial by the NJDEP, or if at the end of two years after the Township's final Judgment of Repose there is no NJDEP determination, then the Settlement Agreement and any orders of the Court may be reopened for the limited purpose of determining whether there is a realistic opportunity for development, and if not, providing an alternate site or sites that will address the same number of affordable units.

Third Round Inclusionary Developments – Proposed

The Township is proposing inclusionary development on the sites listed below.

Deptford 15, LLC – This is a 16.9-acre site with access to Almonesson Road, Block 5.01 Lot 13.02, next to the Lowe's shopping center. The site is vacant. Access to the site is via an easement over Block 5.01, Lot 16.04. A separate easement provides access to the DTMUA water tank on Lot 22. In accordance with the terms of the Settlement Agreement, the Township has rezoned the site to provide a realistic opportunity for the development of 180 units (a gross density of 12 units per acre), with a required 15% set-aside, for a total of 27 affordable family rental units.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

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- *There are no preconditions that would prevent affordable housing development.* The Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site. There is a utility sewer easement along the northwestern property boundary that connects from Almonesson Road to Locust Grove Boulevard alongside the back end of Lowe's. The easement does not preclude the ability to develop the parcel.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* There is approximately 725 feet of frontage on the west side of Almonesson Road on Lot 16.04. Access is not directly obtained because of the slope created by the bridge abutment that carries Almonesson Road over Route 55. Directly to the north is open space land owned by the Locust Grove Homeowners Association. Abutting the site on the north side of Lot 16.04 is the Nemours-DuPont Pediatric Specialty Care and Surgery Center and associated parking. Across Almonesson Road to the east is the southern end of the Heritage Village senior residential development, and then the western edge of Route 55. Abutting the site at the southeast end is the Lowe's Home Improvement Center and it is cater-corner to the Austin apartment complex.
- *Adequate sewer and water is available.* The site is within the Township's sewer service area, and the Deptford Township Municipal Utilities Authority indicates that water and sewer service are available at the site from the easement.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are no known contaminated sites on the parcel. The southern half of the site is constrained by wetlands, but there is sufficient unconstrained land to construct the number of proposed units at reasonable net densities.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide

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long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.

- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Miller – The four lots at Block 86, Lots 4, 5, 15 and 27 comprise a 17.99-acre parcel on the north corner of the intersection of Tanyard Road and Cattell Road. All four lots are in the R-40, or low-density residential zone. There is one residence on the underutilized property. One lot and part of a second are farmland-assessed. The Township has rezoned the site to provide a realistic opportunity for the development of 148 residential units (note the Settlement Agreement says 152 total units) at 8.2 units per acre with a required set-aside of 15% if the units are for rent and 20% if the units are for sale, for a total of at least 22 affordable units.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The lots are under common ownership, and the Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has about 1,071 feet of frontage on Tanyard Road and about 1,330 feet of frontage on Cattell Road. Across both streets are residential developments in the R-10, or medium-density residential zone. The land behind the site is zoned R-20A, or medium-density residential. Bus Route 463 runs along Tanyard Road from Woodbury to the Avondale Park & Ride in Sicklerville, and stops on the corner of Tanyard and Cattell Roads.
- *Adequate sewer and water is available.* The site is within the Township's sewer service area. While the DTMUA reports that sewer service is not currently available at the front of the site, sanitary sewer is located in Mail Avenue at Tanyard Road, a distance of about 400 feet. Since this site is across the street from the P&I Associates sites, costs could be shared to run the sewer collector. Water is available to Lots 4, 15 and 27.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable

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housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.

- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are no wetlands or wetlands buffers, and no known contamination on the site.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households. Because these are anticipated to be for-sale units, they will not include any very low-income units. The Township has sufficient very low-income units in other developments to satisfy its statutory requirement that at least 13% of affordable units approved since 2008 be affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Haddonwood – This is the site of the former Haddonwood Swim Club, currently vacant, totaling 33.61 acres on the east side of Hurffville Road south of where it crosses Route 42 (Block 203, Lot 8-12). In accordance with the terms of the Settlement Agreement, the Township has rezoned the site to provide a realistic opportunity for the development of 166 units (a gross density of 11 units per acre), with a required 15% set-aside, for a total of 25 affordable units.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site.

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- *The site is adjacent to compatible land uses and has access to appropriate streets.* Lot 10 has 300 feet of frontage on the east side of Hurffville Road. In front of lots 10 and 11 on Hurffville Road is a gas station, and across Hurffville Road is a residential development and a sign vendor, an industrial tank cleaning company, a truck repair facility, and a historic church cemetery. The portion of Lot 11 to the south that would not be included in this development is vacant and wooded. Land to the north is vacant and wooded except for a one-story industrial/storage building with frontage along Dein Avenue. To the east, along the Township line, is the South Branch of Big Timber Creek. It is near to the Township's retail shopping areas, centered on the Deptford Mall, that provide job opportunities.
- *Adequate sewer and water is available.* Both lots are within the Township's sewer service area. Water and sanitary sewer service is directly located in front of Lot 10 for service to the site.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are no known contaminated sites on the parcel. A portion of rear of property, to the east near Township line, is wetlands associated with the South Branch of Big Timber Creek and bald eagle habitat has been found in this area, which will increase the buffers from the stream to 150 feet. These constraints are not expected to hinder the development of affordable housing on the unconstrained land.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.

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- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Local 360 United F&C – This 10-acre property is located at 1920 Delsea Drive, Block 397, Lot 3. It is currently zoned R-40, or low-density residential, and is vacant and farmland-assessed. The Township has rezoned the site to provide a realistic opportunity for the development of 60 residential units (a gross density of six units per acre), with a required set-aside of 15%, for a total of nine affordable units.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has about 550 feet of frontage on Delsea Drive and a 50-foot-wide strip that provides access to Tanyard Road. It is surrounded by residential and agricultural uses along the Delsea Drive frontage on both sides of the street.
- *Adequate sewer and water is available.* The Deptford Township Municipal Utilities Authority reports that the site is within the Township's sewer service area, and both water and sewer service are currently available to the site.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Suburban Planning Area, Planning Area 2, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are no wetlands, floodplain or known contamination on the site.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

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- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households. Because these are anticipated to be for-sale units, they will not include any very low-income units. The Township has sufficient very low-income units in other developments to satisfy its statutory requirement that at least 13% of affordable units approved since 2008 be affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Lakes of Bankbridge – Glouco Approvals Group is one of the intervenors in the Township's Declaratory Judgment action. An affiliated company, P&I Associates, owns another site that is part of this housing plan. The property at hand is part of the former Lakes of Bankbridge planned unit development that was never completed and for which there are no extant approvals. This is a 99.2-acre tract, currently farmland and vacant, wooded land mostly farmland-assessed, consisting of Block 398, Lots 31, 32, 33 and 52. The Township has rezoned the site to provide for the development of a total of 504 residential units (up to a gross density of six units per acre), with a required set-aside of 20% regardless of whether the affordable units are rentals or for-sale, for a total of 101 affordable units.

In addition to accommodating the 504 units of the site, 18 more affordable units from the 90 units anticipated at the P&I Investment site are proposed to be transferred to the Lakes of Bankbridge site in the form of stacked townhouses. This may be accomplished through the noncontiguous planned unit residential provisions of the MLUL (N.J.S.A. 40:55D-39(b)). The proposed density will accommodate the transfer of units.

In the Memorandum of Understanding (MOU) with Deptford Township, Glouco Approvals Group has committed to provide at least 57 affordable rental units in a multi-family configuration. These units will thus be eligible for 57 rental bonus credits. As required in the MOU, Lakes of Bankbridge will consist of 288 multi-family dwellings with 57 affordable family rental units that will include all of the very low-income units required per the settlement agreement with FSHC, 86 market-rate townhouses, 22 affordable townhouses, 40 affordable stacked townhouses (one unit over another) plus 18 additional stacked townhouses from the P&I Associates site. In the Fourth Round, the total number of units increases to 662 and 151

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affordables, with an additional 10 affordable multi-family family units. An additional 44 affordable stacked townhouses will be provided.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has adequate frontage on Bankbridge Road of 250 linear feet. In addition, the site would be served by an extension of a stub street (intended as a collector), Woodcreek Road, eastward into the development. The property adjoins the Deptford Soccer Complex to the south, Tanyard Oaks (a 100% affordable development) on the east, various single family detached uses fronting on Bankbridge Road, single family detached and attached housing to the west (part of the original Lakes of Bankbridge) and other lands of the owner to the south, on the opposite side of Bankbridge Road. The proposed land uses are compatible with the existing land uses in the area.
- *Adequate sewer and water is available.* Most of the site is within the Township's sewer service area; only small portions of the western, southeast and eastern edges of the site are not. This should not be a constraint on the development of affordable housing on the site. The Deptford Township Municipal Utilities Authority indicates that water and sewer service are available to the site.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Suburban Planning Area, Planning Area 2, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are wetlands around the southeastern and eastern edges of the property, but not sufficient to be a constraint on the development of affordable homes on the remaining 88 acres. The Monongahela Creek separates the main Lot 32 from Lot 52 and is ravine-like in cross-section, but wetlands and floodplain regulations prevent development on its steep slopes. Exhibit No. A-3.0, which is a concept plan for the development of the tract, is attached to the MOU.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

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- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

P&I Associates – This site, slightly more than 10 acres in size comprising Lots 31 and 40 of Block 407, is directly across Tanyard Road from the Miller site. This site is owned by an affiliate of Glouco Approvals Group. Consequently, the MOU for the Lakes of Bankbridge site also encompasses this property. The site will be developed with 72 for-sale market rate townhouses. Its affordable housing obligation of 18 units will be transferred to the Lakes of Bankbridge property and will be developed as stacked townhouses. This will be accomplished through the planned unit residential provisions for non-contiguous parcels in the MLUL. The developer has not yet determined whether the affordable units will be for rent or for sale. The Township has rezoned the site to provide a realistic opportunity for the development of 90 residential units (a gross density of nine units per acre), with a required set-aside of 20%, for a total of 18 affordable units.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The lots are commonly owned. Lot 31 has a variable-width road easement, slightly more than 13 feet wide at its widest, along its Tanyard Road frontage. The Township is not aware of any legal encumbrances that would preclude the development of affordable housing on the site. This site was the subject on an approved subdivision of 26 single family detached dwellings in 2010. However, the major subdivision plan was never perfected nor the plat filed and there are no existing approvals on the land.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site is surrounded by residential uses of varying densities. Lot 40 is an interior lot. Lot 31 has approximately 637 feet of frontage on Tanyard Road.
- *Adequate sewer and water is available.* The Deptford Township Municipal Utilities Authority reports that the site is within the Township's sewer service area, but that sewer service is

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currently not available to the site. Water service is available in Woodbury-Glassboro Road. The previous subdivision application proposed sewer to be connected to an existing main in Mail Avenue, about 400 feet to the north of the property. This remains a feasible connection.

- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are no wetlands, wetlands buffers or known contaminated sites on either of the lots.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households. Because these may be for-sale units, no very low-income units have been attributed to this site. The Township has sufficient very low-income units in other developments to satisfy its statutory requirement that at least 13% of affordable units approved since 2008 will be affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Five Points South – In 2003 Benderson Development Company sought to develop land on both sides of Route 47 just to the west of its intersection with Route 41 and Blackwood-Barnsboro

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Road, in the southernmost part of the Township, for intensive retail uses. In 2004 the municipality responded with zoning ordinance changes to limit the level and type of retail use. The developer sued to overturn the zoning amendment. The Township entered into settlement discussions in 2005. In 2007 and again in 2008, the Township declared the area in need of redevelopment. (The declaration also encompassed additional land north of the Benderson tract that included the Kinsley Landfill and land on the north side of the landfill owned by an associated company called Birchcrest.) The Five Points South Redevelopment Area encompasses Block 387.01, Lot 70 and Block 417.01, Lots 3-9 and 11, for a total of approximately 198 acres. Both Benderson and the Kinsley Landfill/Birchcrest entities initiated lawsuits over the redevelopment designation, and the Township and Benderson Development Company settled both cases in 2013. The Township adopted a Redevelopment Plan for the site in June 2014 that called for development of the area into an “integrated mixed use shopping, office and residential complex,” but specified that at least 70% of the tract be allocated to non-residential uses, and established a limit of 400 housing units, of which 20% are required to be affordable. In 2015 the Township signed a redeveloper’s agreement with Benderson.

Through subsequent negotiations, the restriction on the portion of the tract that can be used for housing has been revised, and the maximum number of housing units permitted in the redevelopment area has been increased. Housing is only permitted south and west of Route 47 and is intended to be developed mainly in the interior of the tract. A MOU reflects the production of affordable housing as a primary goal of the redevelopment plan. Of the allowed 575 units, a net density of approximately 11 units per acre, 20% of the units regardless of tenure will be affordable housing units. This calculates to 115 affordable units. It is anticipated that the form of residential development will be multi-family, multi-story buildings or mixed-use buildings in which the first floor is a commercial use (either retail or office). Because the proposed units will be rental units, the Township is claiming 82 rental bonuses for this development. With this project, the municipality reaches its rental bonus cap of 244 units. A new redevelopment plan has been approved that addresses the non-residential portion of the tract, and that retains the residential sections as described here.

The site is available, approvable, developable and suitable per N.J.A.C. 5:93-1.3 as detailed below:

- *There are no preconditions that would prevent affordable housing development.* The Township is not aware of any legal or other encumbrances that would preclude the development of affordable housing on the site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has more than 2,000 feet of frontage on both sides of Delsea Drive, 1,100 feet of frontage on Blackwood-Barnsboro Road, 235 feet of frontage at the end of International Avenue, and 475 feet of frontage on Hurffville Road across from Bluebell Lane. Adjacent to the site on the Hurffville Road side is a contractor business and a diner, and adjacent on the Delsea Drive side are several residences. Across Hurffville Road, Bluebell Lane leads into the Willow Ridge residential development. There is a metal rollforming business on International Avenue and a concrete contracting business on Blackwood-Barnsboro Road, both to the southwest of the tract.

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- *Adequate sewer and water is available.* With the exception of the wetlands areas noted below, the site is within the Township's sewer service area. The Deptford Township Municipal Utilities Authority reports that water and sewer service are available for Block 387.01 Lot 70 and Block 417.01 Lots 3 thru 6 and 11. Water and sewer service would only be available on Block 417.01, lots 7 thru 9 if the lots were consolidated.
- *The site can be developed in accordance with RSIS.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Suburban Planning Area, Planning Area 2, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site. In addition, the tract is adjacent to land that has been identified as the terminus of a bus rapid transit system to provide limited access bus service to improve driving times on Route 55 and Route 42 that provides access to Philadelphia and other South Jersey locations. If realized, residents would have within walking distance a new transportation system for expanded job opportunities.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.* The site is located outside of the Pinelands, CAFRA, Highlands, or Meadowlands jurisdictions.
- *The site will comply with all applicable environmental regulations.* There are wetlands on parts of the site on both sides of Delsea Drive. Wetlands cover portions of Block 417.01, Lot 8, and stretch across Delsea Drive to a small portion of Block 387.01, Lot 70. Wetlands are also scattered across the remaining lots, but are not sufficient to impede the production of affordable housing as contemplated in this document. With allowed four-story buildings, the entire 575 units could be housed in 30 acres with surface parking.
- *The site will not affect any historic or architecturally important sites and districts.* There are no historic sites or districts located on the site or in the nearby surrounding area.

In addition, the terms of the Settlement Agreement will be addressed as follows:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the two tracts, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.

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- *Controls on Affordability.* The affordable units will have minimum 30-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Deptwood Center – The Township proposes to construct 253 total age-restricted housing units, of which 38 would be affordable, a 15% set-aside, on the 11.1 acres of Block 456, Lot 2. The developer has a proposed concept plan, which may be found in Appendix E.

As required in N.J.A.C. 5:93-5.3, affordable housing sites shall be approvable, developable, and suitable, as defined in N.J.A.C. 5:93-1.3, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

- *There are no preconditions that would prevent affordable housing development.* The site has no known title defects or deed restrictions that would preclude development of affordable housing.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site is currently vacant and wooded, adjacent to the parking lot for the Bowlero bowling alley to the northeast and Wal-Mart parking to the southeast. It has adequate frontage on Deptwood Center Road, which leads to Delsea Drive. A review of the NJDEP GeoWeb mapping shows there are wetlands at the rear of the property, behind which is the NJ Turnpike to the west. The property is currently zoned BC-3 and will be rezoned to A-R5 to permit the contemplated development. See Appendix E for the draft zoning ordinance.
- *Adequate sewer and water are available.* The site is located in a sewer service area and a public water area. Water and sewer have been installed along Delsea Drive. The Township will secure confirmation from the appropriate professionals that existing capacity is sufficient to serve the proposed development.
- *The site can be developed in accordance with RSIS.* Development of the site can be accomplished consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The development is not within jurisdiction of a Regional Planning Agency or CAFRA.*
- *The site will comply with all applicable environmental regulations.* The site contains no steep slopes that could prevent its development with the proposed housing project, and it is not in a flood hazard area. A review of NJDEP's GeoWeb mapping shows there is a small area of known groundwater contamination in the northeast corner of the site, and there are wetlands at the rear of the site along the NJ Turnpike. These constraints are not extensive enough to hinder the development of affordable housing, and approval has been received

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from NJDEP authorizing the fill of a very small wetland for the expansion of an existing parking lot and stormwater management infrastructure. (See Appendix E for the NJDEP Land Use Approval letter.)

In addition to site suitability, the developer of the redevelopment project will be required to meet the applicable requirements of UHAC:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units, income-qualify applicants, place minimum 30-year affordability controls on the units if they are for sale and 40-year controls if they are for rent, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* In accordance with the amended FHA, the affordable rental units will be required to minimum 40-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Alternative Living Arrangements

ARC Gloucester (completed) – The ARC Gloucester operates a group home, Bennett House, on Block 196, Lot 17. The dwelling has three bedrooms, and provides three credits. All bedrooms are occupied by very low-income individuals. The ARC finds its residents from the New Jersey Division of Developmentally Disabled’s waiting list.

ARC Gloucester (completed) – As part of the subdivision approval process for a subdivision of single family detached houses, the developer was required to acquire and convert a single-family house for a group home operator. The ARC Gloucester entered into an agreement with Integrity Building Group, LLC, the developer of the Landings at Cooper Street project, to gut-rehabilitate an existing one-story dwelling on Block 199, Lot 7, into a five-bedroom medical group home for adults with intellectual and developmental disabilities. The rehabilitation is complete and the facility received its certificate of occupancy in 2021. All bedrooms are very low-income.

Devereux Foundation (completed) – The Devereux Foundation operates three group homes for the developmentally disabled on Block 120, Lot 3; Block 386.13, Lot 51.02; and Block 636, Lot 15. Each of the dwellings has four bedrooms, for a total of 12 credits. All bedrooms are occupied by very low-income individuals. The Devereux Foundation also utilizes the Division of Developmentally Disabled’s waiting list for tenants. Renewed affordability controls for 20 years

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each were placed on the first property on December 5, 2007, the second on February 20, 2008, and the third on April 29, 2008.

Community Options (completed) – Community Options operates a group home at Block 307, Lot 7. The home has four bedrooms, for four credits. All four bedrooms are occupied by very low-income individuals. Community Options finds its tenants from the Division of Developmentally Disabled’s waiting list. Community Options purchased the facility in 2017.

Rowan College (under construction) – The Township entered into a four-way Memorandum of Understanding with Gloucester County, the Housing Authority of Gloucester County, and Rowan College, that commits HAGC to build 24 special needs units on community college-owned land at Rowan College of South Jersey campus (Block 417, Lot 1). The southern portion of the tract, comprising 43.78 acres, has been designated an area in need of redevelopment, and the units are contemplated for the central part of that area. South of the college is county-owned land housing, among other services, the Bankbridge Development Center where special needs students are provided educational services. The intent of the program is to assist students matriculating out of the secondary school at the Bankbridge Development Center to find housing in a familiar setting and to potentially find employment as well as further their own education at the community college. The project is currently under construction. Because these will be rentals, the Township is claiming 24 rental bonuses for these units.

Twin Cedars Assisted Living (existing and approved) – Twin Cedars is a 37-bed assisted-living facility located on Block 413, Lot 4. The existing facility is licensed as a Comprehensive Personal Care Home (CPOCH), a facility that provides room and board for adult residents and offers assisted living services when needed. This level of licensure was established for boarding homes for the elderly when regulations for assisted living facilities were developed in the early 1990s. In September 2018, the owner came before the Zoning Board of Adjustment with an application for a use variance to expand the facility to 100 beds in their quest to upgrade the status of the property to an assisted living facility. The CPOCH had been owned by an individual who left the facility to his estate. It was the estate that received the approval, and that has subsequently sold the property to another operator, Gayatri Rama Assisted Living Realty-Deptford, LLC. Among the conditions of zoning board approval, which was extended in January 2023, is that the operator must secure a certificate of need in order to license the larger facility, and must guarantee by deed restriction that 10 of the beds are set aside for Medicaid-eligible patients. A deed restriction has been executed but not yet recorded.

Summary of the Third Round

The Township had proposed to address its 975-unit Third Round obligation by providing 286 units and bonuses from built 100% affordable projects, 129 units and bonuses from proposed 100% affordable housing, 28 units of built and approved inclusionary development, 497 units and bonuses of proposed inclusionary development that will result from redevelopment or rezoning, and 35 units from alternative living arrangements either built, approved or under construction. Since the 2020 Settlement Agreement was executed, changes to two compliance mechanisms – the Diocese of Camden site, which has reduced its unit yield from 81 to 74, and

the DR Horton/NJTD Investments site, which has been approved for 42 affordable units, one more than originally proposed – left the Township with a six-unit shortfall. To address this, the Township has added to its Third Round compliance plan extensions of controls on 50 family affordable rental units at New Sharon Woods, and rearranged some inclusionary credits between the Third and Fourth Rounds, so that it fully satisfies its Third Round obligation.

FOURTH ROUND OBLIGATION

The DATE resolution stipulated to the DCA calculation of a Fourth Round obligation for the Township of 398. The Township will address this obligation with a combination of extended controls on special-needs and age-restricted units, with Court-approved credits moved forward from its Third Round compliance plan, with an expansion of one Third Round proposed inclusionary site, and with 100% affordable rental, for-sale, and special-needs units, along with permissible bonuses.¹

The formulas in Table 24 apply to the Township's Fourth Round obligation, using the Second Round Rules:

Table 24. Formulas Applicable to the Fourth Round Obligation

Minimum Rental Obligation (N.J.A.C. 5:93-5.15(a)) = **100 Units**

$$\begin{aligned} &.25 \text{ (Fourth Round Obligation – 20\% cap – 1000-unit cap)} = \\ &.25 (398 - 0 - 0) = .25(398) = 99.5, \text{ rounded up to 100 units.} \end{aligned}$$

Maximum Bonuses (N.J.A.C. 5:93-5.15(d)3) = **99 bonuses**

$$.25 \text{ (Fourth Round Obligation)} = .25 (398) = 99.5, \text{ rounded down to 99 bonuses}$$

Maximum Age-Restricted Units (N.J.A.C. 5:93-5.14(a)2) = **119 Units**

$$\begin{aligned} &.30 \text{ (Fourth Round Obligation – Fourth Round Bonuses)} \\ &.30 (398 - 99) = 119.4 \text{ units, rounded down to 119 units.} \end{aligned}$$

Minimum Low-Income Units (N.J.A.C. 5:93-3.1(e)1) = **150 Units**

$$\begin{aligned} &.50 \text{ (Fourth Round Obligation – Fourth Round Bonuses)} = \\ &.50 (398 - 99) = 149.5 \text{ units, rounded up to 150 units.} \end{aligned}$$

Minimum Family Units (N.J.A.C. 5:93-5.14(a)1) = **150 Units**

$$\begin{aligned} &.50 \text{ (Fourth Round Obligation – Fourth Round Bonuses)} = \\ &.50 (398 - 99) = 149.5 \text{ units, rounded up to 150 units.} \end{aligned}$$

Minimum Family Rental Units (N.J.A.C. 5:93-5.15(d)2) = **50 Units**

$$.50 \text{ (Minimum Rental Obligation)} = .50 (100) = 50 \text{ units.}$$

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Satisfaction of the Fourth Round Obligation

Table 25, Units and Bonuses Addressing the Fourth Round Obligation, shows how the Township proposed to address its Fourth Round obligation of 398, with 299 units and 99 bonus credits.

Table 25. Units and Bonuses Addressing the Fourth Round Obligation

Affordable Housing Mechanism	Family	Rental	Senior	Units	Bonuses	Total Credits
100% Affordable Housing - Proposed						
Hillcrest Avenue	76	76		76	76	152
Habitat for Humanity (scattered sites)	9			9	8	17
Inclusionary Sites –To Be Rezoned/Redeveloped						
Haddonwood Remainder	18	18		18		18
Miller (18 of 22)	18			18		18
Lakes of Bankbridge (including 30 of 101 from Third Round)	62	10		60		62
Five Points South (Benderson)	33	33		33	3; cap	33
Extensions of Controls – Proposed						
Nancy Elks Senior Housing		80	80	80		80
Devereux Group Homes (3 homes)		12		12	12	18
33 Dancy Street	1			1		1
Total	217	229	80	307	99	406
Surplus to Fifth Round (406-398)						8

Table 25, above, shows that the Township proposes to meet its 100-unit minimum rental requirement with 229 existing and proposed rental units. It is proposing 229 family rental units, 179 more than the 50 minimum required, 217 total family units against a required minimum of 150, and 80 age-restricted units, below the maximum permitted 119.

Descriptions of the affordable housing developments for the Fourth Round obligation follow.

Fourth Round 100% Affordable Housing – Proposed

Hillcrest Avenue – A 5-acre portion of the Borough-owned property at Block 398, Lot 13 will be developed with a 76-unit 100% affordable family rental project. The other portion of this lot is already reserved for a new Deptford Department of Public Works site and facility.

Deptford Township will enter into an agreement with an experienced affordable housing developer to construct, own, and administer the 100% affordable Municipally Sponsored Site.

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As required in N.J.A.C. 5:93-5.3, affordable housing sites shall be approvable, developable, and suitable, as defined in N.J.A.C. 5:93-1.3, for the production of low- and moderate-income housing. As demonstrated below, this site meets these criteria.

- *There are no preconditions that would prevent affordable housing development.* The Township owns the site, which has no known title defects or deed restrictions that preclude development of affordable housing.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The proposed new site currently does not have road frontage or access, but Hillcrest Drive would be extended to connect to it, which would provide access to Tanyard Road, a county road. To the east of the new lot are the New Sharon Woods and Village at New Sharon residential developments. To the north is the proposed Deptford Public Works site and facility, as well as Township soccer fields, which are scheduled for expansion. The site is currently zoned INS – Institutional, and the Township will rezone the new parcel if necessary to accommodate the proposed development.
- *Adequate sewer and water are available.* The site is located in the Township’s sewer service area and a public water area. Water and sewer have been installed along Hillcrest Drive. The Township is in the process of securing confirmation that the existing water and sewer conveyance systems can accommodate the additional units from this site and be extended to the new development. If not, the Township will enlarge the utilities to accommodate the anticipated development.
- *The site can be developed in accordance with RSIS.* Development of the site can be accomplished consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. The site is not within jurisdiction of a regional planning agency or CAFRA.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The site will comply with all applicable environmental regulations.* The site is not in a floodplain, and there are no steep slopes or known contaminated sites on it. In the southwest portion of the site are two patches of wetlands, but these are not expected to hinder the development of affordable housing.

In addition to site suitability, the developer of the redevelopment project will be required to meet the applicable requirements of UHAC:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the tract, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.

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- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* In accordance with the amended FHA, the affordable rental units will be required to minimum 40-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

In accordance with N.J.A.C. 5:93-5.5, municipally sponsored construction must also adhere to the following:

- The municipality shall submit detailed information demonstrating that it has adequate funding capabilities. The documentation shall include:
 - A pro-forma statement for the project; and
 - Evidence that the municipality has adequate and stable funding. If State or Federal funds will be used, the municipality must provide documentation indicating the funding available to the municipality and any applications still pending. In the case where an application for outside funding is still pending, the municipality must provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved; and
- A construction schedule, or timetable, must be submitted for each step in the development process, including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The municipality must indicate the entity responsible for monitoring the construction and overall development activity.

The Municipality will secure a pro forma and construction schedule once the affordable housing developer is selected. It has allocated affordable housing trust funds to help subsidize the project, and will adopt a resolution of intent to bond if necessary to ensure the project's financial viability. See Appendix H for a concept plan for the development.

The Township anticipates the following implementation timetable for the project:

Activity	Schedule
Developer submits for tax credits	Next tax-credit application cycle
Tax credit decision/final site plan application and approval	Four to six months from tax credit application

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Activity	Schedule
Developer seeks syndication/completes financing/architectural drawings completed	Six months from award of tax credits
Municipality closes on land transfer/Developer closes on Financing	One month from completion of financing
Construction starts	One month from land transfer
Construction completed	10 months from construction start
Total Time	22-24 months of Order approving the HEFSP

Habitat for Humanity – In 2023, Habitat for Humanity of Gloucester County approached the Township about acquiring various parcels that the municipality owned at the time, for the purpose of constructing new affordable family for-sale units. Habitat reviewed several parcels, and finally indicated interest in constructing nine affordable family for-sale units on the following six parcels:

- 706 Central Avenue (Block 449, lot 13), 0.34 acres, zoned R-6. Habitat intends to construct one single-family home on this lot.
- 622 Washington Avenue (Block 319, lot 15), 0.26 acres, zoned R-6. There is currently a single-family house on the lot, which Habitat intends to demolish. Habitat intends to construct one single-family home on this lot.
- Cunard Avenue (Block 231, lot 6), 0.2 acres newly subdivided from lot 4, zoned R-10A. Habitat intends to construct one single-family home on this lot.
- 629 Carteret Avenue (Block 41, lot 13); 0.31 acres, zoned R-6. Habitat intends to subdivide this lot and construct two fee-simple semi-detached single-family homes.
- 633 Carteret Avenue (Block 41, lot 5); 0.31 acres, zoned R-6. Habitat intends to subdivide this lot and construct two fee-simple semi-detached single-family homes.
- 637 Carteret Avenue (Block 41, lot 4); 0.31 acres, zoned R-6. Habitat intends to subdivide this lot and construct two fee-simple semi-detached single-family homes.

The Township currently owns all the lots except the newly created lot on Cunard Avenue, which is being donated to Habitat by its current owner. All but one of the lots are vacant, and all are located in single-family neighborhoods in zones that permit single-family and semi-detached single-family residential development. They are all within the Township's sewer service area, and are not encumbered by any wetlands or environmental contamination. All the lots are in state Planning Area 1 (PA-1), the Metropolitan Planning Area, where infrastructure already

exists and where infill redevelopment, including production of affordable housing, is encouraged.

Habitat intends to construct a total of nine affordable family for-sale units on these six lots. The Township is donating five of the lots, and the current owner is donating the newly subdivided lot on Cunard Avenue. Habitat will place affordability controls of at least 30 years on the units, will affirmatively market the affordable ownership opportunity according to its procedures, which have previously been approved by the Court, and will income-qualify the initial purchasers. Thereafter, the Township's Administrative Agent will administer the units. See Appendix I for the draft Memorandum of Understanding.

Fourth Round Inclusionary Developments – Proposed

The Township is proposing inclusionary development on the sites listed below.

Haddonwood – Please see discussion of this site under Third Round Compliance. The owner of Block 203, lots 8, 9, 12, and 21, which are adjacent to the Haddonwood Remainder lots 10 and 11 discussed above and owned by the same entity, has approached the Township about constructing an inclusionary development on his lots. The Township will expand the zoning on the current Haddonwood lots to these lots in order to increase the yield from this proposed inclusionary development from a total of 166 units to a total of 286 units, for an additional 18 affordable units at a 15% set-aside. (See Appendix F for the rezoning ordinance and concept plan.)

As required in N.J.A.C. 5:93-5.3, affordable housing sites must be approvable, developable, and suitable, as defined in N.J.A.C. 5:93-1.3, for the production of low- and moderate-income housing. As demonstrated below, these lots meets these criteria.

- *There are no preconditions that would prevent affordable housing development.* The lots are all in common ownership, and there are no known title defects or deed restrictions that preclude development of affordable housing.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The area of the planned increase is currently vacant. The Tract has 1,000 feet of frontage on the east side of Hurffville Road. Across Hurffville Road is a residential development and a sign vendor, an industrial tank cleaning company, a truck repair facility, and a historic church cemetery. Land to the north is vacant and wooded except for a one-story industrial/storage building with frontage along Dein Avenue. To the east, along the Township line, is the South Branch of Big Timber Creek. It is near to the Township's retail shopping areas, centered on the Deptford Mall, that provide job opportunities.
- *Adequate sewer and water are available.* The site is located in a sewer service area and a public water area. Water and sewer have been installed along Hurffville Road. The Township is in the process of securing documentation that the existing water and sewer conveyance systems can accommodate the proposed additional units from this site.

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- *The site can be developed in accordance with RSIS.* Development of the site can be accomplished consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. The site is not within jurisdiction of a regional planning agency or CAFRA.
- *The site is located in a Smart Growth Planning Area.* The adopted 2001 State Development and Redevelopment Plan designates the site as part of the Metropolitan Planning Area, Planning Area 1, which is a preferred location for the development of new affordable housing. Development of the site is consistent with the State Development and Redevelopment Plan and the rules and regulations of all agencies with jurisdiction over the site.
- *The site will comply with all applicable environmental regulations.* The site will comply with all applicable environmental regulations. There are no known contaminated sites on the parcel. A portion of rear of property, to the east near Township line, is wetlands associated with the South Branch of Big Timber Creek. These constraints are not expected to hinder the development of affordable housing.

In addition to site suitability, the developer of the redevelopment project will be required to meet the applicable requirements of UHAC:

- *Administrative Entity.* The Township will require that the residential developer engage an administrative agent, as required by the affordable housing ordinance as well as state regulation, to administer and affirmatively market the units at the tract, income-qualify applicants, place minimum 30-year affordability controls on the units, and provide long-term administration of the units in accordance with rules at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Very Low-, Low- and Moderate-Income Distribution.* At least half of the affordable units developed will be affordable to low-income households, with at least 13% affordable to very low-income households.
- *Affirmative Marketing.* The affordable units will be affirmatively marketed in accordance with N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.
- *Controls on Affordability.* In accordance with the amended FHA, the affordable rental units will be required to minimum 40-year affordability controls.
- *Bedroom Distribution.* The distribution of the number of bedrooms will follow UHAC regulations.

Miller – Please see discussion of this site under Third Round Compliance. The Township is moving 18 units from its Third Round compliance plan to its Fourth Round Compliance Plan.

Lakes of Bankbridge – Please see discussion of this site under Third Round Compliance. The Township is moving 30 units from its Third Round compliance plan to its Fourth Round compliance plan. In addition, the Township intends amend the zoning for this site to increase the permitted density to seven units per acre, in order to generate an additional 140 total units. The submitted concept plan indicates these will be rental units, which will yield 30 affordable units at a 15% set-aside. See Appendix G for the draft zoning ordinance.

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Five Points South (Benderson) – Please see discussion of this site under Third Round Compliance. The Township is claiming 33 of the 115 proposed affordable units at this site toward Fourth Round compliance.

Fourth Round Extensions of Controls

Nancy J. Elkis Senior Housing – Please see discussion of this site under Third Round compliance. These 80 age-restricted units, originally funded by Low Income Housing Tax Credits, had 30-year affordability controls imposed in 1997. The project is operated by the Housing Authority of Gloucester County, which has indicated to the Township that it is interested in continuing to administer the units as affordable. See Appendix J.

Devereux Foundation – Please see the discussion of these three special-needs facilities under Third Round Compliance. The 20-year deed restrictions on these properties expire in 2027 and 2028. The Township intends to execute an agreement with Devereux Foundation to extend controls on the properties for an additional 40 years, for a total control period of 60 years, in return for at least \$40,000 per bedroom, or at least \$480,000, from the Township's affordable housing trust fund to be used to correct any code deficiencies at the facilities. There are four bedrooms in each facility (credit is by the bedroom), affording the Township 12 credits and six bonuses for extensions of rental controls in the Fourth Round, for a total of 18 credits. The Township will shortly engage with the Foundation to enter into an agreement in the extensions.

33 Dancy Street – In late 2024 the Township purchased this affordable family for-sale unit (Block 396, lot 32), part of the inclusionary Village at New Sharon development, out of foreclosure. The Township will fund and complete any required repairs, and then sell the unit to an income-qualified buyer with new 30-year affordability controls. A copy of the recorded deed restriction is available in Appendix J.

See Appendix J for all Fourth Round extensions of controls documentation.

Summary of the Fourth Round

The Township will address its Fourth Round obligation of 398 with a combination of inclusionary and 100% affordable rental and for-sale developments, and extensions of controls on special-needs facilities and age-restricted affordable units.

VERY LOW-INCOME REQUIREMENT

At least 13% of all units approved and constructed since 2008, regardless of the round to which they are credited, must be very low-income units, affordable to households earning 30% or less of regional median income. As set forth in Tables 26 and 27, the Township must provide X very low-income units. It satisfies this requirement by X.

Additionally, per P.L. 2024 c.2, half of all very low-income units claimed toward satisfaction of the Township's Fourth Round obligation must be available to "families with children."

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Table 26. Calculation of the Very Low-Income Requirement

Minimum Very Low-Income Units (P. L. 2008, Ch. 46) = 96 Units

.13 (All units built, approved or proposed since 7/1/2008) =
.13 (735) = 95.55 units, rounded up to 96 units.

Minimum Very Low-Income Family Units (P. L. 2008, Ch. 46) = 48 Units

.5 (Minimum Very Low-Income Units) =
.5 (96) = 48 units.

Minimum Fourth Round Very Low-Income Units Available to Families With Children
(P. L. 2024, c2) = 18 Units

.5 (Minimum Fourth Round Very Low-Income Units) =
.5 (36) = 18 units.

As Table 27 shows, the Township satisfies its overall very low-income requirement of 105 units with 150 total very low-income units, of which 87 are available to families, well above the 53-unit family very low-income requirement. For new units generated in the Fourth Round, there is a requirement that at least 50% of the very low-income units be available to “families with children.” Table 27 assumes that half of the family very low-income units generated in the Fourth Round will have two or more bedrooms, thus satisfying this requirement.

Table 27. Satisfaction of the Very Low-Income Requirement

Project	Affordable Units Since 2008	Very Low-Income Units Required	Very Low-Income Units Provided/Proposed
Tanyard Oaks	65	8.45	7
Habitat for Humanity	2	0.26	0
Deptford Landing	3	0.39	0
JAS Homes/Tarpy Lane	4	0.52	0
Community Options	4	0.52	4
The ARC Gloucester	5	0.65	5
Residences at South College Drive	24	3.12	24
DR Horton/NJTD Investments	42	5.46	6
Rizzuto	12	1.56	0
Twin Cedars	10	1.3	10
Diocese of Camden Housing	74	9.62	10
Deptford 15 LLC	27	3.51	4

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Project	Affordable Units Since 2008	Very Low-Income Units Required	Very Low-Income Units Provided/Proposed
Haddonwood Remainder (3 rd Round)	25	3.25	4
Haddonwood Remainder (4 th Round)	18	2.34	3
Miller (3 rd Round)	4	0.52	1
Miller (4 th Round)	18	2.34	3
Local 360 United F&C	9	1.17	0
P&I Investments	18	2.34	3
Five Points South (3 rd Round)	82	10.66	11
Five Points South (4 th Round)	33	4.29	5
Lakes of Bankbridge (3 rd Round)	71	9.23	10
Lakes of Bankbridge (4 th Round)	62	8.06	8
Deptwood Center	38	4.94	5
Hillcrest Avenue	76	9.88	10
Habitat for Humanity	9	1.17	0
Total	735	95.55	133
Required family very low-income units: 50% of very low-income requirement		96 total very low-income units required; 48 very low-income family units required	71
Required very low-income units available to "families with children:" 50% of all Fourth Round very low-income units		36 total Fourth Round very low-income units; 50%, or 18, must be available to families with children	18

AFFORDABLE HOUSING ADMINISTRATION

Administration of Affordable Units

Affordable Housing Ordinance

Deptford has instituted an Affordable Housing Ordinance, Article XII, Affordable Housing, of the Unified Development Ordinance, establishing procedures for the renting and sale of affordable units and the imposition of affordability controls that references the standards of

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the Uniform Housing Affordability Controls (hereinafter “UHAC”) at N.J.A.C. 5:80-26.1. The municipality’s Affordable Housing Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units in accordance with these requirements. A copy of the current ordinance may be found in Appendix L.

The Affordable Housing Ordinance includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26.1. All newly created affordable units will comply with the control period of 30 years for for-sale units and 40 years for rental units 40-year affordability control required by P.L. 2024 c.2, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan is required to be adhered to by all private, non-profit or municipal developers of affordable housing units and is required to cover the period of deed restriction or affordability controls on each affordable unit, as necessary.

State agencies, the New Jersey Housing and Mortgage Finance Agency (HMFA) and DCA, are working on new regulations that may change the underpinnings of this ordinance. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated ordinance in accordance with COAH’s rules, DCA’s proposed new regulations at N.J.A.C. 5:99, and UHAC’s new 2025 regulations that are anticipated to be released shortly. The new ordinance will govern the establishment of affordable units in the Township as well as regulating the occupancy of such units.

Development Fee Ordinance

Deptford established a development fee ordinance for the collection of development impact fees as apart of its most recent affordable housing ordinance, adopted 19th of October 2020. The funds from the collection of fees will be utilized as provided for in the Spending Plan. The Township seeks Court approval for an updated version of the Development Fee Ordinance, found in Appendix K.

Affirmative Marketing

The Township has also adopted an affirmative marketing plan that may be found in Appendix L. This includes requirements for the affirmative marketing of the availability of affordable housing units in the tri-county region and beyond. Each affirmative marketing plan is reviewed and approved by a Township representative and is required to be designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children. Additionally, the affirmative marketing plan is intended to target those potentially eligible households who are least likely to apply for affordable units and who reside in Housing Region 5.

Like the Affordable Housing Ordinance, however, the rules pertaining to such plans are in flux. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated affirmative marketing plan in accordance with COAH’s

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rules, DCA's proposed new regulations at N.J.A.C. 5:99, and UHAC's new 2025 regulations that are anticipated to be released shortly.

Deptford currently has a Court-approved Affirmative Marketing Plan (Appendix L). Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated Affirmative Marketing Plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules, as well as to address any terms of the court-approved Third Round FSHC agreement.

The Township's Affirmative Marketing Plan is 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 the affordable units located in the Township. It is intended to target those potentially eligible households who are least likely to apply for affordable units and who reside in the Township's housing region, Region 5, consisting of Burlington, Camden, and Gloucester counties.

The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the affordable units) will be the responsibilities of the developers of the affordable units. This requirement is included in the Affordable Housing Ordinance and must be a condition of any municipal development approval or agreement with the developer of the municipality's two affordable housing sites. See Appendix K for the Affordable Housing Ordinance that includes these requirements.

The Affirmative Marketing Plan includes media that must be employed to advertise the availability of affordable units, lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. All newly created affordable units will comply with the minimum 30-year or 40-year (for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.1 et seq. This plan must be adhered to by all private, nonprofit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

Municipal Housing Liaison, Administrative Agent

The Township has established the position of the Municipal Housing Liaison and has appointed Donald Banks in the Township's Department of Economic Development as Municipal Housing Liaison (see Appendix M). The Township has also appointed an experienced affordable housing Administrative Agent, Triad Associates, to conduct the administration and affirmative marketing of its affordable housing sites (see Appendix M).

Monitoring, Midpoint Review

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4 as amended by P.L. 2024 c.2, by February 15 of each year of the Fourth Round, the Township will provide a detailed

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accounting through DCA's new Affordable Housing Monitoring System (AHMS) of all affordable units constructed and construction starts during the prior calendar year, and of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the prior calendar year. The Township will also provide a detailed accounting in AHMS of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

The Township or any other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the Fourth Round, and must provide for notice to the public, including a realistic opportunity review of any inclusionary development site in this HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. If such an action is initiated by the Township, the Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the *Mount Laurel* doctrine.

AFFORDABLE HOUSING TRUST FUND AND SPENDING PLAN

Affordable Housing Trust Fund

As of December 31, 2024, the Township of Deptford has collected \$3,792,769.17, expended \$1,275,211.74, and had a trust fund balance of \$2,517,557.43. Accumulated interest income as of December 31, 2024, was \$246,165.59 and is included in the gross revenue, above. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees have been and continue to be deposited in a separate interest-bearing affordable housing trust fund in Columbia Bank for the purposes of affordable housing. The balance will be updated regularly to reflect deposits and will be reported to the appropriate state entity through the AHMS system and posted on the Township's website.

Spending Plan

The Township's Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with N.J.A.C. 5:93-5.1(c). The Township's 2025 Spending Plan is included as Appendix N to this plan. Deptford seeks approval from the Court for the Spending Plan. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Spending Plan. In general, the Township anticipates using the funds for rehabilitation of substandard units in the Township, extension of expiring controls efforts, and municipal contributions to a 100% affordable project. The Township may, in the future, seek to amend its Spending Plan and obtain the approval of a Court of competent jurisdiction to use the Affordable Housing Trust Fund for any of the following additional permitted affordable housing activities, subject to applicable limitations and minimum expenditures:

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- New construction;
- Rehabilitation of structurally deficient housing units;
- Extensions of affordability controls on units for which affordability controls have expired or are scheduled to expire during the Third Round;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;
- Assistance designed to render units to be more affordable; and
- Administration of the implementation of the Housing Element and Fair Share Plan.

At least 30% of development fees and interest collected shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan and for the creation of very low-income units. Additionally, no more than 20% of the revenues collected from development fees each year 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 rehabilitation program, a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.

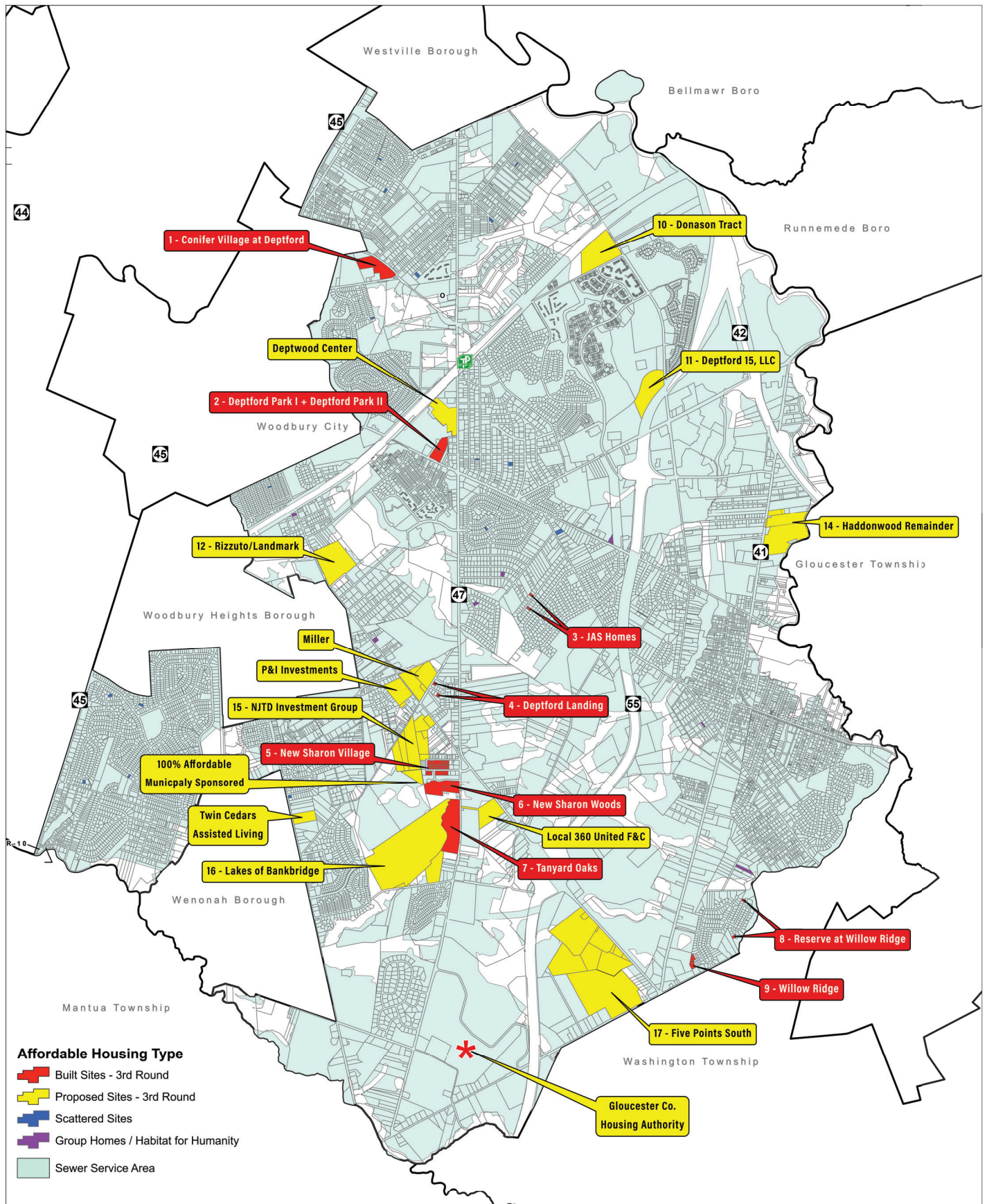
COST GENERATION

Deptford's zoning ordinance has been reviewed to eliminate unnecessary cost-generating standards. Deptford shall comply with the requirements for removing unnecessary cost-generating requirements as expressed in N.J.A.C. 5:93-10.2 and requirements for special studies and escrow accounts when an application contains affordable housing pursuant to N.J.A.C. 5:93-10.3.

SUMMARY

Deptford Township has demonstrated a long history of compliance with the constitutional obligations of the Mount Laurel Doctrine and the Fair Housing Act. The municipality has never failed to apply for substantive certification of its Housing Element and Fair Share plans and has been granted such certifications when the New Jersey Council on Affordable Housing was a viable agency, except where the Courts invalidated the applicable regulations before COAH could certify the plans.

This document, the Township's 2025 Housing Element and Fair Share Plan, sets forth the mechanisms by which the municipality will address its rehabilitation and new construction obligations.



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Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

Housing Element and Fair Share Plan

Affordable Housing Sites 3rd & 4th Round

LOCATION:
Deptford Township, Gloucester County, NJ

DATE:
June 2025



A. THIRD ROUND SETTLEMENT AGREEMENT, FAIRNESS ORDER, JUDGMENT OF REPOSE



Peter J. O'Connor, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rammler, Esq.
 Joshua D. Bauers, Esq.
 Bassam F. Gergi, Esq.

October 13, 2020

Albert Marmero, Esq.
 Grace Marmero & Associates, LLP
 44 Euclid Street
 Woodbury, New Jersey 08096

Re: In the Matter of the Application of the Township of Deptford, County of Gloucester, Docket No. GLO-L-0929-15

Dear Mr. Marmero:

This letter memorializes the terms of an agreement reached between the Township of Deptford (the "Township" or "Deptford"), the declaratory judgment plaintiff, and Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV") and, through this settlement ("Agreement"), a defendant in this proceeding. This Agreement will refer to the Township and FSHC individual as a "Party" and collectively as the "Parties."

Background

Deptford filed the above-captioned matter on July 6, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households. This Agreement supersedes all prior settlement agreements between the parties.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement ("Plan" or "HE&FSP") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Deptford hereby agree that Deptford's affordable housing obligations are as follows:

Table 1. Deptford Affordable Housing Obligations

Rehabilitation Share (per Kinsey Report ¹)	94
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	296
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	975

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. Rehabilitation. The Township's efforts to meet its present need include the following: forty-one existing (41) units through County owner-occupied rehabilitation program and forty-seven (47) rental units at Deptford Park Apartments (aka Cooper Street Senior Apartments). Preliminary information from Gloucester County indicates that approximately thirty-two (32) units have been rehabilitated by the County in Deptford since April 1, 2010; the remaining number shall be addressed through the County rehabilitation program through July 1, 2025. A water main break in 2015 rendered 47 units at Deptford Park Apartments uninhabitable. These were subsequently renovated at a cost of \$2,476,739, or \$52,697 per unit (hard cost). All of the units were renovated in 2015.

The Gloucester County owner-occupied rehabilitation program has historically rehabilitated four units in Deptford Township annually. Therefore, it can be reasonably expected that the program will rehabilitate an additional fifteen (15) units during the Third Round compliance period, sufficient to satisfy the Township's present need obligation of ninety-four (94) units.
6. Prior Round. As noted above, the Township has a Prior Round prospective need of two hundred ninety-six (296) units, which is met through the following compliance mechanisms:

Table 2. Credits for the Prior Round Obligation

Prior Round Obligation (296)	Family	Rental	Senior	Units	Rental Bonuses	Total Credits
100% Affordable (built)						
New Sharon Woods	50	50		50		50
Deptford Park (74 of 99)		74	74	74		74
Housing Authority of Gloucester County (scattered sites; 2 of 19)	2	2		2		2
Village at New Sharon	22			22		22
Conifer Village at Deptford – 74 of 90	74	74		74	74	148
Total	148	200	74	222	74	296

¹ - David N. Kinsey, PhD, PP, FAICP, New Jersey Low And Moderate Income Housing Obligations For 1999-2025 Calculated Using The NJ COAH Prior Round (1987-1999) Methodology, May 2016.

7. Prospective Need. As noted above, the Township has a Third Round prospective need of nine-hundred-and-seventy-five (975) units, which is met through the following compliance mechanisms:

Table 3. Credits for the Third Round Obligation

Affordable Housing Mechanism	Family	Rental	Senior	Units	Rental Bonuses	Total Credits
100% Affordable Housing - Built						
Deptford Park – 25 of 99		25	25	25		25
Nancy J. Elkins Senior Housing (formerly Deptford Park II)		80	80	80		80
Housing Authority of Gloucester County (scattered sites-17 of 19)	17	17		17		17
Conifer Village (LIHTC; 16 of 90)	16	16		16	16	32
Tanyard Oaks (LIHTC)	65	65		65	65	130
Habitat for Humanity	2			2		2
100% Affordable Housing - Proposed						
HAGC/Rowan College (special needs)	24	24		24	24	48
Donason Tract		81	81	81		81
Inclusionary Sites - Built						
Deptford Landing	4			4		4
Willow Ridge	4			4		4
Reserve at Willow Ridge	2			2		2
JAS Homes (Tarp Lane)	4			4		4
Inclusionary Site – Approved						
Rizzuto			14	14		14
Inclusionary Sites To Be Rezoned/Redeveloped						
Deptford 15, LLC	27	27		27		27
Miller	22			22		22
Haddonwood Remainder	25	25		25		25
NJTD Investment Group	41			41		41
Local 360 United F&C	9			9		9
Lakes of Bankbridge	101	57		101	57	158
P&I Associates	18			18		18
Five Points South (Benderson)	115	115		115	82	197
Alternative Living Arrangements						
Devereux Group Homes (3 units)		13		13		13
Community Options (1 unit)		4		4		4

Affordable Housing Mechanism	Family	Rental	Senior	Units	Rental Bonuses	Total Credits
ARC Gloucester (1 existing unit)		3		3		3
ARC Gloucester (1 under const.)		5		5		5
Twin Cedars Assisted Living		10	10	10		10
Total	496	567	210	731	244	975

8. The Township will provide a realistic opportunity for the development of affordable housing through the adoption of zoning or redevelopment plan for inclusionary housing on the following sites: Rizzuto; Deptford 15, LLC; Miller; Haddonwood Remainder (Deptford Shopping Center, LLC); NJTD Investment Group; Local 360 United, F&C; Lakes of Bankbridge (Glouco Development Group), P&I Associates and Five Points South (Benderson).
- Rizzuto – This is a 23.4-acre parcel at the corner of Tanyard Road and Ayres Avenue (Block 84, lot 1). The project has a preliminary major subdivision approval for 67 age-restricted units of which 14 would be single family semi-detached affordable age-restricted dwellings.
 - Deptford 15, LLC: Almonesson Road – Block 5.01, Lot 13.02 (15.04 acres). At 12 units per acre gross would yield 180 units and 27 affordable units (15% rental setaside); if the site is developed as for-sale housing, the set-aside would be 20%, or 36 affordable units.
 - Miller – The four lots at Block 86, Lots 4, 5, 15 and 27 comprise a 17.99-acre parcel on the north corner of the intersection of Tanyard Road and Cattell Road. There is one residence on the underutilized property. The Township will rezone the site to provide a realistic opportunity for the development of 152 residential for-sale units at eight and two-tenths units per acre to yield 22 units with a 15% rental setaside and 31 units at a 20% setaside for for-sale townhouses.
 - Haddonwood Remainder: This is the site of the former Haddonwood Swim Club, currently vacant, totaling 15.2 acres on the east side of Hurffville Road south of where it crosses Route 42 (Block 203, Lot 10, 9.95 acres, and approximately 5.25 acres from Lot 11). It is currently zoned BC-4, Business Center 4. In accordance with the terms of the Settlement Agreement, the Township will rezone the site to provide a realistic opportunity for the development of affordable housing. Since the land area is approximate and an exact measurement will require a parcel survey, the Township will rezone the property equal to the density of the Deptford 15, LLC (a gross density of 12 units per acre), to ensure that the minimum number of affordable units can be achieved. With a total of at least 166 units that can be developed on the site, the required 15% set-aside for rental development would create, 25 affordable units; if the site is developed as for-sale housing, the set-aside would be 20%, or 34 affordable units.

- e. NJTD Investment Group: Cattell and Tanyard Roads –Block 398, Lots 14-16, 17.01, 18, 35 and 50 (32.27 acres). At 8.5 units per gross acre, the property yield would be 274 units of which 41 would be affordable family rental townhouse at a 15% set-aside and 55 units with a 20% for-sale setaside.
- f. Local 360 United F&C – This 10-acre property is located at 1920 Delsea Drive, Block 397, Lot 3. The Township will rezone the site to provide a realistic opportunity for the development of 60 residential units (a gross density of six units per acre), with a for-sale required set-aside of 20%, for a total of 13 affordable townhouse units; or 60 residential rental units with 9 affordable units (15% rental set-aside).
- g. Lakes of Bankbridge - Bankbridge Road – Block 398, Lots 31-33 and 52 (99.2 acres). At 6 units per gross acre, would allow 504 units. The Township will rezone the site to provide for the development of a total of 504 residential units (up to a gross density of six units per acre), with a required set-aside of 20% regardless of whether the affordable units are rentals or for-sale, for a total of 101 affordable units. In addition to accommodating the 504 units of the site, 18 more affordable units from the 90 units anticipated at the P&I Investment site (below) are proposed to be transferred to the Lakes of Bankbridge site in the form of stacked townhouses. The site will provide at least 57 rental bonus credits. 288 multi-family rental dwellings (including the rental affordables), 86 market-rate townhouses, 22 affordable townhouses, 40 affordable stacked townhouses (one unit over another) plus 18 additional stacked townhouses from the P&I Associates site are proposed. Additionally, the site will have 86 single-family detached houses on minimum 7,800-square-foot lots that will be market-rate dwellings. This is one of the intervenor sites. The Township and Glouco Approvals Group have entered into an agreement that provides a firm commitment for the construction of at least 57 family rental units on this site which shall be amended prior to the fairness hearing to address how a realistic opportunity will be provided for the 18 affordable units from the P&I site.
- h. P&I Associates - This site, slightly more than 10 acres in size comprising Lots 31 and 40 of Block 407, is directly across Tanyard Road from the Miller site. This site is owned by an affiliate of Glouco Approvals Group. Consequently, the MOU for the Lakes of Bankbridge site also encompasses this property. The site will be developed with 72 for-sale market rate townhouses. Its affordable housing obligation of 18 units will be transferred to the Lakes of Bankbridge property and will most likely be developed as stacked townhouses on that property. The 18 units transferred from the P&I tract to Lakes of Bankbridge shall not be developed later than the phasing requirements, pursuant to N.J.A.C. 5:93-5.6(d), for the development of the market rate units remaining on the P&I tract.
- i. Five Points South (Benderson) - The Five Points South Redevelopment Area encompasses Block 387.01, Lot 70 and Block 417.01, Lots 3-9 and 11, for a total of approximately 198 acres. This is governed by the Five Points Redevelopment Plan which requires any development to include 575 units of which 115 units, a 20% set aside will be family rental dwellings. The Township and Benderson shall

prior to the fairness hearing enter into an agreement that provides a firm commitment for the construction of family rental units on this site.

9. The Township will provide a realistic opportunity for the development of 100% affordable housing in a combination of special needs, alternate living arrangements and municipally sponsored senior units that will be developed or created through means other than inclusionary zoning in the following ways:
 - a. ARC of Gloucester. This project is the development of a medical group home of five (5) bedrooms for the developmentally disabled. The group home will be created through the rehabilitation of 1460 Cooper Street by Integrity Building Group, LLC, in fulfillment of an affordable housing obligation incurred by the developer. The medical group home will be operated by The ARC Gloucester, a proven provider of such services. The ARC Gloucester has received an operating funds commitment from the NJ Division of Developmental Disabilities. The rehabilitation is underway and occupancy is anticipated to occur by the end of 2020.
 - b. HAGC/Rowan College Project – The Township has entered into a four-way Memorandum of Understanding with Gloucester County, the Housing Authority of Gloucester County (“HAGC”), and Rowan College, that commits HAGC to build 24 special needs units on community college-owned land at the Rowan College of South Jersey campus (Block 417, part of Lot 1). The southern portion of the tract, comprising 43.78 acres, has been designated an area in need of redevelopment, and the units are contemplated for the central part of that area. A redevelopment plan providing for the 24 special needs units will be adopted as part of the compliance process as set forth in paragraph 18.
 - c. Donason Tract. The Donason Tract program is a 100% municipally sponsored project of 81 senior units located at Block 4.01, Lot 1 at the intersection of Caulfield Avenue and Almonesson Road. The Township will adopt a redevelopment plan and issue an RFP for an affordable housing developer in accordance with the schedule in Paragraph 11.
10. Donason Tract and Housing Authority of Gloucester County Project Funding. In accordance with N.J.A.C. 5:93-5.5, the Township recognizes that it must provide evidence that the municipality has adequate and stable funding for these two non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Township meets this obligation through anticipated funds to be generated from non-residential and residential development not incorporating affordable units as spelled out in the municipality’s spending plan as required in Paragraph 18 of this agreement and by the passage of a resolution of intent to bond in the event of a shortfall in funding of the means to implement its HE&FSP in the event that other outside agency funding including tax credits is not available on the anticipated timeline. This applies to the Donason Tract. For the HAGC/Rowan College Project, the MOU between Rowan College of South Jersey, the County of Gloucester, Housing Authority of Gloucester County and the Township provides that the County of Gloucester or one of its

affiliated agencies, such as the Gloucester County Improvement Authority shall provide the financial wherewithal should the project fail to secure outside funding. The Township has provided a pro-forma as part of its adopted HE&FSP. A pro-forma for the Rowan College Project shall be as set forth in Table 4.

11. Donason Tract and Rowan College Project Schedules. In accordance with N.J.A.C. 5:93-5.5 for non-inclusionary developments the following schedule in Table 4 shall apply to the municipally-owned Donason Tract and Table 5 shall apply to the Rowan College Project, dating from the Order approving this settlement agreement:

Table 4. Donason Tract Schedule for Completion

Activity	Schedule
Issue Request for Proposal for the Development	Within 2 months of order approving fairness of settlement
Receive RFPs from Developers including pro forma to be included with final compliance submission	1 month from RFP Release
Evaluate and Select Developer	1 month from Receipt of RFPs
Negotiate and Enter into Contract	3 months from Developer Selection*
Developer's professional team prepares site plan submission and tax credit application	3 to 6 months from Contract execution
Developer submits and is granted preliminary site plan approval	3 months from submission of preliminary site plan application
Developer submits for tax credits	1 month from site plan approval
Tax Credit decision/final site plan application and approval	4 to 6 months from application
Developer seeks syndication/completes financing/architectural drawings completed	6 months from award of tax credits
Municipality closes on land transfer/Developer closes on financing	1 month from completion of financing
Construction starts	1 month from land transfer
Construction completed	10 months
Total Time	36-41 months

* - This timeframe assumes that the Donason site is added to the sewer service area by this point. If that has not happened, then this step's timeframe and all subsequent steps shall be tolled until the Donason site has been added to the approved sewer service area, subject to the provisions of paragraph 12 below.

Table 5. HAGC (Rowan College) Project Schedule for Completion

Activity	Schedule
Create four party agreement pursuant to paragraph 7 of this MOU	Prior to compliance hearing on the HE&FSP*
Develop pro-forma(s) for inclusion in Township fair share plan	Prior to compliance hearing on the HE&FSP

Activity	Schedule
HAGC's professional team prepares site plan/subdivision submission and funding application(s)	2 to 4 months from execution of agreement
HAGC submits and is granted preliminary site plan and subdivision approval	2 to 3 months from submission of preliminary application
HAGC submits for funding	1 month from site plan/subdivision approval
Funding decision/final site plan/subdivision application and approval	4 to 6 months from application
HAGC seeks syndication (if applicable)/ completes financing/architectural drawings completed	4 to 6 months from award of funding
HAGC closes on financing	1 month from completion of financing
Construction starts	1 month from closing
Construction completed	12 months
Total Time	24-32 months

The municipality shall oversee the process of selecting a developer, negotiating a contract, and aiding in assisting the developer in its tax credit application as is necessary to effectuate the implementation of the Donason Tract component of its HE&FSP, and enforcing the conditions necessary to implement its non-inclusionary affordable housing site, shall inspect the site improvements and buildings for health and public safety as required to construct the site and to ensure that the provisions for affirmative marketing, selection of tenants or buyers and other aspects of this settlement agreement and applicable laws, regulations and agreements are adhered to. The municipality shall work in close cooperation with HAGC to provide assistance as needed in its funding application(s), shall inspect the site improvements and buildings for health and public safety as required to construct the site and to ensure that the provisions for affirmative marketing, selection of tenants or buyers and other aspects of this settlement agreement and applicable laws, regulations and agreements are adhered to.

12. Sanitary Sewer Service Area. The Donason site and a portion of the Rizzuto site are not currently within the approved sewer service area for Deptford Township. Gloucester County already has submitted an application to amend the sewer service area for the County which includes these parcels. In accordance with N.J.A.C. 5:93-5.3(b), if there is a denial of the expansion of the sanitary sewer service areas by the New Jersey Department of Environmental Protection (NJDEP) or at the end of two years after final judgment of this matter or if there is no DEP determination then this agreement and any orders of the court shall be reopened for the limited purpose of determining whether there is a realistic opportunity on any such site and if not providing an alternate site or sites that will address the same number of units towards the Third Round obligation for which there is no longer a realistic opportunity. The proposed sanitary sewer service area map for Deptford is attached as Exhibit B.
13. Very Low Income Requirements. The Township agrees to require thirteen percent (13%) of all units referenced in this Agreement, excepting those units that were constructed or

granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. Deptford's obligation is 13% of 655 units, or 85.15 units, rounded up to 86 units, of which at least 43 must be available to families. The 655 units generating the requirement come from Conifer Village, Tanyard Oaks, 10 existing inclusionary for-sale units, HAGC/Rowan College, Donason, Rizzuto, Deptford 15, Haddonwood Remainder, NJTD, P&I Associates, Miller, Local 360, Twin Cedars, one existing group home and the new ARC group home, in accordance with Table 6. The Township is providing for 91 total very low-income units, in excess of its requirement, of which 71 are or will be family very low-income units.

Table 6. Very Low Income Table.

Development	Total Affordable Units	VLI Units Provided	Family VLI Units Provided
Conifer Village	90	13	13
Tanyard Oaks	65	9	9
Inclusionary for-sale units	16	0	
HAGC Rowan College	24	4	
Donason Tract	81	11	
Rizzuto	14	0	
Deptford 15	27	4	4
Haddonwood Remainder	25	4	4
NJTD	41	6	6
P&I Associates	18	3	3
Miller	14	2	2
Local 360	9	2	2
Five Points South	115	15	15
Lakes of Bankbridge	101	13	13
Twin Cedars	10	0	
ARC Group Home -- proposed	5	5	
Total	655	91	71

Note: The HAGC project as an all special needs housing may qualify as all very low income, depending on funding source and the waiting list from which potential residents are drawn. Deptford only claims 4 of these as very low income units based on 13% of 24 units, rounded up but reserves the right to include additional units in its calculation upon proof of the very low income status of residents.

14. The Township shall meet its Third Round Gap Present Need and Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in Table 3 in paragraph 7 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).

- b. At least fifty percent (50%) of the units addressing the Third Round Gap Present and Prospective Need shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent (25%) of the Third Round Gap Present and Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Gap Present and Prospective Need in total shall be available to families.
 - e. The Township agrees to comply with an age-restricted cap of twenty-five percent (25%) and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed twenty-five percent (25%) of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
15. The Township shall include in 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, Gloucester County and Salem County Branches of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association. As part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, the Township and/or its Administrative Agent shall also provide notice to those organizations of all available affordable housing units to the above-referenced organizations. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
16. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of ten percent (10%) of affordable units in rental projects being required to be at thirty-five percent (35%) of median income, thirteen percent (13%) of affordable units in such projects shall be required to be at thirty percent (30%) of median income, and all other applicable law. The Township as part of its HE&FSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and 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 Township annually within thirty (30) days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) 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 the Township's housing region. 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 eighty percent (80%) 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 fifty percent (50%) percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be thirty percent (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 attached hereto as Exhibit A, prepared by the Affordable Housing Professionals of New Jersey are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2020, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year. The Township may rely upon future Affordable Housing Regional Income Limits by Household Size, as prepared by the Affordable Housing Professionals of New Jersey, in subsequent years.
 - 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 Township 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.
 - d. The Parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
17. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
 18. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Township shall introduce and adopt an ordinance or ordinances providing for the amendment of the Township's Uniform Development Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a HE&FSP and Spending Plan in conformance with the terms of this Agreement. Alternatively, if the court schedules a joint fairness and compliance hearing, all such ordinances shall be adopted prior to such hearing.
 19. The Parties agree that if a decision of a court of competent jurisdiction in Gloucester County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty percent (20%) than the total prospective Third Round need obligation

established in this Agreement of 975 units/credits (i.e., 780 units/credits or less), and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a HE&FSP that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any one hundred percent (100%) affordable developments referenced herein and otherwise fulfilling fully the Township's fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

20. The Township shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the issuance of the Judgment of Repose (or other final judgment in this matter however captioned), and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to the Special Master and Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services or any other forms endorsed by the Special Master and FSHC. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
21. On the first anniversary of the issuance of the Judgment of Repose (or other final judgment in this matter however captioned), and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to the Special Master and Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
22. The Township previously provided a midpoint review form to FSHC.

The Township agrees to provide a review of the very low income housing requirements required by N.J.S.A. 52:27D-329.1 within thirty (30) days of the third anniversary of the issuance of the Judgment of Repose (or other final judgment in this matter however captioned), which the Township will post on its municipal website, with a copy provided to the Special Master and Fair Share Housing Center, as to its satisfaction of its very low

income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, the Special Master, and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

23. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The Parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not affect FSHC's rights.
24. This Agreement shall be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void. The parties may request a joint fairness and compliance hearing from the Court.
25. The Township agrees to pay FSHC's attorneys fees and costs in the amount of twenty thousand dollars (\$20,000.00) within thirty (30) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
26. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
27. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Gloucester County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
28. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
29. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

30. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
31. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
32. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
33. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
34. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
35. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
36. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
37. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
38. All notices required under this Agreement ("Notice(s)") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

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

October 16, 2020
Page 16

TO THE TOWNSHIP:

Albert Marmero, Esq.
Grace Marmero & Associates, LLP
44 Euclid Street
Woodbury, New Jersey 08096
Phone: (856) 848-6440
Telecopier: (856) 858-5002
Email: amarmero@gracemarmero.com

**WITH A COPY TO THE
MUNICIPAL CLERK:**

Dina L. Zawadski, Township Clerk, RMC, CMC
Township of Deptford
1011 Cooper Street
Deptford, NJ 08096

Telecopier: (856) 845-8804
Email: dzawadski@deptford-nj.org

Please sign below if these terms are acceptable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam M. Gordon'.

Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Deptford, with the authorization
of the Township Council:

Hon. Paul Medany, Mayor

Dated: _____

October 14, 2020
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TO THE TOWNSHIP: Albert Marmero, Esq.
Grace Marmero & Associates, LLP
44 Euclid Street
Woodbury, New Jersey 08096
Phone: (856) 848-6440
Telecopier: (856) 858-5002
Email: amarmero@gracemarmero.com

**WITH A COPY TO THE
MUNICIPAL CLERK:** Dina L. Zawadski, Township Clerk, RMC, CMC
Township of Deptford
1011 Cooper Street
Deptford, NJ 08096

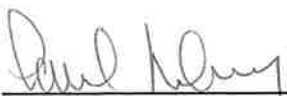
Telecopier: (856) 845-8804
Email: dzawadski@deptford-nj.org

Please sign below if these terms are acceptable.

Sincerely,

Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Deptford, with the authorization
of the Township Council:



Hon. Paul Medany, Mayor

Dated: 10/20/20

Exhibit A – 2020 Income Limits

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 24, 2020

2020 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1	Median	\$67,166	\$71,964	\$76,761	\$86,357	\$95,952	\$99,790	\$103,628	\$111,304	\$118,980	\$126,656		
	Moderate	\$53,733	\$57,571	\$61,409	\$69,085	\$76,761	\$79,832	\$82,902	\$89,043	\$95,184	\$101,325	1.9%	0.84%
	Low	\$33,583	\$35,982	\$38,381	\$43,178	\$47,976	\$49,895	\$51,814	\$55,652	\$59,490	\$63,328		\$185,539
	Very Low	\$20,150	\$21,589	\$23,028	\$25,907	\$28,786	\$29,937	\$31,088	\$33,391	\$35,694	\$37,997		
Region 2	Median	\$73,857	\$79,132	\$84,408	\$94,959	\$105,510	\$109,730	\$113,951	\$122,391	\$130,832	\$139,273		
	Moderate	\$59,085	\$63,306	\$67,526	\$75,967	\$84,408	\$87,784	\$91,160	\$97,913	\$104,666	\$111,418	1.9%	4.71%
	Low	\$36,928	\$39,566	\$42,204	\$47,479	\$52,755	\$54,865	\$56,975	\$61,196	\$65,416	\$69,636		\$202,419
	Very Low	\$22,157	\$23,740	\$25,322	\$28,488	\$31,653	\$32,919	\$34,185	\$36,717	\$39,250	\$41,782		
Region 3	Median	\$83,650	\$89,625	\$95,600	\$107,550	\$119,500	\$124,280	\$129,060	\$138,620	\$148,180	\$157,740		
	Moderate	\$66,920	\$71,700	\$76,480	\$86,040	\$95,600	\$99,424	\$103,248	\$110,896	\$118,544	\$126,192	1.9%	1.01%
	Low	\$41,825	\$44,813	\$47,800	\$53,775	\$59,750	\$62,140	\$64,530	\$69,310	\$74,090	\$78,870		\$227,546
	Very Low	\$25,095	\$26,888	\$28,680	\$32,265	\$35,850	\$37,284	\$38,718	\$41,586	\$44,454	\$47,322		
Region 4	Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199		
	Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359	1.9%	5.96%
	Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099		\$205,486
	Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260		
Region 5	Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512		
	Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.9%	7.21%
	Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756		\$179,028
	Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254		
Region 6	Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349		
	Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679	1.9%	6.97%
	Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175		\$153,730
	Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

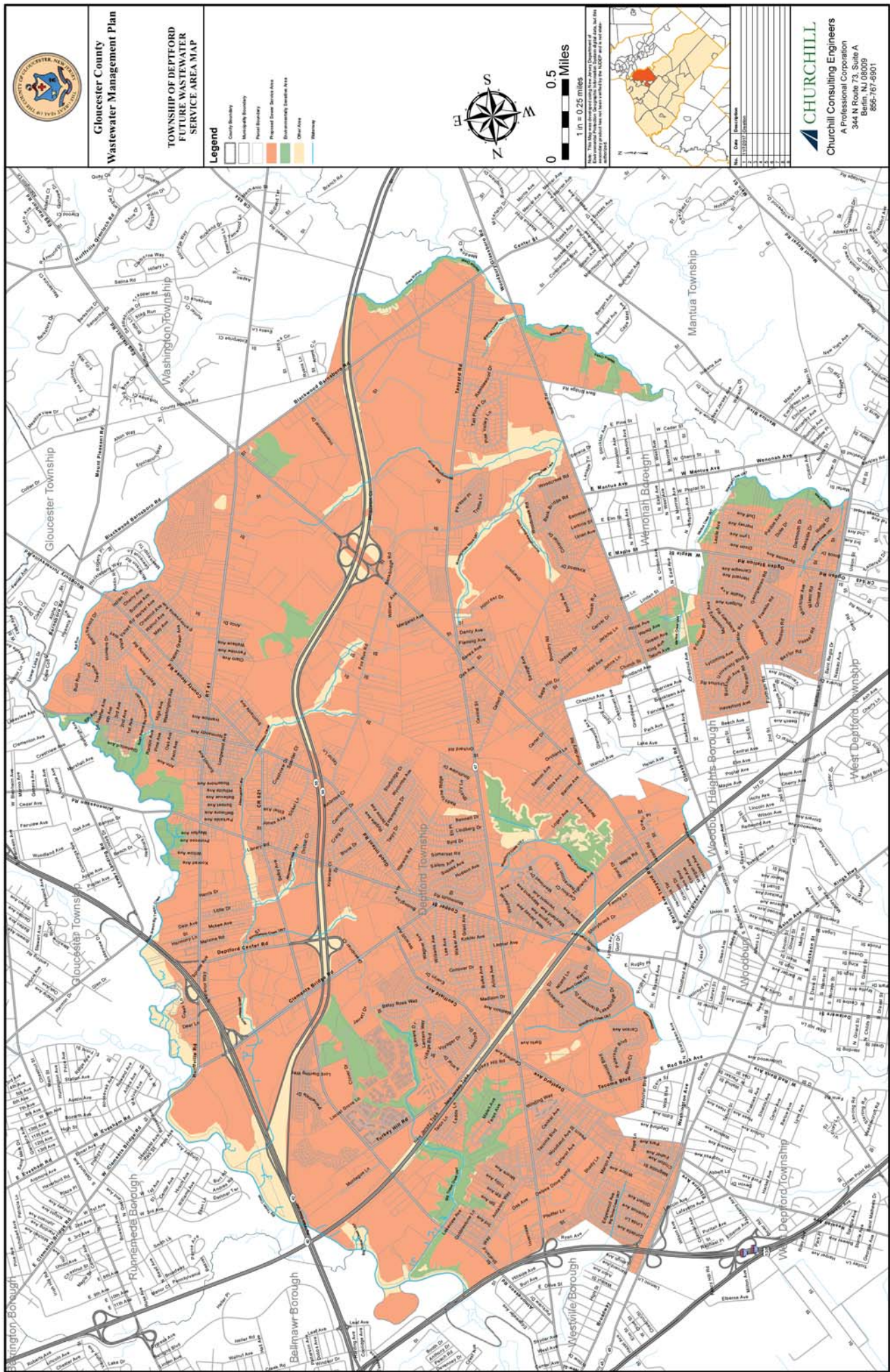
***This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, 2018 or 2019 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2020 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

**** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). 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.

Low income tax credit developments may increase based on the low income tax credit regulations.

***** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b).3.

Exhibit B



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 ATTORNEY ID: 020462003
 MARMERO LAW, LLC
 44 EUCLID STREET
 WOODBURY, NEW JERSEY 08096
 (856) 848-6440
 (856) 848-5002 FACSIMILE
 ATTORNEYS FOR PLAINTIFF, TOWNSHIP OF DEPTFORD

IN THE MATTER OF THE APPLICATION
 OF THE TOWNSHIP OF DEPTFORD,
 COUNTY OF GLOUCESTER

NEW JERSEY SUPERIOR COURT
 LAW DIVISION
 GLOUCESTER COUNTY

DOCKET NO.: GLO-L-929-15

CIVIL ACTION
 (*MOUNT LAUREL*)

**AMENDED
 DECLARATORY JUDGMENT
 OF COMPLIANCE AND REPOSE FOR
 THE THIRD ROUND**

THIS MATTER having been brought before the Court by Albert K. Marmero of Marmero Law, LLC, attorneys for the Township of Deptford, Gloucester County (hereinafter the “Township”), by way of a Declaratory Judgment Complaint filed on July 7, 2015 to have the Court determine the Township’s fair share affordable housing obligation and to permit the Township time to adopt a compliance plan and for immunity from builder’s remedy litigation pending the declaratory judgment action in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having appointed John D. Maczuga, PP, of JDM Planning Associates, LLC, as the Special Master (hereinafter the “Special Master”); and Fair Share Housing Center (“FSHC”), EIL Investments, as successor in interest to Glouco Approvals Group, LLC, and Benderson Properties, Inc. and affiliated entities, having each participated in the action as an “Interested Party,” and through settlement and/or consent, having become a “Defendant-Intervenor” in the action; and the Township and FSHC having settled via agreement executed on October 20, 2020 (“FSHC Settlement”), attached hereto as **Exhibit A** and incorporated by

reference herein; and the FSHC Settlement having established the Township's fair share obligations and further having identified the framework of the Township's plan to satisfy same; and the Court having scheduled a Fairness and Compliance Hearing on January 7, 2021, and a continued Fairness and Compliance Hearing on March 17, 2021, to determine whether the Township's Housing Element and Fair Share Plan is fair and reasonable to the region's very low, low and moderate income households; and the Township having published notice of the Fairness and Compliance Hearing in a newspaper of general circulation in the Township and Gloucester County and provided notice via certified mail to the Township's Service List; and the Court having considered the written objections to the FSHC Settlement from various parties; and the Court having received a December 31, 2020 written report of the Special Master, attached hereto as **Exhibit B**; and the Court having received a February 27, 2021 updated written report of the Special Master, attached hereto as **Exhibit C**; and on March 17, 2021, the Court having conducted a Fairness and Compliance Hearing; and the Court having considered the arguments of the Township, FSHC, and other Interested Parties, to the FSHC Settlement as well as the reports and testimony of the Special Master; and the Court having reviewed all of the documents admitted into evidence; and the Court being satisfied that the FSHC Settlement is fair and reasonable to the region's very low, low and moderate-income households; and good cause having been shown;

IT IS ON THIS 18th day of June, 2021, **ORDERED** as follows:

1. The Township provided sufficient published and actual notice of the Fairness and Compliance Hearing to the public and all known potential interested parties.
2. Pursuant to the judicial standards set forth in East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), and Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), aff'd 209 N.J. Super. 108 (App. Div. 1986), the

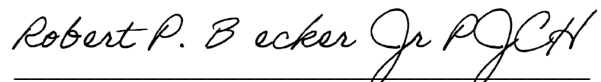
FSHC Settlement, inclusive of the Interested Parties Settlements, is fair, reasonable, and adequately protects the interests of the region's very low-, low- and moderate-income households and the Court hereby approves the FSHC Settlement, attached hereto as **Exhibit A**.

3. The Township has satisfied its Prior Round Obligation as set forth in the FSHC Settlement, **Exhibit A**.
4. Per the FSHC Settlement and Special Master Reports, the Township's affordable housing obligations are hereby incorporated as outlined in the FSHC Agreement and subject to thirteen (13) conditions as stated in the December 31, 2020 and February 27, 2021 Special Master reports. **Exhibits B and C**.
5. During the March 17, 2021 Fairness and Compliance Hearing FSHC additionally provided two (2) additional conditions which are stated and incorporated herein as follows:
 - a. It is required that each development in the Township that includes affordable housing and that is not yet constructed as of the date of this order shall deed restrict at least thirteen percent (13%) of the affordable units within each bedroom distribution for very-low-income households earning thirty percent (30%) or less than the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. In non-age-restricted family developments, at no time shall the number of 1-bedroom very-low-income units exceed the number of 3-bedroom very-low-income units.
 - b. The requirement that all non-residential development within the municipality, including non-residential components of any project identified in the FSHC

Agreement and/or settlements with interested parties, will require payment of a non-residential development fee in accordance with applicable law.

6. The Township shall comply with the conditions and recommendations by the Special Master as set forth in the Special Master Reports, **Exhibits B and C**, and the conditions requested by FSHC as set forth in Paragraph 5 above. To the extent that where the dates, schedules or requirements set forth in the conditions as stated in the Special Master Reports differ from the FSHC Settlement, the conditions approved by the Court shall supersede.
7. A Judgment is hereby declared in favor of Plaintiff, Township of Deptford, for a Declaratory Judgment of Compliance and Repose pursuant to East/West Venture v. Borough of Fort Lee and the Mount Laurel line of cases, provided the Township comply with the conditions and recommendations referenced in paragraph 6 above.
8. The Court hereby declares the land use regulations and affirmative devices in the Township's Housing Element and Fair Share Plan, subject to the Conditions as set forth in the FSHC Settlement and Special Master Reports annexed hereto and incorporated herein, will satisfy the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine for the Third Round (1999-2025).
9. The immunity previously granted to the Township from any and all exclusionary zoning lawsuits, other than actions brought to enforce the Court's Orders or the terms of any settlement agreements, is hereby continued through July 1, 2025.
10. Counsel for the Township shall provide copies of this Order to all counsel of record, the Special Master and to the Township's Service List within seven (7) days of the date of receipt.

Dated: June 18th, 2021


 Honorable Robert P. Becker, Jr., P.J. Ch.



B. FOURTH ROUND RESOLUTION, DECLARATORY JUDGMENT FILING, ORDER ESTABLISHING OBLIGATION

R.68.25

**RESOLUTION OF THE TOWNSHIP OF DEPTFORD, COUNTY OF
GLOUCESTER, STATE OF NEW JERSEY, COMMITTING TO ROUND 4
PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING
OBLIGATIONS**

WHEREAS, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Township of Deptford (hereinafter “Deptford” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies 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 Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

WHEREAS, this means that the regional need equates to 40% of regional household growth; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

WHEREAS, inclusionary zoning most typically requires a 15% or 20% set aside; and

WHEREAS, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

WHEREAS, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

WHEREAS, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 87 units and a Prospective Need or New Construction Obligation of 398 units; and

WHEREAS, A4 further provides that, irrespective of the DCA’s calculation, municipalities are to determine “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”; and

WHEREAS, this resolution satisfies the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of A4 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 A4; and

WHEREAS, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a existing conditions survey or similar survey which accounts for a lower 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; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 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 light of the above, the Mayor and Council finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

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

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

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

WHEREAS, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

NOW, THEREFORE BE IT RESOLVED, on this 27th day of January, by the Council of the Township of Deptford, Gloucester County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Council hereby commit to the DCA Round 4 Present Need Obligation of 87 units and the Round 4 Prospective Need Obligation of 398 units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) All rights to take any contrary position in the event of a third party challenge to the obligations.
3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Affordable Housing Counsel to file this Resolution with the “Program” pursuant to the requirements on A4.


5. The Township hereby directs that this Resolution be published on the municipal website within 48 hours of its passage, pursuant to A4.

6. This resolution shall take effect immediately, according to law.

ATTEST:

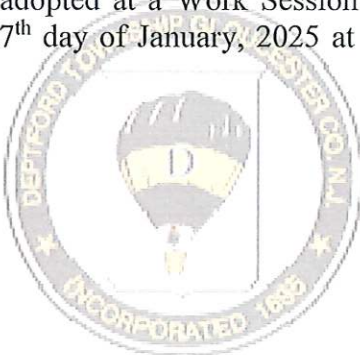
Township of Deptford


Christine Helder, RMC, Deputy Township Clerk


Paul Medany, Mayor

CERTIFICATION

The foregoing Resolution was duly adopted at a Work Session Meeting of Township Council of the Township of Deptford held on the 27th day of January, 2025 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.



RECORD OF VOTE – Resolution R.68.25				
Council Member	Yes	No	Abstain	Absent
Medany	✓			
Barnshaw	✓			
Lamb	✓			
Leidy	✓			
Love	✓			
Noce	✓			
Schocklin	✓			


Christine Helder, RMC, Deputy Township Clerk

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

311 Broadway, Suite A
Point Pleasant Beach, NJ 08742
(732) 612-3100

By: Michael J. Edwards: mje@surenian.com (Attorney ID: 032112012)

Attorneys for Declaratory Plaintiff, Township of Deptford

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
DEPTFORD, COUNTY OF
GLOUCESTER, STATE OF NEW JERSEY**

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

DOCKET NO.: GLO-L-____

CIVIL ACTION
AFFORDABLE HOUSING
PER DIRECTIVE # 14-24

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

Declaratory Plaintiff, the Township of Deptford, County of Gloucester, State of New Jersey (hereinafter, “Deptford” or the “Township”), a municipal corporation of the State of New Jersey, with principal offices located at 1011 Cooper Street, Deptford, NJ 08096, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts, alleges and says:

Background

- 1.** The Township of Deptford is a municipal corporation of the State of New Jersey.
- 2.** The Planning Board of the Township of Deptford (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of Deptford’s Master Plan.
- 3.** Through this DJ Action, Deptford seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable

Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Township of Deptford’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Deptford’s immunity from all exclusionary zoning litigation , including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

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

4. The Township of Deptford repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

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

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the

Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

7. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

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

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

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

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of the Township’s HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Township Council, including,

as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

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

COUNT II

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

10. Deptford repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

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

The Act directed the Department of Community Affairs (“DCA”) to apply the methodology and to render a non-binding calculation of each municipality’s present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

12. The DCA issued its report on October 18, 2024.¹

13. Pursuant to the October 18, 2024 report, the DCA calculated Deptford’s present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
87	398

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

15. Deptford adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

16. The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Deptford is 87 and its Prospective Need obligation is 398.

17. Deptford seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution

¹ The report may be found here: https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

attached hereto and made a part hereof as **Exhibit 1** or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

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

19. Pursuant to the binding resolution, Deptford specifically reserves the right to seek and obtain 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

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

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of Deptford under the Act;
- c.** Declaring the approval of Deptford's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant,

developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

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

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

20. The Township of Deptford repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

21. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”)) must be prepared adopted by the Planning Board and endorsed, by June 30, 2025.

22. Deptford hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

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

- a.** Declaring that Deptford has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of Deptford under the Act;
- c.** Declaring the approval of Deptford's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as

applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d.** Declaring that the Township of Deptford continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Deptford for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

23. The Township of Deptford repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

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

25. The Township of Deptford has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later

than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by the June 30, 2025.

26. Without waiving any judicial immunity from exclusionary zoning litigation that Deptford possesses as a result of any applicable Judgment of Compliance and Repose entered in favor of the Township in Round 3, Deptford has qualified for continued immunity under the Act while pursuing its certification of compliance in the instant matter.

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

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

obligations; and (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that Deptford continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Deptford for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

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

Michael J. Edwards

By: _____

Michael J. Edwards, Esq.

Dated: January 28, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Township of Deptford.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject

and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.

3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

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

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

Michael J. Edwards

By: _____
Michael J. Edwards, Esq.

Dated: January 28, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Michael J. Edwards, Esq., attorney for the Declaratory Plaintiff, Township of Deptford is designated as trial counsel in the above captioned matter.

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

Michael J. Edwards

By: _____
Michael J. Edwards, Esq.

Dated: January 28, 2025

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

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Township of Deptford.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

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

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

Michael J. Edwards

By: _____
Michael J. Edwards, Esq.

Dated: January 28, 2025

FILED

April 28, 2025

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

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

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

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TWP OF
DEPTFORD, GLOUCESTER
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
GLOUCESTER COUNTY
DOCKET NO. GLO-L-128-25

Civil Action

Mt. Laurel Program

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

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on JANUARY 28, 2025 (“DJ Complaint”) by the Petitioner, TOWNSHIP of DEPTFORD (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “**present need**” obligation of the Petitioner has been calculated and reported as 87 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 398 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

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

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

IT IS, THEREFORE, on this 28th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 87 affordable units for the Fourth Round housing cycle.

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

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 398 affordable units for the Fourth Round Housing cycle; and

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

IT IS FURTHER ORDERED, that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this Docket No. #**GLO-L-128-25**, and as provided for and in accordance with Section III.B of Directive #14-24; and

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

SO ORDERED:

Robert G. Malestein, P.J.Ch.

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

(X) Uncontested.

MEMORIALIZATION OF RESOLUTION NO. 2025-22
OF THE DEPTFORD TOWNSHIP PLANNING BOARD
RE: 2025 HOUSING ELEMENT AND FAIR SHARE PLAN
DEPTFORD TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY

WHEREAS, the Township of Deptford has a demonstrated history of voluntary compliance as evidenced by its Prior and Third Rounds record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 8, 2015, the Township of Deptford 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 Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

WHEREAS, the Township continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; 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 Township Council adopted a “binding resolution”, Resolution R.68.25, accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 27, 2025, establishing its Fourth Round Present Need of 87 and Prospective Need of 398; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 28, 2025; and

WHEREAS, the filing of the DJ Complaint gives the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Township did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Township's Fourth Round obligations on March 1, 2025; on April 28, 2025 the Honorable Robert Malestein, P.J.Ch., issued an Order in the DJ Complaint matter, Docket No. GLO-128-25, affirming the Township's Fourth Round Obligations; and

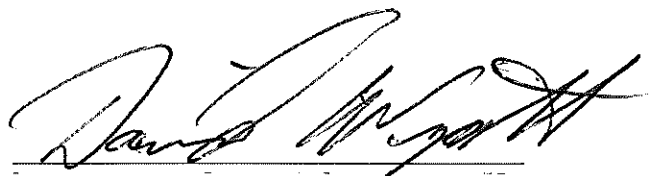
WHEREAS, with the affirmation of its Fourth Round Obligations, the Amended FHA requires the municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Township Planner, Brian Slaugh, PP, AICP, of Clarke Caton Hintz, PC, prepared a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 18, 2025; and

WHEREAS, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan of this date is consistent with the goals and objectives of the Township of Deptford's Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, from the findings of fact, the testimony of all relevant parties and the evidence submitted at the public hearing, **BE IT RESOLVED** by the Deptford Township Planning Board, that the Housing Element and Fair Share Plan as prepared by Deptford Township Planner Brian M. Slaugh, PP, AICP, of Clarke, Caton and Hintz, PC which is attached hereto and incorporated herein by reference, is hereby adopted by the Deptford Township Planning Board. The Planning Board finds that the adoption of said Housing Element and Fair Share Plan as prepared, meets all the elements and requirements of Municipal Land Use Law as set forth in N.J.S.A. 40:55D-28b(3), N.J.S.A. 52:27D-301 et seq. and Court Directive # 14-24 as applicable to meet the Township of Deptford's affordable housing obligations in a manner which protects the public health and safety and promotes the general welfare.



2 David Wyatt, Chairman

Deptford Township Planning Board

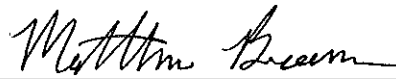
This is a Decision of the Deptford Township Planning Board made on the 18th day of June, 2025 by a vote of 6 in favor, 0 opposed, and 0 abstaining.

This Memorialization was adopted by the Deptford Township Planning Board at a regular meeting held on the 18th day of June, 2025 by a vote of 6 in favor, 0 opposed, and 0 abstaining.

Vote to Adopt:

Those in Favor: 6Those Opposed: 0Those Abstaining: 0

Vote on Memorialization:

Those in Favor: 6Those Opposed: 0Those Abstaining: 0


MATTHEW BROWN, SECRETARY
Deptford Township Planning Board

**RESOLUTION OF THE TOWNSHIP OF DEPTFORD
ENDORING THE HOUSING ELEMENT AND FAIR
SHARE PLAN ADOPTED BY THE DEPTFORD
PLANNING BOARD AND
ADOPTING THE SPENDING PLAN**

WHEREAS, on March 20, 2024, Governor Philip Murphy signed P.L. 2024, c.2 into law, which amended the 1985 New Jersey Fair Housing Act; and

WHEREAS, the amended Fair Housing Act established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan (“HEFSP”) and secure immunity from builders remedy lawsuit while developing and seeking approval of a Plan; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number, filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 with the Affordable Housing Dispute Resolution Program (the “Program”) also within 48 hours of adoption of the Plan; and

WHEREAS, the Township Council tasked its Township Planner, Brian Slaugh, PP, AICP to prepare a HEFSP to address the Township’s affordable housing obligations under the amended Fair Housing Act; and

WHEREAS, Mr. Slaugh prepared a HEFSP and following public hearing where the public was given an opportunity to be heard, the Deptford Planning Board adopted the HEFSP on June 18, 2025, which is attached hereto as **Exhibit A** and which includes the Fourth Round Spending Plan; and

WHEREAS, in accordance with the procedure established by amended Fair Housing Act, the Affordable Housing Special Counsel has filed the duly adopted HEFSP with the Program within 48 hours from adoption; and

WHEREAS, the Township Council now wishes to endorse the HEFSP adopted by the Deptford Planning Board, adopt the Spending Plan, and seek approval of the HEFSP by the Program and Court.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Deptford, County of Gloucester, State of New Jersey, as follows:

1. The Township Council hereby endorses the HEFSP previously adopted by the Deptford Planning Board and adopts the Spending Plan, attached hereto.
2. The Township Council hereby directs the Affordable Housing Special Counsel, along with any additional documents the Township Planner deems necessary or desirable, to file with the Program; and to seek a Compliance Certification from the Program or Vicinage area judge, as may be appropriate, formally approving the Plan.
3. The Township reserves the right to further amend the HEFSP attached hereto, should that be necessary.

TOWNSHIP OF DEPTFORD

HON. PAUL MEDANY, MAYOR

ATTEST:

MICHELLE HACK, RMC, MUNICIPAL CLERK

Date

CERTIFICATION

That the foregoing Resolution was duly adopted at a meeting of the Township Council of the Township of Deptford held on the 23rd day of June, 2025, at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey 08096.

MICHELLE HACK, RMC, MUNICIPAL CLERK

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
Medany						
Barnshaw						
Lamb						
Leidy						
Love						
Noce						
Schocklin						



C. GLOUCESTER COUNTY HOME REHABILITATION PROGRAM MANUAL



**Department of Economic Development
Office of Housing and Community Development**

**Owner-Occupied Rehabilitation Program
Policy and Procedures Manual**

**Gloucester County Board of Commissioners
Frank J DiMarco, Director
Joann Gattinelli, Liaison**

The County of Gloucester complies with all state and federal rules and regulations and does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex in admission to, access to, or operations of its programs, services, activities or in its employment practices. In addition, Gloucester County encourages the participation of people with disabilities in its programs and activities and offers special services to all County residents 60 years of age or older. Inquiries regarding compliance may be directed to the EEO Office at (856) 384-6903 or through the County's ADA Coordinator at (856) 384-6842/New Jersey Relay Service 711

I. PURPOSE

The basic goals of the Gloucester County Owner-Occupied Rehabilitation Program (“Program”) are:

- to bring the eligible homeowner’s dwelling into compliance with applicable locally adopted housing rehabilitation standards thereby reducing ongoing and future maintenance costs for the homeowner,
- to promote energy efficiency, and preserving affordable owner-occupied housing within the county,
- to provide safe, decent housing for qualified lower income homeowners,
- to stimulate broad interest in neighborhood preservation,
- to partner with other programs for maximum impact to achieve these goals.

The Program will assist in providing decent, safe and sanitary housing for the citizens of the County whose primary residence are in need of repair but lack the resources to make these repairs. With competing requests for the available federal assistance, it continues to be difficult to meet the needs of all citizens requiring help. As a result, the County has established a subsidy limit up to \$25,000.00. This amount may be amended at the discretion of the County based on funding availability and program policy requirements.

II. PROGRAM ADMINISTRATION

The Program is funded by federal grant funds awarded to the County of Gloucester by the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and the HOME Investment Partnership Program, and/or the U.S. Department of Agriculture (USDA) through the Housing Preservation Grant (HPG).

The Gloucester County Department of Economic Development through the Office of Housing and Community Development (HCD) has authorized Triad Associates to assist in the administration of the Program and to communicate with applicants and contractors. If you have questions regarding this application or need assistance, please contact Triad at 856-690-9590. Triad Associates is responsible for executing all program activities in compliance with the adopted policies, procedures, and applicable HUD regulations, and County HCD staff is responsible for general oversight of the program, which include policy oversight and community relations issues associated with the program. All policies contained herein become effective on the date of adoption and as revised by the Gloucester County Board of Commissioners and apply to all current and future applicants.

Program funds are issued to contractors that perform specified repairs to the dwellings of eligible homeowners. The total amount of the repairs to a dwelling is secured to the property in the form of loan that is partially forgivable.

Except for special needs circumstances, in the event the rehabilitation exceeds the threshold amount, the County may deny assistance to that homeowner. Additionally the County can amend the scope of work to be undertaken. Each instance will be evaluated on a case-by-case basis.

III. PROGRAM MARKETING AND OUTREACH

The County of Gloucester will continually apply and implement a program marketing plan consistent with the following objectives:

- publicize the program to interested and potentially qualified clients,

- affirmatively market the program to minorities, persons with disabilities or other protected groups, and
- meet all State of New Jersey Fair Housing Requirements.

To insure that those citizens for whom the rehabilitation program is designed are aware of the assistance that is available the County shall provide a written brochure that summarizes the Program and the qualification criteria, periodic press releases to show the progress of the Program, interface with social service agencies that may be able to refer applicants and conduct periodic meetings with interested groups.

IV. RESPONSIBILITIES OF THE OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT

The County's Department of Economic Development through the Office of Housing and Community Development (HCD), with the assistance of Triad Associates, is responsible for administering and implementing the program pursuant to Section 105(a) of the Housing and Community Development Act of 1974 (HCDA) and 24 CFR 570.202 as it pertains to eligible rehabilitation and preservation activities and Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and HUD's implementing Regulations (24 CFR Parts 8 and 100, respectively), which prohibit discrimination based on disability. Triad Associates is responsible for administering the program in a professional manner that ensures maximum effectiveness, and efficiency. Triad Associates is also responsible for the following with regard to individual rehabilitation projects:

- a) application intake, eligibility review, verification of documentation, and loan approval determination,
- b) communicating with the homeowner and contractor regarding all administrative procedures that affect completion of the work on behalf of the homeowner,
- c) making reasonable accommodation with both parties regarding scheduling of inspections,
- d) documenting project files in compliance with all applicable HUD regulations,
- e) advising the homeowner regarding code requirements and housing rehabilitation standards which may affect the prioritizing and possible exclusion of work items,
- f) clarifying with the homeowner the eligibility of certain repairs,
- g) negotiating with the contractor regarding necessary change orders and providing approval for increased loan amount and/or extension of time,
- h) following up with contractors to ensure that necessary warranty work is completed as required during the warranty period(s).

The Office of Housing and Community Development (HCD) will facilitate payment to the contractor upon receipt of required certificate of completion, final inspection, and Lien waiver.

V. ELIGIBILITY REQUIREMENTS

Qualification of applicants is determined by Triad Associates according to the following guidelines.

- A. Applicants for rehabilitation assistance must reside within the County and must have owned the dwelling for at least three (3) years as indicated on the recorded deed. Applicants must certify that the home is not being offered for sale, and is their primary residence, as indicated per the County/Municipal tax records.

- B. Applicants have gross household annual incomes at or below the applicable low-income limits established by (HUD) for the jurisdiction of Gloucester County, New Jersey. The applicable low-income limits for determining program eligibility are published by HUD in the federal register and updated annually. The low income limit shall mean the cumulative gross annual income of all the persons who occupy the dwelling unit to be rehabilitated that does not exceed 80 percent of the area median income, adjusted for family size, as established by HUD. The occupant household's gross annual income (for the purpose of determining program eligibility) shall be calculated according to the HUD regulations identified in the Code of Federal Regulations.

The calculation used to determine gross annual household income shall be consistent with HUD regulations and HUD's definition of income including the sources of income that are to be included or excluded from the calculation. Income of all household residents age 18 or over, unless they are a full-time student, will be included in the total annual gross household income determination.

Gross Annual Income, includes but is not limited to child support, Social Security, pensions, income from annuities, interest income on savings, etc. The annual income limits for the County increase based on the number of persons in the household. Family size will be determined by the number of occupants living in the dwelling to be rehabilitated on a regular basis. Household residents under the age of 18 qualify as dependents of the head of household according to the HUD regulations identified in 24 CFR, Part 813.102 and are eligible for a dependent deduction. If an applicant is a full time student, the applicant will be required to provide their parents' income information so that HCD can determine if the applicant has been claimed as a dependent on their parents Federal Income Tax return.

- C. Applicants with physical disabilities who also meet the income eligibility requirements will be eligible for the removal of architectural barriers in their dwelling¹. Improvements to the dwelling to remove architectural barriers that restrict mobility and accessibility may be authorized for owner occupied households that include elderly or physically disabled persons. The necessity for such improvements shall be supported by appropriate written notification from the applicant's physician, referring social service agency, or a similar outside authority familiar with the applicant's living situation. Receipt of social security disability or supplemental security income can also be used as verification of disability. Architectural barrier removal does not include portable items such as wheelchairs, walking-aids, vehicle lifts or other portable personal assistance items. ADA compliant wheelchair ramps to provide egress in and out of the home may be provided as a subsidy grant with established limits. This activity will not require a lien but is subject to all other eligibility criteria.
- D. For Applicants residing in a Mobile Home, the County has established a subsidy limit at a maximum of \$6,000.00 for conditions where there is no heat² and/or running water. This activity will not require a lien but is subject to all other eligibility criteria.

¹ Mobile Homes are not eligible for general construction or ADA improvements.

² Only during the winter season as defined by NJ state regulations governing when heat must be made available to tenants and when utility companies cannot issue shut off notices.

- E. Verification or certification of income and assets will be required to determine program eligibility for all federally funded projects. The applicant and any other family member must execute a release of information form authorizing any depository or private source of income, or any federal, state or local agency, to furnish or release to HCD such information as determined to be necessary.

Certification of income and assets means the applicant certifies that all information provided is true and correct. HCD shall also require the family to submit documentation determined to be necessary if it is required for purposes of determining or auditing an applicant's eligibility to receive program assistance, for determining the applicant's or applicant's family members gross annual income. The use or disclosure of information obtained from an applicant or applicant's family member or from another source pursuant to this consent to release information form shall be limited to purposes directly connected with administration of the Program.

Assets shall include checking, savings, other bank accounts, stocks, bonds, CDs, trusts, real estate and cash held by any household member. Value of an asset shall be computed by the greater of either the current market income from the asset or the imputed value of the asset using the current passbook rate as determined by HUD.

- F. In order to be considered eligible for participation in the Program the subject property taxes and utility (water/sewer – where applicable) must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
- G. Standard property insurance must be maintained on the property (with coverage adequate to insure the County's lien position). If a property is located in a flood plain, flood insurance must also be maintained (with coverage adequate to insure the County's lien position).
- H. Land record searches will be obtained on all properties. Evidence of ownership of the property will be confirmed through the County Tax Assessor's office online database.
- I. The County will only accept a first or second lien position. In a case where the second lien is due to participation in a down payment assistance program to secure the initial purchase of the property, the County may accept a third lien position.
- J. Households receiving reverse mortgages will be disqualified from receiving assistance through the Program.
- K. Homes whose market value as determined by the Gloucester County Tax Assessor online database exceeds the current annual FHA 203(b) (single family, one-unit residence) limit for this area are deemed ineligible for this program.
- L. To determine the economic feasibility of the rehabilitation activity, the total amount spent on each home will not exceed 50 percent of the after rehabilitation value (ARV) of the home. After rehabilitation value will be determined by adding 25 percent of the rehabilitation loan amount (RG) to the Tax Assessor's market value (MV). $[MV + (.25 \text{ of } RG)] = ARV * 50\% > RG$.
- M. The homeowner must be current with his/her mortgage (the payments due and payable to the mortgage company may not be more than 30 days past due) in order to receive assistance under the Program.