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March 3, 2026

VIA E-COURTS

Hon. Robert G. Malestein, P.J.Ch.
Gloucester County Superior Court
1 North Broad Street
Woodbury, New Jersey 08096

**Re: In the Matter of the Township of Harrison's Determination of 4th Round
Affordable Housing Obligations
Docket No. GLO-L-000093-25**

Dear Judge Malestein:

As you are aware, this office represents the Plaintiff, Township of Harrison, in the above referenced matter. On March 2, 2026, the Township adopted the following Ordinances:

1. Ordinance 05-2026, Amending Chapter 67 of the Township Code regarding Affordable Housing Obligations;
2. Ordinance 06-2026, adopting an amendment to Article III of Chapter 110, regarding Affordable Housing Development Fees;
3. Ordinance 07-2026, adopting a zoning overlay for Block 5, Lots 10, 11, and 13 to create the R-9 Special Residential District (permitting a 720 senior inclusionary project with a 20% set aside);
4. Ordinance 08-2026, adopting a zoning overlay for Block 41.01, Lot 1 to create the R-10 Special Residential District (permitting a 66-unit 100% family affordable project);
5. Ordinance 03-2026, adopting a zoning overlay on a portion of Block 56, Lot 3 to create the R-11 Special Residential District (permitting a 66-unit 100% senior affordable project).

A copy of these Ordinances is being filed with the Program in accordance with the Mediation Agreement and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.

Very truly yours,
MALEY GIVENS, P.C.
A Professional Corporation

By: 
Erin E. Simone

/ees
To Counsel of Record (via eCourts)

ORDINANCE NO. 05-2026**AN ORDINANCE AMENDING CHAPTER 67, "AFFORDABLE HOUSING,"
OF THE TOWNSHIP CODE REGARDING AFFORDABLE HOUSING
OBLIGATIONS**

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing ("COAH"), created an Affordable Housing Dispute Resolution Program within the Courts (the "Program"), and codified standards for complying with a municipality's affordable housing obligation ("FHA Amendments"); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. ("Affordable Housing Regulations"), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality's fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, pursuant to that authority, the Township previously adopted an affordable housing ordinance for the Township by way of Ordinance No. 23-2020, adopted on November 20, 2020 ("Affordable Housing Ordinance"), which set forth standards for the construction and administration of very-low-, low- and moderate-income affordable housing units; and

WHEREAS, the Affordable Housing Ordinance must be updated to reflect the changes set forth in the FHA, the Affordable Housing Regulations and the amendments to UHAC; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township of Harrison to amend Chapter 67, "Affordable Housing" of the Township Code to reflect the current laws as they relate to the provision of affordable housing.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harrison, Gloucester County, State of New Jersey, as follows:

1. The Township hereby amends Chapter 67, "Land Management," of the Code of the Township of Harrison to replace Chapter 67, "Land Management," in its entirety with Exhibit A attached hereto,

2. All ordinances or parts of ordinances inconsistent with this Ordinance are

hereby repealed to the extent of such inconsistency.

3. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

4. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF HARRISON



JULIE CUNDEY, Township Clerk



THOMAS COAKLEY, Deputy Mayor

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ____ day of _____, 2026.

JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the ____ day of _____, 2026.

JULIE CUNDEY, Township Clerk



Exhibit A

Chapter 67. Affordable Housing

§ 67-1. Affordable housing obligation: general program purposes, procedures.

- A. This section of the Township Code sets forth regulations regarding provision and administration of very-low-, low- and moderate-income housing units in the Township consistent with the Constitutional obligation set forth in N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975) (the Mount Laurel Doctrine), the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), as amended and supplemented by P.L.2024, c.2 (C.52:27D-304.1 et al.), as amended and supplemented (the “Fair Housing Act”), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented (“UHAC”); and N.J.A.C. 5:99-1.1 et seq. (“Fair Housing Act Regulations”).
- B. This chapter is intended to ensure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate- income households shall occupy these units. This chapter shall apply to all inclusionary developments, and one hundred percent affordable developments (including those funded with low-income housing tax credit financing), as well as all units that are created pursuant to the municipality’s most recently adopted Housing Element and Fair Share Plan, except where inconsistent with applicable law.
- C. The Harrison Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has also been endorsed by the Mayor and Committee of the Township of Harrison. The Fair Share Plan describes the ways the Township shall address its fair share for very-low-, low- and moderate-income housing as determined by the Court and documented in the Housing Element and Fair Share Plan.
- D. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of the Fair Housing Act, UHAC and the Fair Housing Act Regulations.
- E. The Township shall file monitoring and status reports required by the Fair Housing Act, Fair Housing Act Regulations, and UHAC with the New Jersey Department of Community Affairs and place the reports on its municipal website. All monitoring and status reports shall also be available to the public at the Harrison Municipal Building.

§ 67-2. Definitions.

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

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended and supplemented by P.L.2024, c.2 (C.52:27D-304.1 et al.), and as may be

further amended and supplemented.

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7. "Adaptable," as used with regard to an entrance, means that the plans for the affordable unit include a feasible building plan to adapt the entrance so as to make the affordable unit accessible.

ADMINISTRATIVE AGENT

The entity, approved by the DCA and the Township, responsible for the administration of affordable units in accordance with this ordinance, the Act, UHAC and the Fair Housing Act regulations.

AFFIRMATIVE MARKETING

A regional marketing strategy prepared and implemented in accordance with N.J.A.C. 5:80-26.16, designed to attract buyers and/or renters to affordable units being marketed by a developer or sponsor of affordable units.

AFFIRMATIVE MARKETING PLAN

The plan of strategies adopted by the Township setting forth the strategies which the administrative agent will use to implement the affirmative marketing requirements.

AFFORDABILITY AVERAGE

The average percentage of median income in Region 5 at which affordable units in an affordable housing development are affordable to low-income households and moderate-income households.

AFFORDABILITY CONTROLS

The controls or restrictions placed on a dwelling unit that require the dwelling unit to be affordable to a very-low income household, low-income household, or moderate-income household that are imposed pursuant to UHAC, this Chapter 67 or other state or federal statute or regulation.

AFFORDABLE

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

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and/or any development that includes the construction of affordable units and includes, but is not limited to, an inclusionary development, a municipal construction project, a one hundred percent affordable development, or a development of which all or a substantial portion consists of affordable units.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism identified in the Township's adopted Fair Share Plan to address any portion of the Township's fair share obligation.

AFFORDABLE HOUSING TRUST FUND

The plan for allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, pursuant to N.J.S.A. 40:55D-8.1 et seq., and/or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of very-low-income households, low-income households and moderate-income households.

AFFORDABLE UNIT

A dwelling unit proposed or created pursuant to the Act which is affordable to very-low income households, low-income households or moderate-income households; a restricted unit; a transitional housing unit; a special needs housing unit; a supportive housing unit and/or a dwelling unit created and/or funded through the affordable housing trust fund.

AGE-RESTRICTED UNIT

An affordable unit designed to meet the needs of, and intended exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent or purchase price is a minimum age of either 62 years or older; or 55 years or older and meets the provisions of 42 U.S.C. §§3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

AGENCY

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

ASSISTED LIVING RESIDENCE

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

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a very-low-income household, low-income household or moderate-income household.

CONSTRUCTION PERMIT

A "construction permit" as the term is defined in N.J.A.C. 5:23-1.4.

COURT

Any court of competent jurisdiction to hear and decide matters pursuant to the Act, including but not limited to the Affordable Housing Dispute Resolution Program established pursuant to N.J.S.A. 52:27D-313.2 and a County-Level Housing Judge, as the term is defined in N.J.S.A. 52:27D-304.r.

DCA

The New Jersey Department of Community Affairs, including but not limited to the Division of Local Planning Services within the Department of Community Affairs and the Agency.

DEFICIENT HOUSING UNIT

A dwelling unit with health and safety code violations or a dwelling unit that requires the repair or replacement of a major system.

DEVELOPER

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

DEVELOPMENT

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

DEVELOPMENT FEE

Money paid by a developer pursuant to Article III "Affordable Housing Development Fee" of Chapter 110, "Fees" of the Township Code, including any fee on development authorized pursuant to N.J.S.A. 52:27D-329.2 or the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq. and N.J.A.C. 5:99-3.

DWELLING UNIT

Any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating. A dwelling unit shall include a market-rate unit and a affordable unit. A dwelling unit includes all structures satisfying the definition of "dwelling" set forth in Section 225-3 of the Township Code.

FAIR HOUSING ACT REGULATIONS

The regulations adopted by the DCA pursuant to the Act and codified at N.J.A.C. 5:99, et seq.

FAIR SHARE PLAN

The plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to N.J.S.A. 52:27D-304.1.f., by which the Township of Harrison proposes to satisfy its obligation to create a realistic opportunity to meet its

fair share of low- and moderate-income housing needs of Region 5 and which details the affirmative measures the Township of Harrison proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the Township's land use ordinances and regulations.

HOUSEHOLD INCOME

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

HOUSING ELEMENT

That portion of the Township of Harrison's master plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the Township of Harrison's fair share of Region 5's present and prospective housing needs, particularly with regard to low- and moderate-income housing, and which shall contain the Township of Harrison's present and prospective obligation for affordable housing, determined pursuant to N.J.S.A. 52:27D-304.1.f.

INCLUSIONARY DEVELOPMENT

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

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median gross household income for households of the same size within Region 5.

LOW-INCOME UNIT

An affordable unit that is affordable to a low-income household.

MAJOR SYSTEM

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

MARKET-RATE UNITS

Any dwelling unit that is not an affordable unit.

MEDIAN INCOME

The median income by household size for Region 6, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

MEDICAID BED

A bed within an assisted living facility that is reserved for use by a Medicaid-eligible resident, as the term is defined in N.J.S.A. 26:2H-12.16(a), which is required to be provided pursuant to N.J.S.A. 26:2H-12.16(b) or (c).

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median gross household income for households of the same size within Region 5.

MODERATE-INCOME UNIT

An affordable unit that is affordable to a moderate-income household.

MUNICIPAL HOUSING LIAISON

The person appointed by the Township pursuant to Section 67.5.A.

NEW CONSTRUCTION

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

NEW JERSEY HOUSING RESOURCE CENTER

The online affordable housing listing portal, or its successor, overseen by HMFA pursuant to N.J.S.A. 52:27D-321.3 et seq.

NON-EXEMPT SALE

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

ONE-HUNDRED-PERCENT AFFORDABLE DEVELOPMENT

A development which consists entirely of affordable units.

OPERATIONS MANUAL

The document prepared by the Township or the Administrative Agent and approved by the Township created and published in plain English and in such other languages as may be appropriate to serve the potential client base, setting forth the procedures for administering the affordable units within a particular affordable housing development, including but not limited to procedures for long-term control of affordable units, for enforcing the

affordability controls and other covenants set forth in the UHAC and any deed restrictions, and for releasing affordable units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to affordable units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.

OWNERSHIP RESTRICTED UNIT

A dwelling unit that is that is subject to the affordability controls, and that is owned by or offered for sale to a very-low-income household, low-income household or moderate-income household.

RANDOM SELECTION PROCESS

A lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable units such that no preference is given to one applicant over another, except in the case of a preference pursuant to Section 67-3(K)(1); for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable units to be leased or sold on a first-come, first-served basis

RECONSTRUCTION

Any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

REGION 5

Collectively, Burlington County, Camden County, and Gloucester County.

REGIONAL ASSET LIMIT

The maximum housing value in Region 5 affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved regional income limits.

REGIONAL MEDIAN INCOME

The median income by household size for Region 5, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

REHABILITATION

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

RENT

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

RENTAL RESTRICTED UNIT

A dwelling unit that is that is subject to the affordability controls, and that is rented by or offered for lease or rent to a very-low-income household, low-income household or moderate-income household.

RESTRICTED UNIT

A dwelling unit, whether a rental restricted unit or ownership restricted unit, that is subject to affordability controls, and includes a dwelling unit created with monies from the Township's Affordable Housing Trust Fund but does not include a market-rate unit financed under the former Urban Homeownership Recovery Program (UHORP), the former Market Oriented Neighborhood Investment Program (MONI) or the former Choices in Homeownership Incentives for Everyone Program (CHOICE). A restricted unit excludes a supportive housing unit, a transitional housing unit and a special needs housing unit.

SPECIAL ADJUDICATOR

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

SPECIAL NEEDS HOUSING UNIT

A dwelling unit or bedroom in a development that satisfies the definition of "special needs housing project" as defined in N.J.S.A. 34:1B-21.24.

SUPPORTIVE HOUSING UNIT

A dwelling unit or bedroom in a development that satisfies the definition of "permeant supportive housing" as defined in N.J.S.A. 34:1B-21.24.

TRANSITIONAL HOUSING

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

UHAC

Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median gross household income for households of the same size within Region 5.

VERY-LOW-INCOME UNIT

An affordable unit that is affordable to a very-low-income household.

VETERAN

A veteran as defined at N.J.S.A. 54:4-8.10.

§ 67-3. Administration of affordable units.

The following requirements shall apply to all new construction of or planned affordable housing developments and all affordable units, unless the affordable housing development or the affordable units are exempt from the requirements of UHAC. Affordable housing developments and affordable units which are exempt from UHAC shall not be required to comply with the requirements of this Section 67-3.

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

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

- B. Design. All affordable housing developments containing restricted units and affordable units subject to UHAC shall comply with the standards set forth in N.J.A.C. 5:80-26.5, including but not limited to the following:

- (1) Each bedroom in each restricted unit must have at least one window.
- (2) Affordable units shall not be segregated or clustered in any portion of the development, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services.
- (3) All affordable units shall be indistinguishable from market-rate units.
- (4) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable housing development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits.

- (5) Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes.
- C. Utilities. Affordable units shall utilize the same type of heating and cooling source as market units within the affordable housing development, and all affordable units must include adequate heating and air conditioning.
- D. Income and bedroom distribution of affordable housing units. All affordable housing developments shall comply with the income distribution and bedroom distribution requirements of N.J.A.C. 5:80-26.4(e), (f) and (g), except that in the event that an affordable housing development cannot fully satisfy the requirements of N.J.A.C. 5:80-26.4(e), (f) and (g), or is unable to provide a full 13%, without round down to the nearest whole number, of the total units due to its small size or other mitigating factor, the developer must obtain the written approval of the DCA and the municipal housing liaison for any modification of those provisions. Because the requirements of N.J.A.C. 5:80-26.4 are an aggregate municipal obligation, prior to applying for any construction permit for an affordable housing development, the developer shall submit a proposed income and bedroom distribution plan of the affordable housing development to the Municipal Housing Liaison for review and approval. The municipal housing liaison may reject or require modifications to the income and bedroom distribution if the Township is deficient in any bedroom type or income type, based on the need of the Township, as determined on the date of submission of the proposed income and bedroom distribution plan by the developer to ensure municipal compliance with the bedroom and income distribution requirements of N.J.A.C. 5:80-26.4. Once approved by the Municipal Housing Liaison, the developer shall fully comply with the bedroom and income distribution plan and shall confirm compliance with the same by submitting the following to the Administrative Agent, who shall, upon request of the Municipal Housing Liaison, provide a copy of the same to the Municipal Housing Liaison:
- (1) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (2) The total number of units in the project and the number of affordable units.
 - (3) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (4) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
- E. Accessibility requirements.
- (1) All new construction in an affordable housing development for which an application for a construction permit has not been declared complete by the Township

Construction Official on or before October 12, 2005 shall comply with the adaptability requirements set forth in N.J.S.A. 52:27D-123.15.

- (2) The first floor of all new restricted units that are townhouse dwelling units or multistory dwelling units attached to at least one other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7. All restricted units that are townhouse dwelling units or multistory dwelling units attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel;
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor, that is compliant with the Barrier Free Subcode; and
 - (e) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] Where an affordable unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the affordable unit, an accessible entrance shall be installed.
 - [2] Where the developer proposes to provide a barrier free escrow in lieu of providing an accessible entrance, pursuant to N.J.S.A. 52:27D-123.15, prior to applying for a Certificate of Occupancy for any affordable unit or market rate unit within an affordable housing development, the developer shall deposit funds within the Township of Harrison's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under Subsection E(2)(e)[2] herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [4] The developer of the affordable units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Harrison.
 - [5] Once the Construction Official has determined that the design plan to convert the affordable unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the

Township of Harrison's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be by the Township Engineer in compliance with the standards set forth in N.J.S.A. 52:27D-123.15 and the Barrier Free Subcode, N.J.A.C. 5:23-7. A developer seeking a determination of impracticability shall submit to the Township Engineer, with a copy to the Municipal Housing Liaison, a site plan, floor plans, and a detailed explanation as to which portions of the Barrier Free Subcode, N.J.A.C. 5:23-7 are impractical and why compliance is impracticable. If full compliance with N.J.S.A. 52:27D-123.15 would be site impracticable, compliance with N.J.S.A. 52:27D-123.15 for any portion of the affordable unit shall be required to the extent that it is not site impracticable. Any developer seeking a site impracticability determination must obtain the same prior to applying for any construction permit for the affordable housing development.

F. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits for Region 5 and the requirements set forth in this Chapter.
- (2) The Administrative Agent shall submit annually to the Municipal Housing Liaison on or before December 31 each year the annual rents for each rental restricted unit within an affordable housing development. The maximum rent for rental restricted units, transitional housing units, special needs housing units and supportive housing units within each affordable housing development shall comply with the following:
 - (a) The average rent for all affordable units within each affordable housing development is affordable to households earning no more than 52% of median income for Region 5.
 - (b) The maximum rent for all affordable units within each affordable housing development is affordable to households earning no more than 60 percent of regional median income for Region 5. A maximum rent affordable to households earning no more than 70 percent of regional median income for Region 5 for moderate-income units within affordable housing developments may be utilized where very-low-income units compose at least 13 percent of the affordable units, provided that the number of affordable units with rent affordable to households earning 70 percent of regional median income for Region 5 may not exceed the number of very-low-income units in excess of 13 percent of the restricted units.
 - (c) The developers and municipal sponsors of restricted units shall establish at least one rent for each bedroom count for very-low income units, low-income units, and moderate-income units, provided that at least 13% of all affordable units shall be affordable to very-low-income households. These very low-income units shall

be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.

- (d) The establishment of all initial rent and all rent increases shall comply with N.J.A.C. 5:80-26.13.
- (3) The maximum sales price of ownership restricted units within each affordable housing development shall be affordable to households earning no more than 70% of median income for Region 5, and each affordable housing development containing ownership restricted units must achieve an affordability average that does not exceed 55% for ownership restricted units; in achieving this affordability average, moderate-income units must be available for at least three different prices for each bedroom type, and low-income units must be available for at least two different prices for each bedroom type.
- (4) In determining the maximum sales prices and rents for compliance with the affordability average requirements for affordable units other than age-restricted units and assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit is affordable to a one-person household;
 - (b) A one-bedroom unit is affordable to a 1 1/2 person household;
 - (c) A two-bedroom unit is affordable to a three-person household;
 - (d) A three-bedroom unit is affordable to a 4 1/2 person household; and
 - (e) A four-bedroom unit is affordable to a six-person household.
- (5) In determining the maximum sales prices and rents for compliance with the affordability average requirements for affordable units that are age-restricted units and assisted living facilities, the following standards shall be met:
 - (a) An efficiency unit is affordable to a one-person household;
 - (b) A one-bedroom unit is affordable to a 1 1/2 person household; and
 - (c) A two-bedroom unit is affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- (6) The initial purchase price and the maximum resale price for all ownership restricted units shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7, as may be amended and supplemented, and shall be subject to the limitations on indebtedness set forth in N.J.A.C. 5:80-26.9. In computing regional income limits, the Administrative Agent shall use the median family incomes published for counties within Region 5. The initial purchase price and the maximum resale price are be subject to the affordability average requirement at N.J.A.C. 5:80-26.4, which

shall be initially determined by the Administrative Agent and approved by the Municipal Housing Liaison prior to closing.

- (7) Initial rents and initial sale prices shall be determined in accordance with N.J.A.C. 5:80-26.4(i) or (j) as applicable, and in accordance with N.J.A.C. 5:80-26.13.
- (8) Tenant-paid utilities that are included in the utility allowance shall be so specifically listed in the lease and a copy of the most recent utilities chart at the time of lease-up used to determine utility allowance shall be provided to the tenant at the time of lease-up. Allowance for utilities must be consistent with the utility allowance calculated pursuant to N.J.A.C. 5:80-26.13(e).

G. Condominium and homeowners' association fees. When calculating initial sale prices, condominium fees, homeowner association fees and special assessments shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7(e), as may be amended and supplemented.

H. Developers and/or owners of affordable housing development shall provide the following to the Administrative Agent prior to applying for any construction permit for the affordable housing development:

- (1) For affordable housing developments that contain ownership restricted units, the following:
 - (a) Site plan, architectural plan, or other plan that identifies the location of each affordable.
 - (b) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units.
 - (c) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - (d) A projected construction schedule.
 - (e) The location of any common areas and elevators.
 - (f) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
 - (g) Proposed pricing for all affordable units, including any purchaser options and add-on items.
 - (h) Condominium or homeowner association fees and any other applicable fees.
 - (i) Estimated real property taxes.

- (j) Sewer, water, trash disposal, and any other utility assessments.
 - (k) Flood insurance requirement, if applicable.
 - (l) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.
- (2) For affordable housing developments that contain rental restricted units, the following:
- (a) Site plan, architectural plan, or other plan that identifies the location of each affordable.
 - (b) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units.
 - (c) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - (d) A projected construction schedule.
 - (e) The location of any common areas and elevators.
 - (f) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
 - (g) A description of any applicable fees.
 - (h) A description of the types of utilities and which utilities will be included in the rent.
 - (i) A proposed form of lease for any rental units.
- I. Restricted unit controls and requirements. The requirements of this section apply to all developments that contain restricted units, including any currently unanticipated future developments that will provide restricted units.
- J. Affirmative marketing.
- (1) The Township shall adopt by resolution an affirmative marketing plan compliant with N.J.A.C. 5:80- 26.16, as may be amended and supplemented.
 - (2) The affirmative marketing process is a regional marketing strategy, implemented in accordance with N.J.A.C. 5:80-26.16 and the affirmative marketing plan, designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or

familial status, gender, affectional or sexual orientation, disability, age (except for age-restricted units or “housing for older persons” as defined in N.J.S.A. 10:5-1 et seq. and age-restricted units as permitted by 42 U.S.C. §3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., to restricted units that are being marketed by a developer, sponsor or owner of restricted units. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Region 5 and is required to be followed throughout the period of deed restriction.

- (3) The affirmative marketing plan shall identify the occupancy preferences set forth in Subsection (K)(1) below.
- (4) The Administrative Agent designated by the Township or the Administrative Agent approved by the Municipal Housing Liaison for a particular affordable development shall assure the affirmative marketing of all restricted units is consistent with the Affirmative Marketing Plan for the Township, this Section and UHAC. All developers, owners and sponsors of restricted units shall comply with the affirmative marketing requirements set forth herein and required by the Administrative Agent, unless otherwise exempted from affirmative marketing requirements under UHAC.
- (5) The affirmative marketing plan shall contain the information required in N.J.A.C. 5:80-26.16(d) and (e) and shall require notification of the availability of restricted units to those community and regional organizations identified in the Mediation Agreement entered into by the Township in the lawsuit captioned, In the Matter of the Township of Harrison’s Determination of 4th Round Affordable Housing Obligations, Docket No.: GLO-L-93-25.
- (6) In implementing the affirmative marketing plan, the Administrative Agent shall comply with the requirements of N.J.A.C. 5:80-26.16 and N.J.A.C. 5:99-7,2, and shall provide, either through an experienced staff person, through a contract with a HUD-certified housing counselor, or an otherwise experienced entity approved the DCA, counseling services to applicants who are very-low-income households, low-income households and moderate-income households on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (7) The affirmative marketing process for available restricted units shall begin at least four months prior to the expected date of occupancy and may begin before construction commences. The marketing program shall continue until all restricted units are initially occupied and for as long as restricted units are deed restricted and occupancy or re-occupancy of units continue to be necessary.
- (8) The costs of advertising and affirmative marketing of the restricted units shall be the responsibility of the developer or owner, unless otherwise determined or agreed to by the Township of Harrison. All developers and owners of restricted housing units

shall maintain on file with the Municipal Housing Liaison a copy of an executed agreement with a Township approved Administrative Agent.

- (9) All developers and sponsors of restricted units shall comply with the affirmative marketing plan and assist in the affirmative marketing of their respective restricted units. Unless otherwise stated in UHAC, supportive housing units must comply with the Affirmative Marketing Plan. The developer or administrative agent shall document and report the affirmative marketing plan for the units under their purview to the Municipal Housing Liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions of N.J.A.C. 5:80-26.16 and this Section. The developer or administrative agent shall also provide proof of publication to the Housing Administrator.
- K. Occupancy standards. The Administrative Agent shall comply with the occupancy standards set forth in N.J.A.C 5:80-26.5 and the following standards:
- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the restricted unit, the Administrative Agent shall strive to:
 - (a) Ensure each bedroom is occupied by at least one person, except for age restricted units, supportive housing units and special needs housing units.
 - (b) Provide separate bedrooms for every two adult occupants;
 - (c) Provide a bedroom for every occupant under the age of 18, unless the household requests a different arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom;
 - (d) Avoid placing a one-person household into a unit with more than one bedroom.
 - (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.
- L. Selection of occupants of affordable housing units.
- (1) Household certification and referral shall be undertaken in accordance with Section 5:80-26.17 of UHAC. As part of the household certification and referral process, the Administrative Agent shall use a random selection process to select occupants of restricted units and shall apply the occupancy preferences set forth herein. The Township hereby adopts the following occupancy preferences which shall be utilized by the Administrative Agent as part of the random selection process:
 - (a) If authorized in an agreement with a developer entered into pursuant to N.J.S.A. 52:27D-311(j), a preference of up to 50 percent of the restricted units in the affordable housing development shall be made for very-low-, low-, and moderate-income veterans who served in time of war or other emergency;
 - (b) A regional preference for very-low-income households, low-income

households, and moderate-income households that reside or work in Region 6;

- (c) Subordinate to the regional preference, a preference for very-low-, low-, and moderate-income households that reside or work in New Jersey; and
- (d) If authorized in a redevelopment plan or an agreement with the owner of the restricted unit, with respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or with respect to newly created restricted units created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement,

- (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of UHAC.
- (3) The administrative agent shall utilize the buyer income eligibility requirements set forth in N.J.A.C. 5:80-26.8 for ownership restricted units and the tenant income eligibility requirements set forth in N.J.A.C. 5:80-26.14 for rental restricted units. All very-low-income households, low-income households, and moderate-income households shall be certified in accordance with N.J.A.C. 5:80-26.17.

M. Control periods for ownership restricted units and enforcement mechanisms.

- (1) Control periods for ownership restricted units, including owner-occupied dwelling units that have been rehabbed, shall be in accordance with N.J.A.C. 5:80-26.6. Each ownership restricted unit shall remain subject to affordability controls for a period of at least 30 years and such affordability controls shall terminate on the first exit sale after the end of the affordability controls and following notice of intent to make an exit sale, unless otherwise extended by Ordinance in accordance with UHAC. Upon expiration of the control period, the recapture lien and recapture note shall be paid at closing at the first exit sale. Failure to pay the recapture note and recapture lien at shall cause both the buyer and seller to be jointly and severally liable for repayment.
- (2) For ownership restricted units receiving an extension of affordability controls, the minimum control period shall be not less than 20 years from the date of the original term, provided that the total term, both the original term and the extended term, total at least 60 years.
- (3) The affordability control period for a ownership restricted unit shall commence on the date the initial certified household takes title to the ownership restricted unit. The date of commencement of the control period shall be identified in the deed restriction.
- (4) The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to ownership restricted units. Any owner receiving a notice of intent to foreclose or a complaint in foreclosure must provide a copy to the Municipal Housing Liaison within three

- (3) business days of receipt.
- (5) A ownership restricted unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the ownership restricted unit meets all code standards upon each transfer of title that follows the expiration of the applicable minimum control period. If the ownership restricted unit is a deficient housing unit, the owner of the ownership restricted unit shall notify the Municipal Housing Liaison and the owner shall be required to make such improvements to the ownership restricted unit in order to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the ownership restricted unit meets all code standards prior to closing.
- (6) Deed Restrictions.
- (a) Before applying for the first construction permit for any portion of an affordable housing development, the developer or owner shall prepare a deed restriction in form set forth in Appendix P-1 of UHAC and in accordance with the requirements of N.J.A.C. 5:80-26.6(e), record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix P-1 of UHAC. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or owner with the records office of the County of Gloucester. If the documents required by this subsection (a) are not provided to the Administrative Agent and the Municipal Housing Liaison prior to the issuance of the construction permit, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of an ownership restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction. If the affordable housing development is subject to a homeowner's association or condominium association, the deed restriction set forth in Appendix P-1 of UHAC shall be included in the governing documents of the homeowner's association or condominium association, and said governing documents shall specifically identify the ownership restricted units which are subject to affordability controls.
- (b) At closing for any ownership restricted unit, whether a sale or a resale, the developer or seller shall prepare and record the following, as applicable:
- (i) For ownership restricted units that are not 95/5 units: [1] deed restrictions in form set forth in Appendices A, C, D-1, D-3 & D-4, of UHAC, as applicable and must identify the date of commencement of the control period and the date on which the control period ends; and [2] a recapture note and recapture lien in the form set forth in Appendices D-2, L, M, N,

O & Q. The deed restriction, recapture note and recapture lien shall be filed by the developer or seller with the records office of the County of Gloucester.

- (ii) For ownership restricted units that are 95/5 units: [1] a deed restriction in the form set forth at Appendices B & C of UHAC, as applicable; and [2] a recapture note and recapture lien in the form set forth in Appendices G & H of UHAC. The deed restriction, recapture note and recapture lien shall be filed by the developer or seller with the records office of the County of Gloucester.
- (c) At closing for any ownership restricted unit, whether a sale or a resale, the developer or seller shall prepare and the buyer shall execute the certificates in the form set forth at Appendices D-3, J & K of UHAC, as applicable.
- (d) All covenances of ownership restricted units must be made by deeds and restrictive covenants, recapture notes and recapture liens in accordance with the forms prescribed in the applicable Appendix of UHAC and shall comply with the requirements of UHAC. No seller or buyer of a restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed and restrictive covenants. All ownership restricted units shall be deemed to have been made by deeds and restrictive covenants, recapture notes and recapture liens prescribed in UHAC, and the DCA, the Agency, the Township or any party may enforce the restrictions that would have been contained in such instruments as if such instruments had been, in fact, prepared and duly executed. A sale or transfer of ownership made other than in conformity with the requirements of UHAC and this Chapter is an authorized non-exempt sale; thus, all requirements, restrictions and liens associated with the unit being sold or transferred remain in effect until full satisfaction thereof and compliance with UHAC and this Chapter. No seller or buyer of an ownership restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction, recapture lien or recapture note.
- (e) Within thirty (30) days of the closing, the developer or seller shall submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, recorded recapture note and recorded capture lien, along with a certification by the preparer of the deed restriction certifying that these documents conform with all of the requirements of UHAC and the deed restriction language set forth in applicable Appendix of UHAC. In the event that a copy of the documents required by this subsection (e) are not provided to the Administrative Agent and the Municipal Housing Liaison within thirty (30) days of closing, Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law.
- (f) All deed restrictions shall have priority over all mortgages on the property. In

accordance with N.J.A.C. 5:80-26.6(l), the entry and enforcement of any judgment of foreclosure on an ownership restricted unit shall not extinguish the affordability controls on the ownership restricted unit.

N. Price restrictions for ownership restricted units, homeowner association fees and resale prices. Price restrictions for ownership restricted units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:

- (1) The initial purchase price and affordability average for an ownership restricted unit shall be approved by the Administrative Agent.
- (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with this Chapter and UHAC.
- (3) All owners of an ownership restricted unit must provide at least 30 days notice to the Administrative Agent of a sale of an ownership restricted unit, unless the Administrative Agent and the municipal housing liaison, unless both agree in writing to a shorter notice period. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards. No resale of any ownership restricted unit shall be made without first obtaining written approval of the resale price from the Administrative Agent. The Administrative Agent shall notify the Municipal Housing Liaison of all sales within ten (10) days of closing. If a recapture payment from repayment of a recapture note or recapture lien is due and owing to the Township, the Administrative Agent shall notify the Municipal Housing Liaison writing of that fact, along with the amount of the recapture payment prior to closing.
- (4) Condominium fees, homeowner association fees and special assessments shall be calculated in accordance with the requirements of N.J.A.C. 5:80-26.7(e), as may be amended and supplemented.
- (5) The owners of ownership restricted units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Such application and the determination of the Administrative Agent shall be in accordance with N.J.A.C. 5:80-26.10, Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
- (6) Capital expenditures for non-cosmetic replacement of items of property or improvement to property that do not affect the maximum sale price will be factored into calculating a reduction to the recapture amount pursuant to N.J.A.C. 5:80-26.7(d)(1) and 5:80-26.10(c).

O. Buyer income eligibility.

- (1) Buyer income eligibility for ownership restricted units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented, such that very-low-income units shall be reserved for households with a gross household income less than or equal to 30% of regional median income for Region 5, low-income units shall be reserved for households with a gross household income less than or equal to 50% of median income for Region 5 and moderate-income units shall be reserved

for households with a gross household income less than 80% of median income for Region 5. In the event that there is an insufficient number of low-income household purchases to permit prompt occupancy, the Administrative Agent shall comply with N.J.A.C. 5:80-26.8(a).

- (2) The Administrative Agent shall certify a household as eligible for a ownership restricted unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, in accordance with N.J.A.C. 5:80-26.8 and 5:80-26.17 and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35% of the household's certified monthly income. An Administrative Agent may exercise its discretion to approve a mortgage that exceeds 35% in accordance with the standards set forth in N.J.A.C. 5:80-26.8(b).

P. Limitations on indebtedness secured by ownership restricted unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a ownership restricted unit, the owner shall submit to the Administrative Agent notice of intent to incur indebtedness, along with documentary support as determined by the Administrative Agent. The Owner may not incur any indebtedness unless and until the Administrative Agent has determined and confirmed in writing that the proposed indebtedness complies with the provisions of UHAC.
- (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a ownership restricted unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

Q. Control periods for rental restricted units.

- (1) Control periods for rental restricted units shall be in accordance with N.J.A.C. 5:80-26.12, in accordance with the following, unless otherwise extended by the Township pursuant to an ordinance extending the same:
 - (a) Newly created rental restricted units shall be subject to affordability controls for a period of 40 years.
 - (b) Rental restricted units created as part of developments receiving Low Income Housing Tax Credits shall be governed by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.
 - (c) Any owner of a one-hundred percent affordable housing development comprised entirely of rental restricted units that elects to extinguish the existing deed restriction to enter into a new deed restriction and commence refinancing and/or habitation for the purpose of preservation, shall be subject to a new deed restriction of 30 years.
 - (d) In the event that any rental restricted unit is occupied at the end of the control

period, after the end date of the control period set forth in the deed restriction, the affordability controls shall remain in effect until: (i) the date on which the occupant household vacates the rental restricted unit; or (ii) in the event that the occupant household's household income exceeds 80% of the regional median income for Region 5, the later of either the next scheduled lease renewal or 60 days after confirming the household income exceeds 80%.

(2) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) Deed Restrictions.

(a) Prior to applying for the first construction permit for any portion of an affordable housing development, the developer or owner shall prepare a deed restriction in form set forth in Appendix P-2 of UHAC and in accordance with N.J.A.C. 5:80-26.12(e), record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix P-2 of UHAC. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or owner with the records office of the County of Gloucester. If documents required pursuant to this subsection (a) are not provided to the Administrative Agent and the Municipal Housing Liaison prior to issuance of the construction permit, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of a rental restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction.

(b) No later than thirty (30) days after issuance of a Certificate of Occupancy for any structure containing rental restricted units, the developer shall prepare a deed restriction in form set forth in Appendix E of UHAC for said structure, record the same, and submit to the Administrative Agent for the affordable housing development and the Municipal Housing Liaison a copy of the recorded deed restriction, along with a certification by the preparer of the deed restriction certifying that the deed restriction conforms with all of the requirements of UHAC and the deed restriction language set forth in Appendix E of UHAC. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Gloucester. A copy of the filed document shall be provided to the Administrative Agent and Municipal Housing Liaison within 30 days of the receipt of a certificate of occupancy. If documents required by this subsection (b) are not provided to the Administrative Agent and the Municipal Housing Liaison within 30 days of receipt of the certificate of

occupancy, the Administrative Agent and/or the Municipal Housing Liaison may report this failure to the Division of Local Planning Services within the DCA pursuant to N.J.A.C. 5:80-26.19(f) and may take any other enforcement action permitted under the law. No seller or buyer of a restricted unit shall be excused from adhering to the requirements of UHAC and this Chapter despite failure to record the deed restriction.

- (4) A rental restricted unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit;
 - (c) The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure; or
 - (d) The end of the control period, until the occupant household vacates the rental restricted unit, or is certified as over-income and the affordability controls are released in accordance with UHAC.
- (5) All rental restricted units shall be required to obtain a continuing certificate of occupancy or a certified statement from the building inspector stating that the unit meets all code standards upon each new tenant, except where a certificate of occupancy or a continuing certificate of occupancy has been issued in the preceding two years.

R. Rent restrictions for rental restricted units; leases.

- (1) All rents shall be set in accordance with N.J.A.C. 5:80-26.13. A written lease shall be required for all rental restricted units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. The lease must specify which tenant-paid utilities are included in the utility allowance and include the most recent chart at the time of lease-up approved by DCA for its Section 8 program. The allowance for utilities must be consistent with utility allowance approved by DCA for its Section 8 program. All lease provisions must comply with applicable law.
- (2) A copy of the current lease for each rental restricted unit shall be provided to the Administrative Agent and the Municipal Housing Liaison within 10 business days of execution.
- (3) The Administrative Agent shall set the initial rent for a rental restricted unit in accordance with UHAC and this Chapter. Initial rent shall be calculated so as to not exceed 30% of the eligible monthly income for the household size, determined in accordance with N.J.A.C. 5:80-26.4. For assisted living facilities, maximum rents may be up to 80% of eligible monthly income for the household size, inclusive of rent, food and services. No additional fees, operating costs, or charges shall be added to the approved rent (except in the case of units in assisted living residences, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

- (4) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.
- (5) The rent levels of very-low-income units, low-income units and moderate-income units may be increased annually, on the anniversary date of the tenancy of the certified household occupying the rental restricted unit, transitional housing unit, special needs housing unit or supportive housing unit, to an amount calculated pursuant to N.J.A.C. 5:80-26.13(b) and (c), provided that any increase shall not exceed five percent (5%) in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be governed by the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40. All rental increases must comply with the requirements of N.J.A.C. 5:80-26.13.
- (6) Developers and/or owners of affordable housing developments containing restricted rental units shall comply with the following:
 - (a) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - (b) Notify the Administrative Agent of any change to or increase in any applicable fees imposed upon tenants.
 - (c) Notify the Administrative Agent of any change as to the utilities that will be included in the rent.
 - (d) Ensure that the utility configuration established at the start of the rent-up process is not altered at any time throughout the restricted period.
 - (e) Notify the Administrative Agent of any change and provide to the Administrative Agent a proposed form of lease containing such changes.
 - (f) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

S. Tenant income eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very-low-income units shall be reserved for households with a gross household income less than or equal to 30% of median income for Region 5.
 - (b) Low-income units shall be reserved for households with a gross household

income less than or equal to 50% of median income for Region 5.

(c) Moderate-income units shall be reserved for households with a gross household income less than 80% of median income for Region 5.

(2) The Administrative Agent shall certify a household as eligible for a rental restricted unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the restricted unit, and the rent proposed for the restricted unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(c) The household is currently in substandard or overcrowded living conditions;

(d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

(3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection R(2)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

- T. **Additional Requirements for Rental Restricted Units.** An owner of any development containing rental restricted units shall comply with the requirements of N.J.A.C. 5:80-26.19(e). All rental restricted units shall be occupied within a reasonable amount of time from issuance of the original certificate of occupancy and be re-leased within a reasonable amount of time upon the vacating of the restricted unit by a tenant. A reasonable amount of time shall be presumptively 60 days, unless otherwise set forth in N.J.A.C. 5:80-26.19(f).
- U. **Conversions.** Each affordable housing unit created through the conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.
- V. **Supportive Housing Units and Special Needs Housing Units.** Supportive housing units and special needs housing units exempt from UHAC shall be exempt from these requirements. Bedroom and income distribution requirements for Supportive Housing Units and Special

Needs Housing Units shall be in accordance with the requirements of 5:80-26.4(e), (f) and (g). The affirmative marketing, occupancy selection and administration of supportive housing units and special needs housing units shall be in compliance with the contract or regulations of the governmental entity having regulatory authority over the dwelling unit or any applicable sponsoring program.

- (1) The service provider for the Supportive housing units and special needs housing units may act as the Administrative Agent if the service provider otherwise satisfies the requirements to be licensed as an Administrative Agent. The service provider shall report information to the Municipal Housing Liaison, upon request, in order to allow the Municipal Housing Liaison to comply with the reporting requirements of the Act and the Fair Housing Act Regulations.

W. Transitional Housing. Transitional housing units shall be governed by the rules of their sponsoring programs.

X. Assisted Living Facilities. Assisted Living Facilities with Medicaid beds shall ensure that all Medicaid beds shall comply with the following:

- (1) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
- (2) The Medicaid beds shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.16), provided that the Medicaid beds are restricted to recipients of Medicaid waivers;
 - (b) Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income;
 - (c) The owner or operator shall comply with all reporting requirements of the Administrative Agent. The Township shall designate one or more Administrative Agents to administer the Medicaid beds; and
 - (d) The combined cost of rent, food, and services may not exceed 80 percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.
- (3) No additional fees, operating costs, or charges may be added to the approved rent (except in the case of units in assisted living residences, for the customary charges for food and services) without the express written approval of the Administrative Agent.
- (4) Maximum rents shall comply with UHAC and this Section 233-95.

Y. Discrimination Prohibited. Developers, owners and property managers shall not

discriminate in the sale or leasing of any affordable units in violation of the New Jersey Law Against Discrimination, N.J.A.S.A. 10:5-1 et seq. Or the Federal Fair Housing Laws. Developers, owners and property managers are also prohibited from requiring any parent, guardian or other third person to act as a guarantor for any affordable unit.

§ 67-4. Existing Affordable Units.

- A. Any affordable unit that qualifies as a “prior round unit” as the term is defined in N.J.A.C. 5:80-26.2 shall be subject to the UHAC regulations that were in effect prior to December 19, 2024 or other affordability controls that were imposed on the affordable unit at the time of its creation.
- B. Extension of Expiring Controls. The Township reserves the right to extend any affordability controls upon providing notice and making the payment required in N.J.A.C. 5:80-26.6(g)(6)N.J.A.C. 5:80-26.12(f). In the event that the Township or the Municipal Housing Liaison notifies any developer or owner that it intends to extend the affordability controls applicable to any affordable unit, the payment made by the Township shall be used to rehabilitate the affordable unit.
- C. Maintenance of Units. All rental restricted units, regardless of when they were created, shall be required to obtain a continuing Certificate of Occupancy or a certified statement from the building inspector stating that the restricted unit meets all code standards upon each new tenant, except where a certificate of occupancy or a continuing certificate of occupancy has been issued in the preceding two years. All ownership restricted units, regardless of when they were created, shall be required to obtain a continuing Certificate of Occupancy or a certified statement from the building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period.
- D. Rehabilitation. The Township shall undertake a rehabilitation program in accordance with the adopted Rehabilitation Manual. The Rehabilitation Manual is available for inspection in the Office of the Municipal Housing Liaison. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very-low-income households, low-income households and moderate-income households. Households determined to be very very-low-income households, low-income households and moderate-income households may participate in a rehabilitation program if they occupy a deficient housing unit that is an ownership restricted unit, subject to the requirements set forth in the Rehabilitation Manual. The Township shall designate one or more Administrative Agents to administer the rehabilitation program.
- E. Existing Assisted Living Facilities with Medicaid Beds shall comply with the requirements set forth in Section 67-3.X. above.

§ 67-5. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Township of Harrison is hereby

established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Mayor and Township Committee.

- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Harrison.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in UHAC and the Fair Housing Act Regulations, and shall be approved by the Division, or be in the process of getting approval, and fully or conditionally.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Harrison, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (1) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
 - (2) Overseeing the implementation of the Affirmative Marketing Plan and affordability controls by the administrative agents, or if no administrative agent is selected for an affordable unit, the implementation of the Affirmative Marketing Plan and affordability controls.
 - (3) When applicable, supervising any contracting Administrative Agent.
 - (4) Monitoring the status of all affordable units in the Township of Harrison's Fair Share Plan;
 - (5) Compiling, verifying and submitting annual reports as required by the Act, UHAC or the Fair Housing Act Regulations;
 - (6) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the DCA; and
 - (8) All other obligations set forth in UHAC or the Act that is the responsibility of the Municipal Housing Liaison.

§ 67-5. Administrative Agent.

- A. The Township shall designate by resolution of the Mayor and Township Committee one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:99-7.1 to 5:99-7.5 and UHAC. All Administrative Agents shall attend all training and satisfy all other educational requirements set forth in UHAC that is applicable to an Administrative Agent and shall submit proof of compliance therewith annually on or before December 31, to the Municipal Housing Liaison. In the event that any owner or developer wishes to change Administrative Agents, any such

change shall be in accordance with N.J.A.C. 5:80-26.18, N.J.A.C. 5:99-7.3 and N.J.A.C. 5:99-7.4 and the change must be approved in writing by the Municipal Housing Liaison. In order to obtain approval from the Municipal Housing Liaison for an Administrative Agent, the developer, property manager or owner shall submit the following:

- (1) A resume or other evidence of experience as an administrative agent; and
- (2) A valid and current administrative agent certificate as required pursuant to N.J.S.A. 52:27D-321; and
- (3) Evidence of satisfactory completion of the DCA's Education Program for each individual serving as an administrative agent as described at N.J.A.C. 5:99-9; and
- (4) A list of all affordable housing projects for which the person or entity is currently serving or has served as an administrative agent; and
- (5) A list of affordable housing projects for which the administrative agent has been removed as administrative agent, and the reason therefore; and
- (6) The draft operations manual that the Administrative Agent proposes to utilize in the administration of the affordable units.

Approval of any Administrative Agent by the Municipal Housing Liaison shall be in writing. The denial of approval for an Administrative Agent shall be in writing setting forth the reasons therefore.

- B. All affordable units, whether or not subject to UHAC and regardless of when they were created, shall be administered by an Administrative Agent approved by the Township. For all new affordable housing developments, the developer must execute an agreement with a Township approved Administrative Agent and submit a copy of the same to the Municipal Housing Liaison, prior to applying for a Certificate of Occupancy for any portion of the affordable housing development.
- C. An operating manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The operating manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s). If the operations manual is prepared by the Administrative Agent, the Administrative Agent shall make such changes to the operations manual as are requested by the Municipal Housing Liaison to permit adoption by the governing body and to ensure compliance with the Act, UHAC, the Fair Housing Act Regulations, and this Chapter 67.
- D. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the operating manual, including those set forth in N.J.A.C. 5:80-26.15, 17 and 19 thereof, and N.J.A.C. 5:99-7.1 and 7.2, which includes, but is not limited to:
 - (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the DCA;

- (2) Affirmative marketing;
- (3) Household certification;
- (4) Affordability controls;
- (5) Records retention;
- (6) Resale and re-rental;
- (7) Processing requests from restricted unit owners or renters of restricted units;
- (8) Preparing and submitting all reports and other documents required to be prepared under this Chapter, UHAC, the Act or the operations manual, and any report requested by the Municipal Housing Liaison; and
- (9) Enforcement, although the ultimate responsibility for retaining controls on the v units rests with the Municipal Housing Liaison.
- (10) The Administrative Agent shall notify the Municipal Housing Liaison in writing of a violation of any of the regulations governing the affordable unit by an owner, developer or tenant, including a violation of this Chapter, UHAC the Act or the Fair Housing Act Regulations, within five (5) business days of the occurrence. Following submission of a notice of violation, the Administrative Agent shall provide the Municipal Housing Liaison with monthly reports of the status of all violations until the violation(s) have been resolved. The Administrative Agent shall, as delegated by the Mayor and Township Committee, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- (11) Reports. The Administrative Agent shall provide all reports required to be provided by an administrative agent under UHAC or the Fair Housing Act Regulations or this Chapter. At a minimum, the Administrative Agent shall provide the following written reports to the Municipal Housing Liaison.
 - (a) Initial Occupancy Report. For each newly created affordable unit, the Administrative Agent shall provide a written report setting forth, for each affordable unit:
 - (i) the date of the initial occupancy;
 - (ii) the amount of the sales price or rent charged;
 - (iii) the amount of all other fees charged, including but not limited to pet fees, condominium fees, and parking fees;
 - (iv) the name(s) of the initial occupants and their household certifications; and
 - (v) A certification from the Administrative Agent, certifying as to the accuracy of the information contained in the initial occupancy report.

The Administrative Agent shall update the initial occupancy report quarterly until

an initial occupant has been identified for all of the affordable units within a newly constructed affordable housing development and an occupancy Report has been provided to the Municipal Housing Liaison. Quarterly reports shall be due on January 1, April 1, July 1, and October 1 of each year that an initial occupancy report is required to be provided.

- (b) Semi-Annual Reports. The administrative agent shall provide a written report semi-annually to the Municipal Housing Liaison which shall contain all of the information required to be reported by the municipality pursuant to *N.J.S.A. 52:27D-329.4(a) and (b)* and *N.J.A.C. 5:99-5.3*, as it relates to an affordable housing development and/or a affordable unit. The semi-annual report shall be due on June 30, and December 31 of each year so long as the affordable unit remains subject to affordability controls.
- (c) Upon request from the Municipal Housing Liaison, the administrative agent shall promptly provide access to all information, books and records regarding all marketing, leasing and administration activities relating to the affordable units.
- (12) The Administrative Agent shall securing from the Township quaterly a list of all affordable units for which tax bills are mailed to absentee owners of ownership restricted units, and notifying all such owners that they must either move back into or sell their ownership restricted units unit.
- (13) The Administrative Agent shall notify the Municipal Housing Liaison of the owner's intent to sell an ownership restricted unit prior to the date of the sale.

§ 67-6. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a violation of the Act, UHAC, the Fair Housing Act Regulations, this Chapter or any other regulations governing the affordable unit by an owner, developer or tenant, the Administrative Agent, the Municipal Housing Liaison and Township shall have all remedies provided at law or equity, including but not limited to notifying the DCA of the violation, foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. Upon the occurrence of a violation of the Act, UHAC, the Fair Housing Act Regulations, this Chapter or any other regulations governing the affordable unit by an Administrative Agent, the Municipal Housing Liaison and the Township, shall have all remedies provided at law or equity, including but not limited to removing the Administrative Agent, notifying the DCA of the violation, municipal fines, injunctive relief to prevent further violation of the regulations, and specific performance.
- C. After providing written notice of a violation to an owner, developer or tenant of a very-low-income unit, low-income unit, or moderate- income unit, and if applicable, the

Administrative Agent, and advising the owner, developer or tenant, and if applicable, the Administrative Agent, of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant, and if applicable, the Administrative Agent, for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 and/or N.J.S.A. 52:27D-321(i)(4) alleging a violation, or violations, of the regulations governing the restricted housing unit. If the owner, developer or tenant, or the Administrative Agent, is found by the court to have violated any provision of the regulations governing affordable housing units, including but not limited to this Chapter, UHAC, the Act or the Fair Housing Act Regulations, the owner, developer or tenant, or the Administrative Agent shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$1,250 or the maximum allowed by law or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (b) In the case of an owner who has rented his or her low- or moderate- income unit in violation of the regulations governing affordable units, payment into the Township of Harrison Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable units, payment of an innocent tenant's reasonable relocation costs, as determined by the court; and payment into the Township's Affordable Housing Trust Fund of the gross amount of rent illegally collected;
- (2) An owner, developer or manager of a property shall be found in violation of UHAC, including by keeping an affordable unit vacant, shall be subject to the penalties set forth in N.J.A.C. 5:80-26.19(f).

D. The Administrative Agent for the Municipality or the Municipal Housing Liaison shall have the authority to levy fines against the owner of an affordable development for instances of noncompliance with advertising requirements set forth in N.J.S.A. 52:27D-321.6, following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000 as set forth in N.J.S.A. 52:27D-321.6(e)(2), or as otherwise set forth in the fine schedule adopted by the Executive Director of HMFA in accordance with N.J.S.A. 52:27D-321.6(e)(3). All such fines shall be deposited into the Affordable Housing Trust Fund.

E. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the affordable unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money

Mortgage and shall constitute a lien against the affordable unit.

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

acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- (5) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 67-7. Appeals.

Appeals from all decisions of an Administrative Agent designated pursuant to this chapter shall be filed in writing with the Township. A decision by the Municipal Housing Liaison may be appealed to the Division of Local Planning Services within the DCA.

ORDINANCE NO. 06-2026

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING ARTICLE III “AFFORDABLE HOUSING DEVELOPMENT FEES” OF CHAPTER 110 “FEES”, OF THE TOWNSHIP CODE REGARDING AFFORDABLE HOUSING DEVELOPMENT FEES

WHEREAS, Harrison Township has an affirmative statutory and constitutional obligation to provide its fair share of affordable housing for low- and moderate-income households within Harrison Township; and

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, the New Jersey Supreme Court, in Holmdel Builders Association v. Township of Holmdel, 121 N.J. 550 (1990), approved the use of development fees as a device for meeting a municipality’s affordable housing obligations; and

WHEREAS, the New Jersey Legislature has adopted the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq., limiting a municipality’s authority to impose development fees on non-residential development, and setting forth specific standards and obligations with regard to the imposition and collection of development fees on non-residential development; and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted an amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, pursuant to that authority, the Township previously adopted Article III, entitled “Affordable Housing Development Fees” within Chapter 110, entitled “Fees” of the Township Code, imposing development fees on residential development and non-residential development (“Affordable Housing Development Fee Ordinance”); and

WHEREAS, the Affordable Housing Development Fee Ordinance must be updated to reflect the changes set forth in the FHA, the Affordable Housing Regulations and the amendments to UHAC; and

WHEREAS, the Township Committee has determined that it is in the best interest of Harrison Township to amend Article III, entitled “Affordable Housing Development Fees” within Chapter 110, entitled “Fees” of the Township Code to reflect the current laws as they relate to the affordable housing development fees.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harrison, Gloucester County, State of New Jersey, as follows:

1. Article III, entitled “Affordable Housing Development Fees” within Chapter 110, entitled “Fees” is hereby replaced in its entirety with Exhibit A attached hereto.
2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
3. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.
4. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

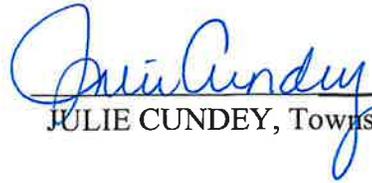
TOWNSHIP OF HARRISON


 JULIE CUNDEY, Township Clerk


 THOMAS COAKLEY Deputy Mayor

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the _____ day of _____, 2026.



JULIE CUNDEY, Township Clerk

Exhibit A

Chapter 110. Fees

Article III. Affordable Housing Development Fees

§ 110-5. Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act, the State Constitution, and all implementing regulations.
- B. Pursuant to N.J.S.A. 52:27D-329.2(a) of the Fair Housing Act, municipalities may adopt ordinances to impose and collect development fees from developers of residential developments. In addition, the Statewide Non-Residential Development Fee Act mandates that municipalities impose and collect development fees from developers of non-residential developments.
- C. Pursuant to N.J.S.A. 52:27D-329.2, and the Statewide Non-Residential Development Fee Act, municipalities that maintain their status as a “compliant municipality,” under the Fair Housing Act and Affordable Housing Regulations may retain fees collected from non-residential development and residential developments.
- D. This article establishes standards for the collection, maintenance, and expenditure of residential development fees and non-residential development fees pursuant the Fair Housing Act, the Statewide Non-Residential Development Fee Act and the Affordable Housing Regulations. Fees collected pursuant to this article shall be used for the sole purpose of providing very-low-income units, low-income units and moderate-income unites in accordance with an approved Spending Plan. This article shall be interpreted within the framework of the Fair Housing Act and the Affordable Housing Regulations as may be amended and supplemented. In the event of a conflict between this Article and the Affordable Housing Regulations, the provisions of the Affordable Housing Regulations shall govern.

§ 110-6. Basic requirements.

- A. The ability of Harrison Township to impose, collect and expend development fees shall continue so long as Harrison Township maintains its status as a “compliant municipality,” under the Fair Housing Act and the Affordable Housing Regulations.
- B. The Township shall not spend development fees except in conformance with a Spending Plan approved by the Court.

§ 110-7. Definitions.

As used in this Article, the following terms shall have the following meanings:

AFFORDABLE

A sales price or rent within the means of a very-low-income household, low-income household or moderate-income household; in the case of an ownership restricted unit (as defined in Section 67-2 of the Township Code) means that the sale price for the ownership restricted unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 in UHAC, as may be amended and supplemented, and in the case of rental restricted unit (as defined in Section 67-2 of the Township Code) means that the rent (as defined in N.J.A.C. 5:80-26.2) conforms to the standards set forth a N.J.A.C. 5:80-26.13 in UHAC.

AFFORDABILITY CONTROLS

The controls or restrictions placed on a dwelling unit that requires the dwelling unit to be affordable to very-low-income households, low-income households or moderate-income households, which are imposed pursuant to UHAC, Chapter 67 of the Township Code and/or other state or federal statute or regulation.

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred percent affordable development, or a development of which all or a substantial portion consists of restricted units.

AFFORDABLE HOUSING TRUST FUND

A separate, interest-bearing account held by the Township of Harrison and created pursuant to Section 110-11 for the deposit of funds collected by the Township of Harrison in connection with its affordable housing programs or any funds allowed to be collected by the Township of Harrison pursuant to the Fair Housing Act, the Fair Housing Act Regulations, and/or the Non-Residential Development Fee Act, and which shall be expended in accordance with the Spending Plan, the Fair Housing Act and the Fair Housing Act Regulations.

BARRIER FREE ESCROW FUNDS

Funds held by the Township that have been collected from developers pursuant to Section 67-3.E.(2)(e)(2) to adapt restricted unit entrances to be accessible in accordance with N.J.S.A 52:27D-311a et seq. Such funds shall be held in the Affordable Housing Trust Fund pursuant to N.J.A.C. 5:99-2.6.

COURT

Any court of competent jurisdiction to hear and decide matters pursuant to the Fair Housing Act, including but not limited to the Affordable Housing Dispute Resolution Program established pursuant to N.J.S.A. 52:27D-313.2 and a County-Level Housing Judge, as the term is defined in N.J.S.A. 52:27D-304.r.

DCA

The New Jersey Department of Community Affairs, including but not limited to the Division of Local Planning Services within the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency established pursuant to N.J.S.A. 55:14K-1 et seq.

DEVELOPER

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

DEVELOPMENT

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

DEVELOPMENT FEE

Money paid by a developer as a residential development fee and/or a non-residential development fee.

DWELLING UNIT

Any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating. A dwelling unit shall include a market-rate unit and a restricted. A dwelling unit includes all structures satisfying the definition of "dwelling" set forth in Section 225-3 of the Township Code.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through c) (N.J.S.A. 54:1-35a, 54:1-35b and 54:1-35c). Estimates at the time of building permit may be obtained by the Tax Assessor using construction cost estimates. Final equalized assessed value shall be determined at project completion by the County Tax Assessor.

FAIR HOUSING ACT

The Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., as amended and supplemented by P.L.2024, c.2 (C.52:27D-304.1 et al.), and as may be further amended and supplemented.

FAIR HOUSING ACT REGULATIONS

The regulations adopted by the DCA pursuant to the Fair Housing Act and codified at N.J.A.C. 5:99, et seq.

FAIR SHARE PLAN

The plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to N.J.S.A. 52:27D-304.1.f., by which the Township of

Harrison proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of Region 5 and which details the affirmative measures the Township of Harrison proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the Township's land use ordinances and regulations.

HOUSING ELEMENT

That portion of the Township of Harrison's master plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, consisting of reports, statements, proposals, maps, diagrams, and text designed to meet the Township of Harrison's fair share of Region 5's present and prospective housing needs, particularly with regard to low- and moderate-income housing, and which shall contain the Township of Harrison's present and prospective obligation for affordable housing, determined pursuant to N.J.S.A. 52:27D-304.1.f.

INCLUSIONARY DEVELOPMENT

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

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median gross household income for households of the same size within Region 5.

MARKET-RATE UNITS

Any dwelling unit that is not a restricted unit.

MIXED-USE DEVELOPMENT

Development which includes both residential development and non-residential development.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median gross household income for households of the same size within Region 5.

NON-RESIDENTIAL DEVELOPMENT

As defined in N.J.S.A. 40:55D-8.3.

NON-RESIDENTIAL DEVELOPMENT FEE

The fee authorized and/or the money paid by a developer for non-residential development pursuant to the Statewide Non-Residential Development Fee Act.

REGION 5

Collectively, Burlington County, Camden County, and Gloucester County.

RESIDENTIAL DEVELOPMENT

Development which includes any building or structure, or portion thereof, including but not

limited to any appurtenant improvements, which qualifies as a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). Residential development does not include any portion of a building or structure, which meets the definition of non-residential development.

RESIDENTIAL DEVELOPMENT FEE

The fee authorized and/or the money paid by a developer for residential development pursuant to Section 110-8 of the Township Code and as permitted by N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

RESTRICTED UNIT

A dwelling unit, whether a rental restricted unit or ownership restricted unit (as those terms are defined in Section 67-2 of the Township Code), that is subject to the affordability controls, and includes a dwelling unit created with monies from the Township's Affordable Housing Trust Fund but does not include a market-rate unit financed under the former Urban Homeownership Recovery Program (UHORP), the former Market Oriented Neighborhood Investment Program (MONI) or the former Choices in Homeownership Incentives for Everyone Program (CHOICE).

STATEWIDE NON-RESIDENTIAL DEVELOPMENT FEE ACT

The Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 to 40:55D-8.8.

SPENDING PLAN

The plan approved by the Court or the DCA, which establishes the method of allocating funds contained in the Affordable Housing Trust Fund in accordance with the Fair Housing Act and the Fair Housing Act Regulations.

TAX ASSESSOR

The Gloucester County Tax Assessor's Office.

UHAC

The Uniform Housing Affordability Controls, N.J.A.C. 5:26-80.1, et seq., as may be amended and supplemented.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median gross household income for households of the same size within Region 5.

§ 110-8. Residential development fees.

A. Imposed fees.

- (1) Within all zoning districts, developers of residential developments, except for developers of the types of development specifically exempted below, shall pay a residential development fee of 1.5% of the equalized assessed value of land and improvements

within the residential development, provided no increased density is permitted. Residential development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- (2) Within all zoning districts, developers of mixed-use development, except for developers of the types of development specifically exempted below, shall pay a residential development fee of 1.5% of the equalized assessed value of land and improvements of the residential portion of the mixed-use development, provided no increased density is permitted, and shall pay a non-residential development fee in accordance with the requirements of §110-9 for the portion of the mixed-use development consisting of non-residential development.
- (3) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permit shall be required to pay a residential development fee of 1.5% of the equalized assessed value of the initial "by-right" number of dwelling units permitted under the base density and 6% of the equalized assessed value for each additional dwelling unit that may be realized by the increased density permitted by the variance. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the residential development fee shall be the highest density permitted "by-right" during the two-year period preceding the filing of the variance application. The "by-right" density shall be the density permitted under the zoning ordinance as if no variance had been granted.
 - (i) Until the total number of "by-right" dwelling units have been constructed, the residential development fee charged shall be the 1.5% residential development fee. Once the total number of "by-right" dwelling units have been constructed, as determined on the date of the application for a Certificate of Occupancy, each subsequent dwelling unit constructed shall be subject to the 6% residential development fee.
 - (ii) Example: If an approval allows four units to be constructed on a site that was zoned for two units, the residential development fee shall equal 1.5% of the equalized assessed value on the first two units, and 6.0% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
 - (iii) This requirement subsection (3) shall apply both to developers of residential development and to developers of mixed-use development when determining the residential development fee applicable to the residential development portion of the mixed-use development.

(4) Residential development fees shall be imposed and collected when an existing dwelling unit or any structure containing one or more dwelling units undergoes a change to a more intense use, is demolished and replaced, or is expanded, if not otherwise exempt from the residential development fee requirement. The residential development fee shall be calculated on the increase in the equalized assessed value of the improved dwelling unit or the structure containing one or more dwelling units. A change to a more intense use shall include, but not be limited to, the conversion of unfinished basement, attic and/or garage spaces to habitable space.

B. Exemptions from the Residential Development Fee. The following shall be exempt from the residential development fee requirements:

- (1) Affordable housing developments providing on-site affordable units and/or affordable housing developments where the affordable units are being provided elsewhere in the Township, shall each be exempt from residential development fees.
- (2) Residential developments where the developer has made an eligible payment in lieu of on-site construction of affordable units pursuant to ordinance or an agreement with the Township of Galloway that was adopted prior to any invalidation of payments in lieu of construction.
- (3) Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees, shall be exempt from residential development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (4) Any change to a more intense use, replacement or expansion of an existing dwelling unit or any structure containing one or more dwelling units that does not result in an increase to the equalized assessed value by greater than \$19,999 shall be exempt from residential development fees.
- (5) Developers of an existing dwelling unit or any structure containing one or more dwelling units that have been demolished as a result of an accidental fire, flood, or any natural disaster or catastrophe, and replaced with a substantially similar dwelling unit or structure shall be exempt from residential development fees.
- (6) Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code shall be exempt from residential development fees, provided that the non-profit organization submits current evidence of that status to the municipal clerk and Tax Assessor, together with a certification that the services of the non-profit organization are provided at reduced rates to those who establish an inability to pay existing charges.

- (7) Federal, State, county, and local governments shall be exempt from paying a development fee.
- (8) Any other exemption authorized under the Fair Housing Act or the Fair Housing Act Regulations, provided that the developer seeking the exemption submits to the municipal clerk and Tax Assessor evidence sufficient to establish qualification for the exemption.

§ 110-9. Non-residential development fees.

A. Imposed fees.

- (1) Developers of non-residential development are obligated to comply with the requirements of the Statewide Non-Residential Development Fee Act and pay the non-residential development fee calculated pursuant to the Statewide Non-Residential Development Fee Act, unless otherwise exempt pursuant to the Statewide Non-Residential Development Fee Act.
- (2) Developers of mixed-use developments shall be required to comply with the requirements of the Statewide Non-Residential Development Fee Act and pay the non-residential development fee calculated pursuant to the Statewide Non-Residential Development Fee Act for the portion of the mixed-use development consisting of non-residential development, unless otherwise exempt pursuant to the Statewide Non-Residential Development Fee Act, and shall pay a residential development fee in accordance with the requirements of §110-8 for the portion of the mixed-use development consisting of residential development; provided that no non-residential development fee shall be imposed which would result in a non-residential development fee greater than that which would have been imposed if the non-residential development portion of the mixed-use development would have been developed independently of the residential development portion of the mixed-use development.

- B. Exemptions from the Non-Residential Development Fee.** Developers of non-residential development or mixed-use development who are claiming an exemption under the Statewide Non-Residential Development Fee Act shall be required to provide evidence sufficient to establish qualification for an exemption under the Statewide Non-Residential Development Fee Act and/or the Fair Housing Act Regulations. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to qualify for an exemption under the Statewide Non-Residential Development Fee Act and/or Fair Housing Act Regulations, the owner of the property shall pay the non-residential development fee within 45 days of the termination of the exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner. The property owner shall submit a Form N-RDF to the Tax Assessor for calculation of the equalized assessed value of the property.

§ 110-10. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the appropriate approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For residential developments, the developer shall be provided with a copy of the Residential Development Fee Form for completion. The developer shall complete fully the form as per the instructions provided and provide the same to the Tax Assessor. The construction official shall verify the information submitted by the developer. The Municipal Housing Liaison shall then verify any exemptions claimed and the Tax Assessor prepare estimated and final assessments in accordance with the instructions provided on the Residential Development Fee Form.
- C. For non-residential developments, the developer shall be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, for completion. The developer shall complete fully Form N-RDF as per the instructions provided and provide the same to the Tax Assessor. The construction official shall verify the information submitted by the developer. The Tax Assessor shall then verify any exemptions claimed and prepare estimated and final assessments in accordance with the instructions provided on Form N-RDF.
- D. For mixed use developments, the developer shall be provided both with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption for the non-residential portion of the project, which shall be completed in accordance with Subsection C. above, and a copy of the Residential Development Fee Form which shall be completed in accordance with Subsection B. above. Both forms shall be submitted to the Tax Assessor upon completion.
- E. For all development fees:
 - (1) The construction official responsible for the issuance of a building permit shall notify the Tax Assessor and the municipal housing liaison of the issuance of the first building permit for a development that is subject to a residential development fee and/or a non-residential development fee.
 - (2) Within 90 days of receipt of said notice, the Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 - (3) The construction official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor and the municipal housing liaison of any and all requests for the scheduling of a final inspection on development which is subject to a residential development fee and/or a non-residential development fee.

- (4) Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the development; calculate a residential development fee and/or a non-residential development fee; and thereafter notify the developer of the amount of the residential development fee and/or the non-residential development fee.
- (5) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6(b).

F. For all development fees, both residential development fees and non-residential development fees, the entire amount of the development fee shall be collected at the time of the issuance of the Certificate of Occupancy.

G. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board of Taxation, collected residential development fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board of Taxation may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director of the Division of Taxation, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Director of the Division of Taxation may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (3) In the event that a development fee is challenged, all development fees subject to a challenge must be submitted to the Township and deposited in an interest-bearing account. No Certificate of Occupancy shall be issued unless and until the full amount of the challenged development fees are deposited and the development otherwise satisfies all of the requirements for issuance of a Certificate of Occupancy.

§ 110-11. Affordable Housing Trust Fund.

- A. The Township shall create and/or continue to maintain a separate, interest-bearing affordable housing trust fund that is maintained by the Township Chief Financial Officer for the purpose of depositing the following, each of which shall be identifiable at all times by amount:
- (1) Residential development fees
 - (2) Non-residential development fees;
 - (3) Mixed Use Development Fees;
 - (4) Other development fees;
 - (5) Payments in lieu of on-site construction of restricted units;
 - (6) Repayments from affordable housing program loans and other loan repayments;
 - (7) Enforcement fines and fees;
 - (8) Interest earned;
 - (9) Proceeds from the sale of restricted units with extinguished controls or other restricted unit sales;
 - (10) Rental income from municipally operated restricted units;
 - (11) Grants;
 - (12) Recapture funds;
 - (13) Barrier Free Escrow Funds;
 - (14) RCA Funds
 - (15) Other funds, including but not limited to: unexpended RCA funds remaining from a completed RCA project, Application fees, any other funds collected by the municipality in connection with its affordable housing programs, any other funds authorized to be deposited in a municipal housing trust fund under the Fair Housing Act, the Fair Housing Act Regulations or any other law.
- B. The barrier free escrow funds deposited in the Affordable Housing Trust Fund shall at all times be identifiable by source and amount and shall be used by the Township for the sole purpose of making the adaptable entrance of any restricted unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the restricted unit and requires an accessible entrance.
- C. Within 21 days from the opening of the Affordable Housing Trust Fund account and/or within 21 days of any change in banks or other financial institutions in which Affordable Housing Trust Fund are deposited, the Township shall provide the Division of Local Planning Services within the DCA with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and the Division, to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.2(a) and N.J.A.C. 5:99-3.1(h).
- D. All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by the DCA or in an Spending Plan approved by the Court.

- E. In the event any of the conditions described at N.J.A.C. 5:99-5.6 occur, the Division of Local Planning Services within the DCA shall be authorized, on behalf of the Township, to direct the manner in which all funds in the affordable housing trust fund shall be expended in accordance with the Fair Housing Act Regulations. In addition, pursuant to N.J.A.C. 5:99-1.1(c), if the Township is found to be not in compliance with the Fair Housing Act Regulations, it is subject to forfeiture of any and all funds remaining in the Affordable Housing Trust Fund.

§ 110-12. Use of funds.

- A. The expenditure of all funds shall conform to the Spending Plan approved by the Court and/or the DCA. Funds deposited in the Affordable Housing Trust Fund may be used for any activity identified in the Spending Plan and/or approved by Court or the DCA to address the Township's affordable housing obligation and may be set up as a grant or revolving loan program, subject to any limitations set forth in the Fair Housing Act Regulations. Such activities include, but are not limited to, any activity permitted pursuant to N.J.A.C. 5:99-2.3 through 5:99-2.8. Affordable Housing Trust Funds may also be used for emergent opportunities to create affordable housing that have been approved by DCA in accordance with N.J.A.C. 5:99-4.1.
- B. Affordable Housing Trust Funds shall not be expended to reimburse the Township for past housing activities.
- C. A portion of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-income households, low-income households and moderate-income households, as those terms are defined in N.J.A.C. 5:99-1.2, occupying restricted units included in the Township's Fair Share Plan. A portion of development fees collected shall be used to provide affordability assistance to very-low-income households. Affordability assistance shall be provided in accordance with N.J.A.C. 5:99-2.5 and the Township's Spending Plan.
- D. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:99-2.5(b).
- E. No more than 20 percent of all Affordable Housing Trust Funds, exclusive of those collected prior to July 17, 2008, to fund a Regional Contribution Agreement, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4(a). Activities set forth in N.J.A.C. 5:99-2.2(f) are not eligible uses of the Affordable Housing Trust Fund. Eligible administrative expenses include any activities authorized in N.J.A.C. 5:99-2.4.

§ 110-13. Monitoring.

The Township shall prepare and submit to DCA all monitoring reports and other information required to be reported to DCA in the Fair Housing Act and/or Fair Housing Act Regulations.

§ 110-14. Ongoing collection of fees.

The Township's ability to impose, collect and expend development fees shall continue so long as the Township maintains its status as a compliant municipality, as that term is defined in N.J.A.C. 5:99-1.2. If the Township has failed to maintain its status as a compliant municipality, it shall be subject to the following until it has regained its status as a compliant municipality:

- A. The Township shall not impose and collect residential development fees.
- B. The Township shall not retroactively impose a residential development fee on a development after the Township subsequently regains its status as a compliant municipality.
- C. The Township shall continue to impose and collect non-residential development fees pursuant to the Statewide Non-Residential Development Fee Act, which shall be paid to the New Jersey State Treasurer in accordance with N.J.A.C. 5:99-3.1 in a manner and on such forms as required by the Treasurer, provided that a certified proof concerning the payment shall be furnished by the Treasurer, to the Township.
- D. The Township shall not retain or expend non-residential development fees.

§ 110-14.1. Impact of Other Applicable Laws.

This article and the provisions set forth in §§ 110-5 through 110-14 above are being adopted in accordance with the policies, procedures and requirements of the Fair Housing Act, the Fair Housing Act Regulations and the Statewide Non-Residential Development Fee Act. In the past, laws have been enacted that have imposed a moratorium on collection of development fees, such as Sections 36 through 41 of P.L. 2009, C. 90, known as the "Economic Stimulus Act of 2009," which in relevant part, suspended the imposition of the non-residential development fee imposed by the Statewide Non-Residential Development Fee Act, for non-residential development for which preliminary or final site plan approval, or capital project review pursuant to N.J.S.A. 40:55D-31, was obtained prior to July 1, 2010, provided that a permit for the construction of the building has been issued by the local enforcing agency prior to January 1, 2013. Imposition and collection of development fees shall be subject to and be in accordance with all applicable laws in effect at the time of imposition and collection of the applicable development fee.

ORDINANCE NO. 07-2026

**AN ORDINANCE OF THE MAYOR AND COMMITTEE
OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY, AMENDING CHAPTER 225
ZONING OF THE HARRISON TOWNSHIP CODE TO ADD TO ARTICLE II
RESIDENTIAL DISTRICTS §225-15.2 R-9 SPECIAL RESIDENTIAL DISTRICT**

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, pursuant to that authority, and the authority set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) to adopt zoning ordinances, the Township has determined it is in the best interest of the Township of Harrison to create a new R-9 Special Residential District on property known as Block 5, Lots 10, 11 and 13 to permit age-restricted residential development with a mandatory 20% set aside for affordable housing.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harrison, Gloucester County, State of New Jersey, as follows:

1. The Township hereby amends Article II “Residential Districts” of Chapter 225, “Zoning” of the Code of the Township of Harrison to add a new Section 225-15.2 “R-9 Special Residential District,” as set forth in Exhibit A attached hereto.

2. Block 5, Lots 10, 11 and 13 are hereby rezoned to the R-9 Special Residential District.

3. Section 225-5, entitled “Zoning Maps” of Article I, entitled “General Provisions” of Chapter 225, “Zoning” of the Code of the Township of Harrison is hereby amended by way of an amendment to the Zoning Map to rezone Block 5, Lots 10, 11 and 13 as the R-9 Special Residential District in accordance with this Ordinance. The Zoning Map shall be amended to reflect this new overlay zone.

4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

6. The Township finds that this Ordinance is not substantially consistent with or designed to effectuate the Housing Element and Fair Share Plan that was adopted on June 19, 2025 (“2025 HEFSP”). However, the Township finds that adoption of this Ordinance is appropriate because circumstances have changed since the adoption of the 2025 HEFSP. The Township makes this finding because:

- a. One of the compliance mechanisms in the Third Round, Mullica West Senior Development, has proposed to provide family units instead of senior units and the Township has determined it is appropriate to allow this change to occur because the developer has already constructed 216 family affordable units in a 100% affordable housing project and this change would allow the new units to be better integrated into the existing development.
- b. By converting the Mullica West Senior Development into family units, the Township is not providing any senior affordable housing units in the Third Round. However, approximately 28% of the Township’s population is age 55 years and older, and at least 30% of the population of Region 5, which Harrison Township’s housing region, is 55 years and older. Therefore, it is appropriate to ensure that a sufficient amount of senior housing is provided to meet the needs of the senior population, including a sufficient amount of senior affordable units.
- c. Adoption of this ordinance allows the Township to create a realistic opportunity for the creation of a sufficient amount of senior affordable housing units to meet the needs of senior households in Region 5 and furthers the goals of the Mount Laurel

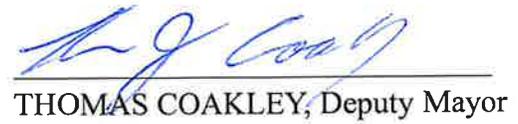
Doctrine, which is to provide an opportunity for a variety and choice of housing for all categories of people.

7. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF HARRISON


JULIE CUNDEY, Township Clerk


THOMAS COAKLEY, Deputy Mayor

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ___ day of _____, 2026.

JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the _____ day of _____, 2026.

JULIE CUNDEY, Township Clerk

EXHIBIT A

Chapter 225, Zoning

Article II, Residential Districts

Section 225-15.2, R-9 Special Residential District

§225-15.2 R-9 Special Residential District

- A. Purpose: to provide for a diversity of housing options in the Township and to provide affordable housing.
- B. General.
 - (1) The district shall be developed in a comprehensive manner pursuant to one development plan.
- C. Permitted Uses:
 - (1) In the R-9 Special Residential District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Age-restricted single family detached dwellings which comply with the age and occupancy requirements set forth in § 225-42 or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.
 - (b) Age-restricted townhouses, but excluding stacked townhouses which comply with the age and occupancy requirements set forth in § 225-42 or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607;
 - (c) Age-restricted mid-rise apartments with elevators which comply with the age and occupancy requirements set forth in § 225-42 or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607;
 - (d) Community and indoor and outdoor recreational amenities, including but not limited to clubhouse, rental office, management office, swimming pools, tot

lots, playgrounds, dog parks, benches, gazebos, pavilions and fire pits. If one or more of these are combined into a single lot, then they shall be collectively considered a single principle permitted use;

(e) Stormwater Facilities;

(f) Utility Infrastructure including but not limited to pump stations, water tanks, above ground heated enclosure, transformers, ac units, generators.

- (2) Affordable Housing Set-Aside. At least 20% of the total residential units developed on the tract shall be reserved for, and deed restricted in accordance with the most current version of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), in effect at the time of application for a construction permit, Chapter 67, Affordable Housing, of the Harrison Township Code, as may be amended and supplemented, the most current version of the Harrison Township Housing Element and Fair Share Plan, and the provisions of this Section 225-15.2. All affordable units shall comply with UHAC and Chapter 67 of the Township Code. To the extent there is a conflict between the Township ordinances and UHAC, UHAC standards shall apply.
- (3) Homeowners' association. All permitted uses within a development shall be included in one (1) homeowner's association. The homeowner's association shall become the owner of all lands to be dedicated to recreation, open space, wetlands, stormwater management and/or utility infrastructure, and shall be responsible for the maintenance of all such areas. Affordable units shall be part of the same homeowner's association as the market rate units, and affordable units shall be offered the same access to community and indoor and outdoor recreational amenities, stormwater facilities, utility infrastructure, building ingress and egress and site ingress and egress, as are available to the market-rate units. The master deeds and declaration of covenants and restrictions shall not distinguish between affordable units and market rate units in the calculation of association fees or special assessments in accordance with UHAC.
- (4) Conditional Use. In the R-9 District, a tract may be developed in accordance with the R-2 Residence District Zoning, subject to the following conditions:
- (a) The development must strictly comply with all of the requirements of the R-2 Residence District zoning, including all bulk requirements and accessory uses;
- (b) If seven (7) or more residential units are proposed, at least 15% of the total residential units developed on the tract shall be reserved for, and deed restricted in accordance with the most current version of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), in effect at the time of application for a construction permit, Chapter 67, Affordable Housing,

of the Harrison Township Code, as may be amended and supplemented, the most current version of the Harrison Township Housing Element and Fair Share Plan, and the provisions of this Section 225-15.2; and

- (c) The development is proposed on a tract that is at least 60 acres or more.
- (5) Accessory uses. In the R-9 District, the following uses may be permitted as accessory uses:
- (a) Parking; on/off street parking and loading, bicycle racks, electric vehicle recharging facilities
 - (b) Dumpsters, trash compactors, and other trash, recycling, utility, or maintenance structures, enclosures or facilities
 - (c) Street furnishings, planters, streetlights, and exterior, garden-type shade structures
 - (d) Fences and walls
 - (e) Decks, patios, and terraces.
 - (f) Mailbox clusters
 - (g) Loading/delivery areas
 - (h) Signage, including directional and informational
 - (i) Ground Maintenance Storage Buildings
 - (j) Sidewalks and pathways
 - (k) Bus stop
 - (l) Sales offices
 - (m) Fire pit
 - (m) Other accessory uses and/or amenities customarily incidental to the principal permitted use as approved by the Joint Land Use Board
- (6) Temporary Uses. Following the creation of the homeowner's association, the following temporary uses shall be permitted, but only until the last residential unit

within the homeowner's association has been sold: Construction trailers and model homes.

D. District Area and Bulk Requirements. The following shall be the bulk standards for the R-9 Special Residential District:

(1) Tract development.

(a) Minimum tract area: 60 acres.

(b) Minimum building setbacks. Building façade to tract line: 30 feet from the tract line. The building façade is the building elevation facing a public street, roadway, or highway.

(c) Minimum buffer from tract line to parking, drive aisle, or turnaround area: 25 feet excluding access drives and signs.

(d) Maximum permissible development density:

[1] The gross per tract shall not exceed 6 dwelling units per net acre.

[2] The gross density in the zone shall not exceed 720 total dwellings.

[3] The maximum units per building in a townhouse structure shall be 8 units per building.

[4] The maximum units per building for mid-rise apartments shall be 36 units per building.

(e) Maximum building height: three stories and 45 feet.

(f) Maximum building coverage:

[1] Lot: 50%

[2] Tract: 30%.

(g) Maximum impervious coverage:

[1] Lot: 70%

[2] Tract: 50%

(h) Minimum building setbacks from public streets, internal private streets, and drives:

[1] Existing Arterial roadways: 50 feet from proposed right-of-way line.

[2] Existing Collector roadways: 50 feet from edge of pavement or curb or 18 feet from the sidewalk edge closest to the building, whichever distance is greater.

[3] Existing and Proposed Residential streets: 28' feet from right-of-way line or 18 feet from the sidewalk edge closest to the building, whichever distance is greater.

(i) Minimum building setbacks from parking spaces (excluding garage and driveway spaces): 10 feet.

(j) Driveway setbacks:

[1] Interior Townhouse unit driveway setback from property line: 0 feet

[2] Exterior Townhouse unit driveway setback from property line: 5 feet

[3] Single family dwelling unit driveway setback from property line: 5 feet

(k) Mailbox clusters and package pavilions are excluded from these setback requirements but subject to Fire Chief requirements.

(2) Distances between structures. In Townhouses or Mid-rise Apartments, the following distances shall be maintained between structures.

(a) End wall to window wall: 20 feet minimum.

(b) Window wall to window wall (separate buildings): 20 feet minimum.

(c) Window wall to window wall (in the same building): 40 feet minimum, exclusive of architectural accents, including, but not limited to, nooks, notches, or bays.

(d) Townhouse minimum building size is 20 feet by 40 feet, separated by 20 feet side-to-side, 40 feet back-to-back, and 40 feet back-to-side.

(e) Minimum building setbacks from lot line:

[1] Front yard setback: 18 feet.

[2] Side yard setback:

[a] Interior unit in row of townhouses including stacked townhouses: 0 feet.

[a] End units in row of townhouses including stacked townhouses: 5 feet.

[b] Rear yard setback: 20 feet, except that Townhouses may have a rear deck extending 10 feet into the rear yard setback.

(3) Bulk and Area Regulations for Specific Permitted Uses

(a) Community and indoor and outdoor recreational amenities, including but not limited to clubhouse, rental office, management office, swimming pool, tot lot, playgrounds, dog parks, benches, gazebo, pavilion and fire pits.

[1] Minimum Front, Side and Rear Yard Setbacks of 10 feet.

[2] 65% Maximum Building Coverage.

[3] 85% Maximum Impervious Coverage.

[4] Maximum building height of 35 feet, or as approved by Planning Board to accommodate specific amenities.

[5] Minimum lot size: N/A

[6] Minimum lot frontage: N/A

(b) Stormwater Facilities.

[1] Minimum Front, Side and Rear Yard Setbacks of 3 feet.

[2] Minimum lot size: N/A

[3] Minimum lot frontage: N/A

(c) Utility Infrastructure including but not limited to pump stations, water tanks, above ground heated enclosure, transformers, ac units, generators.

[1] Minimum Front, Side and Rear Yard Setbacks of 3 feet.

[2] 85% Maximum Building Coverage.

[3] 95% Maximum Impervious Coverage.

[4] Minimum lot size: N/A

[5] Minimum lot frontage: N/A

(d) Single-Family Residential

- a. Minimum Lot Area: 12,500-SF
- b. Minimum Lot width at setback: 50-feet
- c. Minimum front yard setback: 20 feet
- d. Minimum side yard setback: 10 feet one, 20 feet combined
- e. Minimum rear yard setback: 20 feet
- f. Minimum building height: 35 feet, 2.5 stories
- g. Minimum lot depth: 90 feet
- h. Maximum impervious coverage: 35%

D. Design criteria.

(1) Building site design principles.

(a) Overall principles.

- [1] While not required, all buildings shall try to integrate the design standards set forth in § 174-13 as related to architectural style and materials.
- [2] Screening of private outdoor living areas shall be addressed and may be accomplished with plant materials, masonry structures or wood fencing. Architectural elements such as masonry walls and fences shall be compatible in both style and materials with the dwelling unit of which it is part.
- [3] The design of all accessory uses, including but not limited to street furnishings, planters, streetlights, exterior garden-type shade structures, fences, walls, decks, patios, and terraces, shall complement the architectural style, type, and design of the buildings and the overall project design.

(b) Townhouses

[1] Townhouse structures shall be limited to eight ground floor units per structure. No stacked townhouses shall be permitted. Townhouse units shall be grouped in clusters of consistent architectural design. Architectural treatment, roof changes or vertical or horizontal offsets of a minimum of two feet to create visual breaks on the exterior of buildings should be provided.

[2] Open balconies or outdoor private living spaces for individual dwelling units shall be provided for both market rate unit and affordable units. Balconies integrated into the architectural facade shall be considered as architectural offsets if more than two feet in depth.

(c) Mid-rise apartments.

[1] Open balconies, decks, patios, or garages at the ground floor units should be provided. Balconies integrated into the architectural facade shall be considered as architectural offsets if more than two feet in depth.

[2] Architectural treatment, roof or parapet changes, or jogs of a minimum of two feet to create visual breaks on the exterior of the buildings should be provided.

[3] Architectural treatments, porticos and material changes at points of principal entry should be provided.

(2) Vehicular, bicycle, and pedestrian circulation.

(a) Access. One access point, to and from the tract, shall be permitted for every 300 feet of frontage. Access drives or driveways shall be provided in accordance with the criteria provided in this section.

(b) General vehicular circulation design principles.

[1] The street system should utilize, where appropriate, cul-de-sac, roundabouts, loop streets, and other suitable forms of street layout. Varying street widths according to their intended traffic carrying and parking purposes are encouraged.

[2] If only one access point to and from the tract is provided, an emergency access drive shall be provided in the location recommended by the

Township Fire Chief. Adequate access and on-site circulation for emergency vehicles shall be provided at the direction of the Fire Marshal.

[3] Road and driveway connections from main roads shall be located at grade and not below the crest of vertical curves.

[4] Vehicular connections to adjacent properties may be provided where appropriate.

(c) Pedestrian circulation.

[1] Comprehensive on-site pedestrian circulation shall be provided that includes ADA-compliant crosswalks at all internal intersections and sidewalks along both sides of all roads.

[2] Traffic control devices, namely stop signs, shall be installed at all three-way and four-way intersections.

[3] Traffic calming features shall be installed at the discretion of the Joint Land Use Board.

[4] A comprehensive bicycle and pedestrian plan shall be provided that takes into consideration future development at the state, county, and local level. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space and amenities, as determined, to be appropriate and feasible. This plan shall identify the location and amount of all proposed bicycle parking spaces.

[5] Thermoplastic and laddered or paved crosswalks, a minimum of six feet in width and stop bar, as well as stop sign, shall be placed across all curb cuts, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

(3) Parking and loading requirements.

(a) On and Off-street parking. The standards set forth in the RSIS shall govern all on and off-street parking. Parking stalls for residents and visitors shall be located near dwelling unit entrances. To the extent there is a conflict between this ordinance and RSIS, RSIS standards shall apply; however, driveway and/or garage combinations on individual townhouse lots shall only count towards on-site parking requirements for the individual lot on which they are

located and shall not be counted as parking otherwise available for the overall tract.

(b) EV charging stations. The standards set forth in the Model Statewide Municipal Electric Vehicle (EV) Ordinance published by the New Jersey Department of Community Affairs on September 1, 2021, shall govern the requirements for the installation of electric vehicle charging stations as required under P.L. 2021, c. 171. (N.J.S.A. 40:55D-66.18 et seq.). Locations of make-ready parking spaces shall be approved by the Planning Board as part of site plan review.

(c) Location of parking spaces.

[1] Parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served. All parking spaces, except for required on-street visitor parking spaces required in RSIS, shall be located on the same lot as the dwelling unit. All single family detached units and all townhouses shall have a driveway sufficient to accommodate at least one off-street parking space, regardless of whether it is an affordable unit or a market rate unit.

[2] A parking space plan addressing parking space allocations shall be submitted with the site plan application.

(d) Bicycle parking design principles.

[1] Location. Bicycle parking facilities shall be located indoors and outdoors.

[2] Mid-rise apartment buildings shall have dedicated interior space or an enclosed room for storage of bicycles.

[3] Bicycle parking spaces shall be provided at all community and indoor and outdoor recreational amenities, and at the cluster mailboxes on the same lot as those amenities. The total number of bicycle parking spaces provided on-tract for these amenities shall be 1 bicycle parking space per ten (10) dwelling units, unless the Joint Land Use Board determines that a lesser number is appropriate. The location of the bicycle parking spaces shall be conveniently located near building entrances or amenity entrances, but shall not block or impede pedestrian or automotive traffic.

(e) Off-street loading requirements.

[1] Mid-rise apartments should provide one off-street loading area for deliveries per building.

(4) Open space and recreational facilities.

(a) Common active open space calculations shall not include lands in conservation easements.

(b) Recreational facilities.

[1] Play lots. One play lot that includes facilities within the play lot for multiple age groups, including toddlers and adolescents, shall be provided in a central location on the tract so that it is easily accessible to all community members or in such other location as approved by the Joint Land Use Board. All facilities shall be ADA compliant.

[2] Passive recreation features, including walking paths, public lawns, pocket parks, civic greens, squares and plazas, shade structures, benches and other types of seating areas, should be integrated into the overall design. A jogging and walking path, a minimum width of five feet, shall be provided around the perimeter of the tract, or in such other locations as approved by the Joint Land Use Board, and shall be connected to the pedestrian circulation system.

[3] *Active recreation adult.* Active adult recreation shall be provided on tract, which shall include one or more of the following uses as a swimming pool, tennis court, a pickleball court, bocce ball court or similar indoor recreational facility or outdoor recreation facility. The active adult recreation shall be centrally located on the tract so that it is easily accessible to all community members or in such other locations as approved by the Joint Land Use Board.

(5) Landscape standards. All landscaping requirements shall conform to § 225-138 as indicated below or unless otherwise noted below.

(a) Street trees. Street trees shall be provided in addition to any buffer requirements for municipal or county streets in accordance with § 192-22.

(b) Landscape buffers. Buffers shall be provided along all site edges as provided for herein:

[1] Where existing vegetation does not exist, a twenty-five-foot landscape buffer shall be required around the entirety of the tract in compliance with § 225-138.

[2] Buffers adjacent to Richwood-Aura Road and all existing residential structures shall include trees, shrubs, and/or berming to provide full visual screening.

(c) Parking areas.

[1] Landscape islands.

[a] Each off-street parking area shall have interior islands with a minimum area equivalent to one parking space per every 10 spaces.

[b] No more than 20 parking spaces shall be placed in one row of parking without an intervening parallel landscape island.

[c] Islands shall be landscaped with shade trees and a combination of evergreen bushes and/or ground cover. Tree canopies should be no lower than seven feet and bushes no higher than three feet to allow for proper vehicular visibility.

[d] Parallel parking islands shall be a minimum of nine feet wide to allow doors to open and provide sufficient soil volume for shade trees planted in the island.

[e] Perpendicular parking islands shall be a minimum of 10 feet wide to allow for car overhang and provide sufficient soil volume for shade tree growth.

[f] All parking islands shall be protected with concrete or Belgian block curbing.

(6) Stormwater.

(a) All stormwater management on the site shall be in compliance with N.J.A.C. 7:8 and Chapter 188, Stormwater Management, of Harrison Township's General Legislation.

(b) Low-impact development techniques, such as protecting natural drainage features, using low-maintenance landscaping and natural vegetation for

retention, and minimizing lawn areas to reduce fertilizer and pesticide use, and others as required under N.J.A.C. 7:8, shall be utilized across the site.

(c) All basins on the site shall be naturalized with appropriate vegetation in accordance with best management practices as described in NJDEP's NJ Stormwater Best Management Practices Manual, as most recently amended.

(7) Sign regulations. Signage in the R9 Special Residential District shall conform to the requirements provided in this subsection.

(a) General. Each site plan application shall include a signage plan showing the specific design, location, size, height, construction, and illumination of proposed signs in accordance with the regulations contained herein.

(b) Permitted signs. The following standards shall apply to all signs in the R9 Special Residential District. No sign type other than those identified below shall be permitted.

[1] Monument signage.

[a] One monument sign shall be permitted at each access point along Richwood Aura Road and at each internal community access point entering the tract from an access easement originating at Richwood Road or Ellis Mill Road.

[b] The maximum monument sign area for signs along Richwood Aura Road, excluding the base structure, shall be 48 square feet per side.

[c] The maximum monument sign area for internal community access points, excluding the base structure, shall be 32 square feet per side.

[d] The maximum monument sign height, including structure and sign area, for signs along Richwood Aura Road shall be 8 feet. The maximum monument sign height, including structure and sign area, for signs at internal community access points shall be 4 feet including the base.

[e] The Planning Board shall have final approval on the location of the internal community access signs.

[f] All monument signs must be located outside of any sight triangle areas. Monument signs may be illuminated backlit or direct LED with no light spillage.

[2] Wayfinding signage.

[a] One freestanding or wall wayfinding sign shall be permitted for each building entrance.

[b] Freestanding wayfinding signs shall be permitted, to be spaced throughout the site for the purpose of wayfinding as needed.

[c] The maximum wayfinding sign area shall not exceed nine square feet and the letter height shall not exceed four inches.

[d] For freestanding signs, the maximum sign height, including structure and sign area, shall be eight feet above existing grade.

[3] Street address signage.

[a] Street address signage shall be provided on each building or for each individual tenant.

[b] Street address numbers shall have a maximum height of six inches on townhouse and 10 inches on mid-rise apartment buildings.

[4] Seasonal banners may be attached to light posts.

[5] Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.

(8) Loading, refuse and recycling, and service utility areas.

(a) All loading, refuse and recycling collection, service and utility areas shall be sufficient in size to collectively serve the development. The required method of screening for dumpsters, trash compactors, recycling facilities or other outdoor storage areas shall conform to the standards outlined in § 174-14G.

- (b) Outside deposit areas shall not be permitted in any required yard, setback, or buffer area, nor shall they interfere with the operation of off-street parking facilities.
- (c) Trash compactors, recycling facilities, and loading areas shall be located on the site so as to provide clear and convenient access for collection vehicles.
- (d) The applicant shall provide a waste management and recycling plan, subject to Township review and approval. Such management plan shall be submitted with an application for preliminary approval.
- (e) Refuse and recycling requirements. All refuse and recycling requirements of § 185-8 shall apply.
- (f) Outdoor waste and recycling storage areas for non-residential permitted uses.

[1] A central area consisting of trash compactors and recycling facilities may be provided to service the entire development. This area shall be conveniently located for residential deposition of waste and recyclables.

[2] Alternatively, indoor storage areas may be provided in the buildings and temporarily placed outside on days of pickup.

[3] Outdoor dumpster enclosures shall be screened with an opaque solid enclosure of at least five (5) feet in material that matches architecturally with the respective buildings. Enclosures shall have spring loaded opaque solid gates. Chain link fences and chain link fences with slats shall not be used as a dumpster enclosure.

- (g) Dwelling unit storage.

[1] Townhouse dwelling units with garages shall provide a location within the attached garage structure for storage of bins designated recyclable materials and solid waste.

[2] Townhouse dwelling units with no garages, including stacked townhouses, shall provide a shared enclosed dumpster for each building containing townhouse units in an appropriate location as determined by the Joint Land Use Board for storage of designated recyclable materials and solid waste. For buildings containing more than four (4) townhouse dwelling units, two (2) shared enclosed dumpsters shall be provided at each end of the building. Board shall determine final location of dumpsters. Outdoor

dumpster enclosures shall be screened with an opaque solid enclosure of at least five (5) feet in material that matches architecturally with the respective buildings. Enclosures shall have spring loaded opaque solid gates. Chain link fences and chain link fences with slats shall not be used as a dumpster enclosure.

[3] Mid-rise apartment building dwelling units shall provided on each floor of the mid-rise apartment building a central room containing either trash and recycling with bins for collection of recycling or a chute for trash and as separate chute for recycling terminating in a collection area within the structure.

(h) Transformers, telephone terminal boxes, and cable TV boxes located on the ground shall be screened from view with appropriate landscaping or architectural features integrated into the building or overall site design.

(i) Utility improvement including electric and other utility wires shall be underground wherever possible for safety, efficiency, and aesthetics.

(9) All dwelling units shall be serviced by public water and sewer systems, and constructed in conformance with Township standards.

(10) Snow storage and removal. Procedures for snow storage and removal shall be identified and shall be included in the homeowner's association documents. On-site salt storage shall only occur in enclosed structures.

(11) District boundaries: The following parcel referenced by block and lot designations on the Tax Map of the Township of Harrison make up the R-9 Special Residential District: Block 5, Lots 10, 11 & 13.

(13) All design and performance standards set forth in the Township Code that are not address herein remain applicable.

F. Affordable Housing Requirements.

(1) Design of Affordable Units. Design and siting of the affordable units and market rate units must comply with the occupancy standards set forth in N.J.A.C. 5:80-26.5(a)(2) and/or (a)(3), as applicable, and Chapter 67 of the Township Code. Bedroom and income distribution shall be determined by the Municipal Housing Liaison in consultation with the Administrative Agent approved by the Township for the project, at or before the time of application for a construction permit for the

first dwelling unit in the project. This shall be an essential and non-severable condition of any approval.

- (2) Compliance with settlement agreement. Full compliance with the Mediation Agreement entered into between the Township and Fair Share Housing Center, dated December 15, 2025, as may be amended and supplemented, and shall be an essential and a non-severable condition of any approval.
- (3) Construction and phasing of construction of all affordable units shall be in strict compliance with the most current version of UHAC and Chapter 67 of the Township Code in effect at the time of application for a construction permit. Administration of all affordable units shall be in accordance with the most current version of UHAC and Chapter 67 of the Township Code in effect at the time of administration. To the extent that the provisions of UHAC conflict with the provisions of the Township Ordinance, UHAC will apply. This shall be an essential and non-severable condition of any approval.
- (4) Deed Restriction. The signature of the Municipal Housing Liaison on the subdivision plan shall be a required signature for recording the subdivision plan or subdivision deed. Prior to signing the subdivision plan or subdivision deed, the developer or owner of the tract shall record a deed restriction, in the form approved by the Municipal Housing Liaison and required by UHAC, identifying the affordable units to be constructed as part of the project. This shall be an essential and non-severable condition of any approval.



ORDINANCE NO. 08-2026

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 225 ZONING OF THE HARRISON TOWNSHIP CODE TO ADD TO ARTICLE II RESIDENTIAL DISTRICTS §225-15.3 R-10 SPECIAL RESIDENTIAL DISTRICT AND REZONING

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, on June 19, 2025, the Joint Land Use Board of the Township of Harrison, acting as a planning board, adopted a Housing Element and Fair Share Plan which identified Block 41.01, Lot 1 as a potential site for the provision of a 100% family affordable housing project; and

WHEREAS, pursuant to that authority, and the authority set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) to adopt zoning ordinances, the Township has determined it is in the best interest of the Township of Harrison to create a new overlay zone to be known as the “R-10 Special Residential District” on property known as Block 41.01, Lot 1 to permit a 100% affordable multi-family residential development containing exclusively affordable

housing in order to create a realistic potential for the provision of affordable housing to satisfy, in part, the Township’s Mount Laurel obligations.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harrison, Gloucester County, State of New Jersey, as follows:

1. The Township hereby amends Article II “Residential Districts” of Chapter 225, “Zoning” of the Code of the Township of Harrison to add a new Section 225-15.3 “R-10 Special Residential District,” as set forth in Exhibit A attached hereto.

2. Block 41.01, Lot 1 is hereby rezoned to add the R-10 Special Residential District as an overlay zone on said property.

3. Section 225-5, entitled “Zoning Maps” of Article I, entitled “General Provisions” of Chapter 225, “Zoning” of the Code of the Township of Harrison is hereby amended by way of an amendment to the Zoning Map to create an overlay zone on Block 41.01, Lot 1 known as the R-10 Special Residential District in accordance with this Ordinance. The Zoning Map shall be amended to reflect this new overlay zone.

4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

6. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF HARRISON



JULIE CUNDEY, Township Clerk



THOMAS COAKLEY, Deputy Mayor

PUBLIC NOTICE

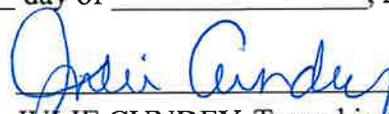
NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for

final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

EXHIBIT A

Chapter 225, Zoning

Article II, Residential Districts

Section 225-15.3, R-10 Special Residential District

§225-15.3 R-10 Special Residential District

A. Permitted Principal Uses:

- (1) Multifamily residential apartments. The maximum number of residential units shall not exceed sixty-six (66).
- (2) All residential units shall be affordable to very low-, low-, and moderate-income households and shall be family rentals.

B. Permitted Accessory Uses:

- (1) Off-street Parking and Loading; Bicycle Racks
- (2) Electric Vehicle Recharging Facilities
- (3) Stormwater Management Facilities
- (4) Utility Infrastructure
- (5) Waste and Recycling Facilities
- (6) Signage
- (7) Mailbox Cluster
- (8) Patios
- (9) Community Room
- (10) Ground Maintenance Storage Buildings
- (11) Enclosures for dumpsters or trash compactors for trash and recyclable materials
- (12) Community and indoor and outdoor recreational amenities and facilities, including but not limited to clubhouse, rental office, management office, swimming pools, tot lots, playgrounds, dog parks, benches, gazebos, pavilions and fire pits. If one or more of these are combined into a single lot, then they shall be collectively considered a single principle permitted use;

(13) Fitness center

(14) Fire pit

(15) Sidewalks and pathways

(16) Other accessory uses and amenities customarily incidental to the principal permitted use as approved by the Planning Board

C. Site Area and Bulk Requirements. The following shall be the bulk standards for the R-10 Special Residential District:

- Minimum Lot Area 10 acres
- Minimum Front Yard Setback 25 Feet
- Minimum Side Yard Setback 10 Feet to Area boundary
- Minimum Rear Yard Setback 15 Feet
- Maximum Building Height 3 stories and 45 Feet
- Maximum Building Coverage 35%
- Maximum Lot Coverage 65%
- Minimum Parking and Driveway Setback 10 Feet
- Minimum Buffer 15 Feet
- Minimum Setback and Landscaped Buffer Areas along tract Boundary:

The perimeter tract setback and buffer shall be 50'. Parking, drive aisles, trash and recycling enclosures, fencing, play areas, green infrastructure improvements, mailboxes, and similar accessory uses as determined by the Planning Board, may be permitted within the buffer area, but set back at least twenty-five feet (25') from the tract boundary, and provided with adequate landscape buffering. Stormwater management facilities and underground utilities are also permitted within the buffer area but shall be set back at least 10' from the tract boundary and provided with adequate landscaping.

D. Design Criteria.

(1) Building site design principles

(a) Minimum Distance between Principle buildings: A minimum separation of 35' shall be provided between any two residential buildings.

(b) Minimum distance of 30' separation between any residential building and any accessory building, including but not limited to a clubhouse.

(c) Mailbox clusters and package pavilions are excluded from these setback requirements but subject to Fire Marshal requirements.

(d) Principal buildings shall be setback a minimum of 75' from any tract boundary.

(2) Parking Requirements.

(a) The standards set forth in the RSIS shall govern all parking requirements as to size and number of parking spaces. Parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served.

(b) Accessible parking spaces in the quantity required to comply with State regulations governing accessible parking spaces shall be provided and shall comply with the dimensional requirements set forth by State regulations governing accessible parking spaces.

(c) No parking spaces shall be closer than 10' to a building and within 25' of a tract perimeter. This regulation shall not apply to garage and drive aisles or accessways.

(d) Electric vehicle parking spaces shall be provided as follows:

- i. Prepare as make-ready parking spaces at least fifteen percent (15%) of the required off-street parking spaces, and install EVSE in at least one-third of the fifteen percent (15%) of make-ready parking spaces;
- ii. Throughout the installation of EVSE in the make-ready parking spaces, at least five percent (5%) of the electric vehicle supply equipment shall be accessible for people with disabilities.
- iii. Locations of make-ready parking spaces shall be approved by the Planning Board as part of site plan review.
- iv. Applicant at its option may install electric vehicle supply equipment in all make-ready parking spaces prior to issuance of the initial certificate of occupancy, or may phase installation in such a manner that electric vehicle supply equipment is installed to serve "make-ready" parking spaces at not less than the rate of one third prior to issuance of the initial certificate of occupancy, one third within three (3) years of issuance of the initial certificate of

occupancy, and one third within six (6) years of issuance of the initial certificate of occupancy.

(e) Should the applicant demonstrate conformance with parking generation rates as specified in the most recent ITE Parking Generation Manual and the Planning Board deems these parking requirements to be reasonable, relief may be requested.

(f) Parking for tractor trailers and delivery trucks shall not be permitted. Exterior storage of any boat, motorhome, travel trailer, camper, recreational or commercial vehicle is prohibited.

(3) Access and Circulation.

(a) One access point, to and from the tract, shall be permitted for every 300 feet of frontage. Access drives or driveways shall be provided in accordance with the criteria provided in this section. If requested by the fire chief, an emergency access drive shall be provided. Vehicular connections to adjacent properties may be provided where appropriate.

(b) All parking and drive aisles shall comply with RSIS.

(c) Adequate access and on-site circulation for emergency vehicles shall be provided at the direction of the Fire Marshal.

(d) Comprehensive on-site pedestrian circulation shall be provided that includes ADA-compliant crosswalks at all internal intersections and sidewalks along both sides of all roads and throughout the site.

(e) A comprehensive bicycle and pedestrian plan shall be provided that takes into consideration future development at the state, county, and local level. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space and amenities, as determined, to be appropriate and feasible.

(f) Bicycle parking facilities shall be located indoors and outdoors. Indoor bicycle parking shall be a dedicated space for storage of bicycles.

(4) Lighting Design Standards. Luminaire height shall not exceed twenty feet (20'). Luminaire height to be measured from grade level to center line of fixture. LED lighting with a maximum color temperature of 3000K with

sharp cutoff luminaires shields is required. The measure of lighting intensity at the boundary of the property shall not exceed 0.1 foot-candles. Lighting intensity limits are exclusive of any driveway access points for purposes of vehicular and pedestrian safety and where additional lighting may be advantageous for pedestrian sidewalk areas. Suitable security and convenience lighting shall be provided as necessary along all walks, interior roads and off-street parking areas, with the exception of driveways, where sufficient illumination for the safety and convenience of residents and vehicular traffic shall be provided. Lighting performance criteria include provisions for residential level security, safety, and adequate (not excessive) illumination, while providing for control of offsite glare and uplighting. Lighting fixture designs shall complement building architecture.

(5) Signage

- (a) Entry signs may be monument style and illuminated backlit or direct LED with no light spillage.
- (b) Entry signs shall be monument style, not exceed thirty-six (36) S.F. in area nor 6 feet (6') in height including the base and located outside of any sight triangle areas.
- (c) Entry signs are to be set back a minimum of ten feet (10') from the right-of-way
- (d) Directional and information signs are permitted, not to exceed 18 S.F. in area.
- (e) Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.
- (f) ADA parking signs shall be provided consistent with N.J. State and Federal requirements.

(6) All dwelling units shall be serviced by public water and sewer systems, and constructed in conformance with Township standards.

(7) Loading, refuse and recycling, and service utility areas.

- (a) A central area consisting of trash compactors and recycling facilities shall be provided to service the entire development. This area shall be conveniently located for residential deposition of waste and recyclables.

- (b) All loading, refuse and recycling collection, service and utility areas shall be sufficient in size to collectively serve the development. The required method of screening for dumpsters, trash compactors, recycling facilities or other outdoor storage areas shall conform to the standards outlined in §174-14G.
 - (c) Outside deposit areas shall not be permitted in any required yard, setback, or buffer area, nor shall they interfere with the operation of off-street parking facilities.
 - (d) Trash compactors, recycling facilities, and loading areas shall be located on the site so as to provide clear and convenient access for collection vehicles.
 - (e) The applicant shall provide a waste management and recycling plan, subject to Township review and approval. Such management plan shall be submitted with an application for preliminary approval.
 - (f) Refuse and recycling requirements. All refuse and recycling requirements of §185-8 shall apply.
- E. Stormwater Management. Development shall be designed with stormwater management facilities pursuant to the design requirements of RSIS, NJDEP green infrastructure, NJAC 7:8 Stormwater Management Rules, Harrison Township Ordinances and the Standards for Soil Erosion and Sediment Control in New Jersey. Proposed Stormwater Management Facilities are required only for the proposed improvements associated with the development. Stormwater management facilities may be located and integrated within the buffer/screening areas, subject to meeting screening criteria as required by the planning board.
- F. Performance Criteria and Standards
- (1) Promote energy conservation in construction design.
 - (2) Control adverse development impacts including noise and light.
 - (3) Utility improvements, including electric and other utility wires shall be underground wherever possible for safety, efficiency, and aesthetics.
 - (4) On-site solar electric generation is recommended to advance municipal green initiatives.
 - (5) Provide ample buffering/screening so to screen views and reduce noise perception offsite.

- (6) Existing obsolete improvements are to be demolished and disposed of in accordance with all governing regulations.
- (7) Buildings are to include architectural design features that add visual interest to the residential buildings. While not required, all buildings shall try to integrate the design standards set forth in §174-13 as related to architectural style and materials.
- (8) As visible to the public, roof mounted or ground placed equipment shall be screened by appropriate architectural landscape design features.
- (9) Adequate provision shall be made through the physical design of the residential development for public services, waste, and recycling collection, control over vehicular and pedestrian traffic, the amenities of light and air, passive recreation and visual enjoyment, and stormwater management.
- (10) Screening or buffers consisting of fencing, landscaping, berms, or other improvements may be required around parking, utility and refuse disposal areas, existing adjacent residential areas, and around other similar areas as determined by the Planning Board.

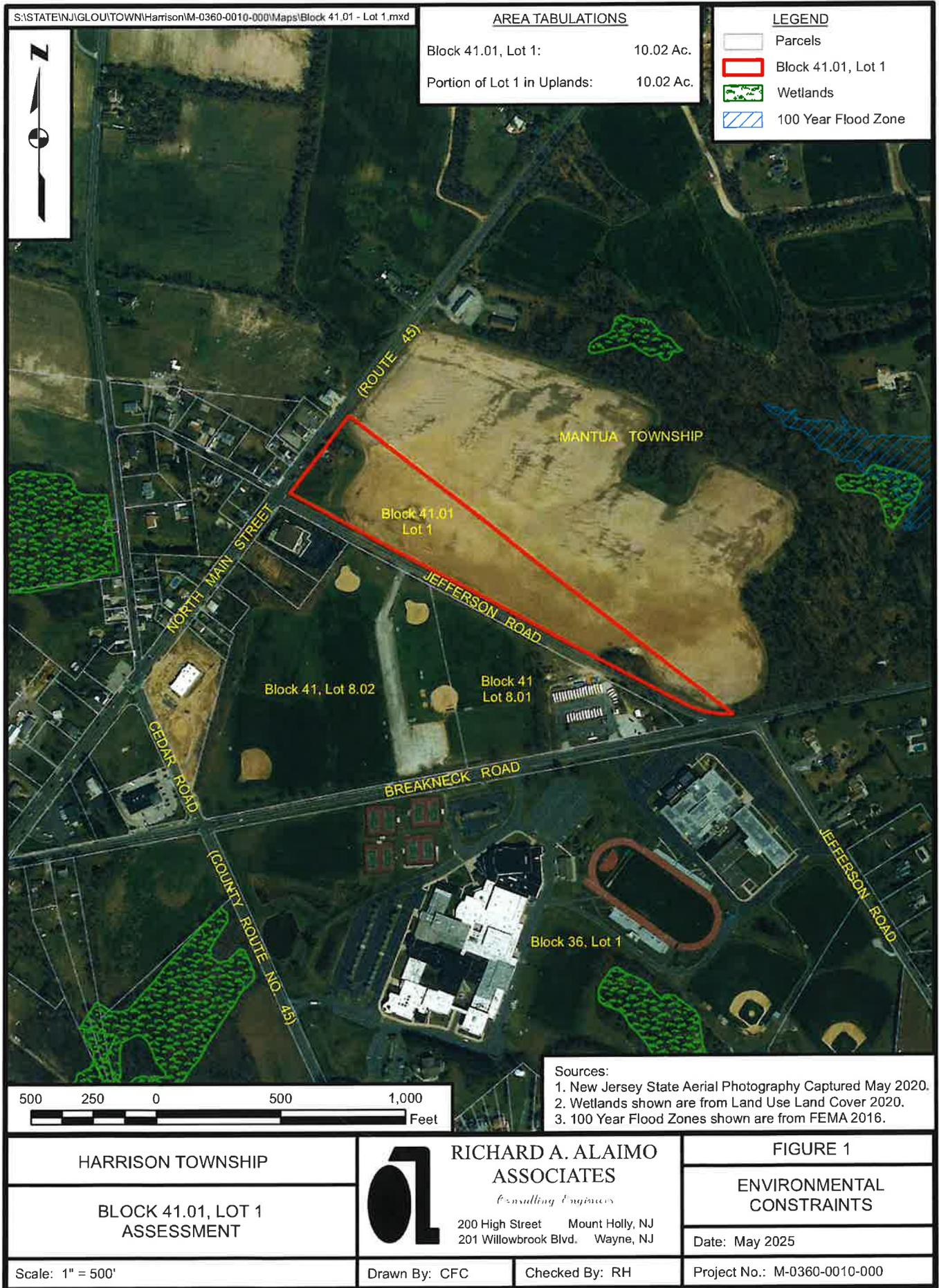
G. All design and performance standards set forth in the Township code that are not address herein remain applicable.

H. Affordable Housing Requirements.

- (1) Design of Affordable Units. Design and siting of the affordable units and market rate units must comply with the occupancy standards set forth in N.J.A.C. 5:80-26.5(a)(2) and/or (a)(3), as applicable, and Chapter 67 of the Township Code. Bedroom and income distribution shall be determined by the Municipal Housing Liaison in consultation with the Administrative Agent approved by the Township for the project, at or before the time of application for a construction permit for the first dwelling unit in the project. This shall be an essential and non-severable condition of any approval.
- (2) Compliance with settlement agreement. Full compliance with the Mediation Agreement entered into between the Township and Fair Share Housing Center, dated December 15, 2025, as may be amended and supplemented, and shall be an essential and a non-severable condition of any approval.
- (3) Construction and phasing of construction of all affordable units shall be in strict compliance with the most current version of UHAC and Chapter 67 of the Township Code in effect at the time of application for a construction permit. Administration of all affordable units shall be in accordance with the most current version of UHAC and Chapter 67 of the Township Code in

effect at the time of administration. To the extent that the provisions of UHAC conflict with the provisions of the Township Ordinance, UHAC will apply. This shall be an essential and non-severable condition of any approval.

- (4) Deed Restriction. The signature of the Municipal Housing Liaison on the subdivision plan shall be a required signature for recording the subdivision plan or subdivision deed. Prior to signing the subdivision plan or subdivision deed, the developer or owner of the tract shall record a deed restriction, in the form approved by the Municipal Housing Liaison and required by UHAC, identifying the affordable units to be constructed as part of the project. This shall be an essential and non-severable condition of any approval.



S:\STATE\NJ\GLOU\TOWN\Harrison\M-0360-0010-000\Maps\Block 41.01 - Lot 1.mxd

AREA TABULATIONS

Block 41.01, Lot 1:	10.02 Ac.
Portion of Lot 1 in Uplands:	10.02 Ac.

LEGEND

- Parcels
- Block 41.01, Lot 1
- Wetlands
- 100 Year Flood Zone



Sources:
 1. New Jersey State Aerial Photography Captured May 2020.
 2. Wetlands shown are from Land Use Land Cover 2020.
 3. 100 Year Flood Zones shown are from FEMA 2016.

HARRISON TOWNSHIP

BLOCK 41.01, LOT 1
ASSESSMENT



RICHARD A. ALAIMO ASSOCIATES
Consulting Engineers
 200 High Street Mount Holly, NJ
 201 Willowbrook Blvd. Wayne, NJ

FIGURE 1

ENVIRONMENTAL CONSTRAINTS

Date: May 2025

Scale: 1" = 500'

Drawn By: CFC

Checked By: RH

Project No.: M-0360-0010-000

ORDINANCE NO. 09-2026

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 225 ZONING OF THE HARRISON TOWNSHIP CODE TO ADD TO ARTICLE II RESIDENTIAL DISTRICTS §225-15.4 R-11 SPECIAL RESIDENTIAL DISTRICT AND REZONING

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, on June 19, 2025, the Joint Land Use Board of the Township of Harrison, acting as a planning board, adopted a Housing Element and Fair Share Plan which identified Block 56, Lot 3 as a potential site for the provision of a 100% family affordable housing project; and

WHEREAS, pursuant to that authority, and the authority set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) to adopt zoning ordinances, the Township has determined it is in the best interest of the Township of Harrison to create a new overlay zone to be known as the “R-11 Special Residential District” on a portion of the property known as Block 56, Lot 3 to permit a 100% affordable multi-family senior residential development containing

exclusively senior affordable housing in order to create a realistic potential for the provision of affordable housing to satisfy, in part, the Township’s Mount Laurel obligations.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harrison, Gloucester County, State of New Jersey, as follows:

1. The Township hereby amends Article II “Residential Districts” of Chapter 225, “Zoning” of the Code of the Township of Harrison to add a new Section 225-15.4 “R-11 Special Residential District,” as set forth in Exhibit A attached hereto.

2. Block 56, Lot 3 is hereby rezoned to add the R-11 Special Residential District as an overlay zone on said property.

3. Section 225-5, entitled “Zoning Maps” of Article I, entitled “General Provisions” of Chapter 225, “Zoning” of the Code of the Township of Harrison is hereby amended by way of an amendment to the Zoning Map to create an overlay zone on Block 56, Lot 3 known as the R-11 Special Residential District in accordance with this Ordinance. The Zoning Map shall be amended to reflect this new overlay zone.

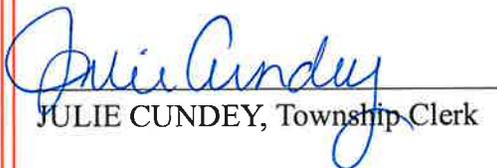
4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

6. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF HARRISON


JULIE CUNDEY, Township Clerk


THOMAS COAKLEY, Deputy Mayor

PUBLIC NOTICE

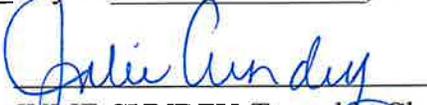
NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for

final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

EXHIBIT A

Chapter 225, Zoning

Article II, Residential Districts

Section 225-15.4, R-11 Special Residential District

§225-15.4 R-11 Special Residential District

A. Permitted Principal Uses:

- (1) Age-restricted multifamily residential apartments. The maximum number of residential units shall not exceed sixty-six (66).
- (2) All residential units shall be affordable to very low-, low-, and moderate-income households and shall be age-restricted rentals which comply with the age and occupancy requirements set forth in § 225-42 or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

B. Permitted Accessory Uses:

- (1) Off-street Parking and Loading; Bicycle Racks
- (2) Electric Vehicle Recharging Facilities
- (3) Stormwater Management Facilities
- (4) Utility Infrastructure
- (5) Waste and Recycling Facilities
- (6) Signage
- (7) Mailbox Cluster
- (8) Patios
- (9) Community Room
- (10) Ground Maintenance Storage Buildings
- (11) Enclosures for dumpsters or trash compactors for trash and recyclable materials
- (12) Community and indoor and outdoor recreational amenities or facilities, including but not limited to clubhouse, rental office, management office,

swimming pools, tot lots, playgrounds, dog parks, benches, gazebos, pavilions and fire pits. If one or more of these are combined into a single lot, then they shall be collectively considered a single principle permitted use.

- (13) Fitness center
- (14) Fire pit
- (15) Sidewalks and pathways
- (16) Other accessory uses and amenities customarily incidental to the principal permitted use as approved by the Planning Board

C. Site Area and Bulk Requirements. The following shall be the bulk standards for the R-11 Special Residential District:

- Minimum Lot Area 10 acres
- Minimum Front Yard Setback 25 Feet
- Minimum Side Yard Setback 10 Feet to Area boundary
- Minimum Rear Yard Setback 15 Feet
- Maximum Building Height 3 stories and 45 Feet
- Maximum Building Coverage 35%
- Maximum Lot Coverage 65%
- Minimum Parking and Driveway Setback 10 Feet
- Minimum Buffer 15 Feet
- Minimum Setback and Landscaped Buffer Areas along tract Boundary:

The perimeter tract setback and buffer shall be 50'. Parking, drive aisles, trash and recycling enclosures, fencing, play areas, green infrastructure improvements, mailboxes, and similar accessory uses as determined by the Planning Board, may be permitted within the buffer area, but set back at least twenty-five feet (25') from the tract boundary, and provided with adequate landscape buffering. Stormwater management facilities and underground utilities are also permitted within the buffer area but shall be set back at least 10' from the tract boundary and provided with adequate landscaping.

D. Design Criteria.

- (1) Building site design principles
 - (a) Minimum Distance between Principle buildings: A minimum separation of 35' shall be provided between any two residential buildings.

- (b) Minimum distance of 30' separation between any residential building and any accessory building, including but not limited to a clubhouse.
- (c) Mailbox clusters and package pavilions are excluded from these setback requirements but subject to Fire Marshal requirements.
- (d) Principal buildings shall be setback a minimum of 75' from any tract boundary.

(2) Parking Requirements.

- (a) The standards set forth in the RSIS shall govern all parking requirements as to size and number of parking spaces. Parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served.
- (b) Accessible parking spaces in the quantity required to comply with State regulations governing accessible parking spaces shall be provided and shall comply with the dimensional requirements set forth by State regulations governing accessible parking spaces.
- (c) No parking spaces shall be closer than 10' to a building and within 25' of a tract perimeter. This regulation shall not apply to garage and drive aisles or accessways.
- (d) Electric vehicle parking spaces shall be provided as follows:
 - i. Prepare as make-ready parking spaces at least fifteen percent (15%) of the required off-street parking spaces, and install EVSE in at least one-third of the fifteen percent (15%) of make-ready parking spaces;
 - ii. Throughout the installation of EVSE in the make-ready parking spaces, at least five percent (5%) of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - iii. Locations of make-ready parking spaces shall be approved by the Planning Board as part of site plan review.
 - iv. Applicant at its option may install electric vehicle supply equipment in all make-ready parking spaces prior to issuance of the initial certificate of occupancy, or may phase installation in such a manner that electric vehicle supply equipment is installed to serve "make-ready" parking spaces at not less than the rate of one

third prior to issuance of the initial certificate of occupancy, one third within three (3) years of issuance of the initial certificate of occupancy, and one third within six (6) years of issuance of the initial certificate of occupancy.

- (e) Should the applicant demonstrate conformance with parking generation rates as specified in the most recent ITE Parking Generation Manual and the Planning Board deems these parking requirements to be reasonable, relief may be requested.
 - (f) Parking for tractor trailers and delivery trucks shall not be permitted. Exterior storage of any boat, motorhome, travel trailer, camper, recreational or commercial vehicle is prohibited.
- (3) Access and Circulation.
- (a) One access point, to and from the tract, shall be permitted for every 300 feet of frontage. Access drives or driveways shall be provided in accordance with the criteria provided in this section. If requested by the fire chief, an emergency access drive shall be provided. Vehicular connections to adjacent properties may be provided where appropriate.
 - (b) All parking and drive aisles shall comply with RSIS.
 - (c) Adequate access and on-site circulation for emergency vehicles shall be provided at the direction of the Fire Marshal.
 - (d) Comprehensive on-site pedestrian circulation shall be provided that includes ADA-compliant crosswalks at all internal intersections and sidewalks along both sides of all roads and throughout the site.
 - (e) A comprehensive bicycle and pedestrian plan shall be provided that takes into consideration future development at the state, county, and local level. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space and amenities, as determined, to be appropriate and feasible.
 - (f) Bicycle parking facilities shall be located indoors and outdoors. Indoor bicycle parking shall be a dedicated space for storage of bicycles.
- (4) Lighting Design Standards. Luminaire height shall not exceed twenty feet (20'). Luminaire height to be measured from grade level to center line of

fixture. LED lighting with a maximum color temperature of 3000K with sharp cutoff luminaires shields is required. The measure of lighting intensity at the boundary of the property shall not exceed 0.1 foot-candles. Lighting intensity limits are exclusive of any driveway access points for purposes of vehicular and pedestrian safety and where additional lighting may be advantageous for pedestrian sidewalk areas. Suitable security and convenience lighting shall be provided as necessary along all walks, interior roads and off-street parking areas, with the exception of driveways, where sufficient illumination for the safety and convenience of residents and vehicular traffic shall be provided. Lighting performance criteria include provisions for residential level security, safety, and adequate (not excessive) illumination, while providing for control of offsite glare and uplighting. Lighting fixture designs shall complement building architecture.

(5) Signage

- (a) Entry signs may be monument style and illuminated backlit or direct LED with no light spillage.
- (b) Entry signs shall be monument style, not exceed thirty-six (36) S.F. in area nor 6 feet (6') in height including the base and located outside of any sight triangle areas.
- (c) Entry signs are to be set back a minimum of ten feet (10') from the right-of-way
- (d) Directional and information signs are permitted, not to exceed 18 S.F. in area.
- (e) Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.
- (f) ADA parking signs shall be provided consistent with N.J. State and Federal requirements.

(6) All dwelling units shall be serviced by public water and sewer systems, and constructed in conformance with Township standards.

(7) Loading, refuse and recycling, and service utility areas.

- (a) A central area consisting of trash compactors and recycling facilities shall be provided to service the entire development. This area shall be conveniently located for residential deposition of waste and recyclables.

- (b) All loading, refuse and recycling collection, service and utility areas shall be sufficient in size to collectively serve the development. The required method of screening for dumpsters, trash compactors, recycling facilities or other outdoor storage areas shall conform to the standards outlined in §174-14G.
- (c) Outside deposit areas shall not be permitted in any required yard, setback, or buffer area, nor shall they interfere with the operation of off-street parking facilities.
- (d) Trash compactors, recycling facilities, and loading areas shall be located on the site so as to provide clear and convenient access for collection vehicles.
- (e) The applicant shall provide a waste management and recycling plan, subject to Township review and approval. Such management plan shall be submitted with an application for preliminary approval.
- (f) Refuse and recycling requirements. All refuse and recycling requirements of §185-8 shall apply.

E. Stormwater Management. Development shall be designed with stormwater management facilities pursuant to the design requirements of RSIS, NJDEP green infrastructure, NJAC 7:8 Stormwater Management Rules, Harrison Township Ordinances and the Standards for Soil Erosion and Sediment Control in New Jersey. Proposed Stormwater Management Facilities are required only for the proposed improvements associated with the development. Stormwater management facilities may be located and integrated within the buffer/screening areas, subject to meeting screening criteria as required by the planning board.

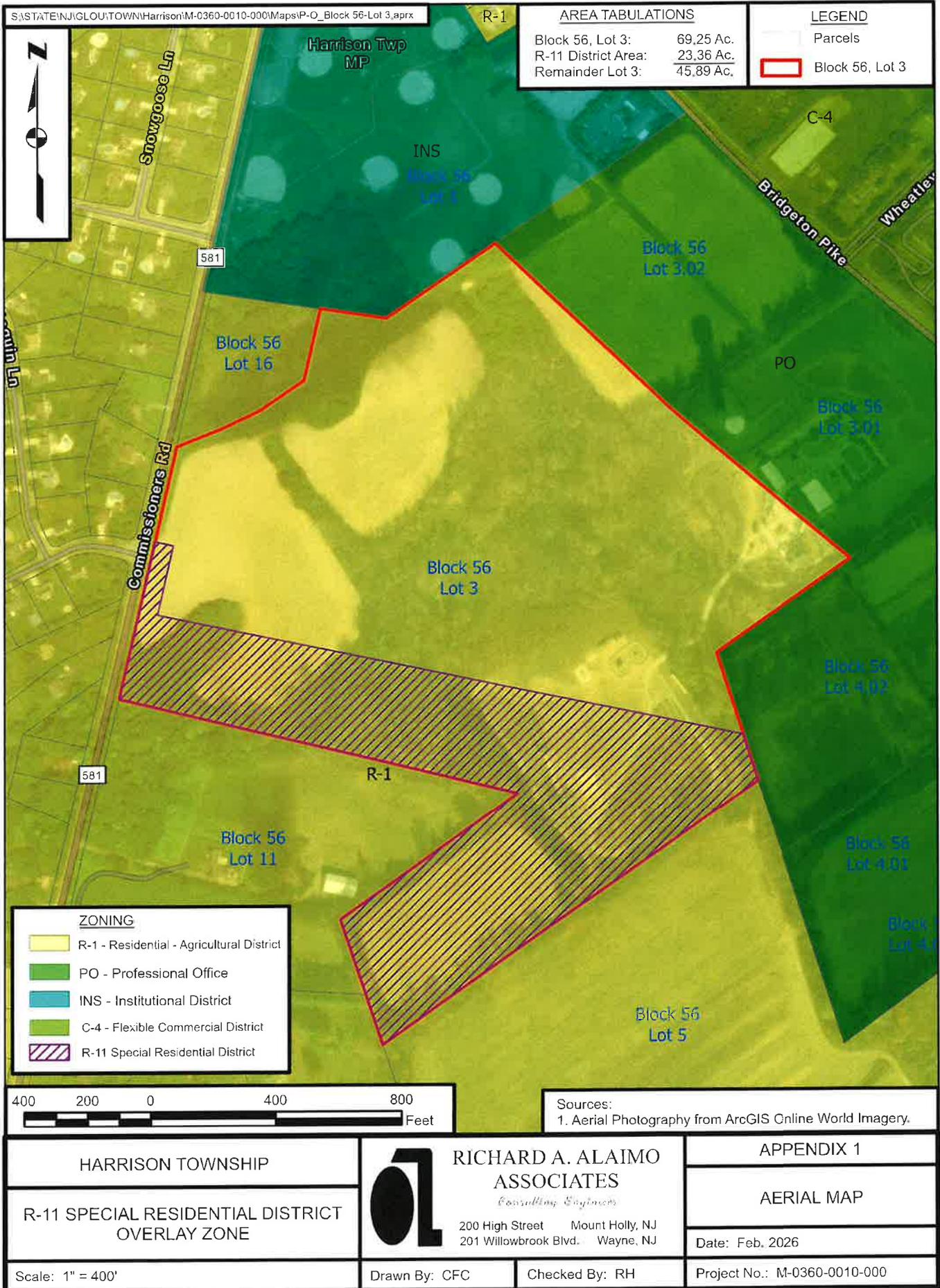
F. Performance Criteria and Standards

- (1) Promote energy conservation in construction design.
- (2) Control adverse development impacts including noise and light.
- (3) Utility improvements, including electric and other utility wires shall be underground wherever possible for safety, efficiency, and aesthetics.
- (4) On-site solar electric generation is recommended to advance municipal green initiatives.

- (5) Provide ample buffering/screening so to screen views and reduce noise perception offsite.
 - (6) Existing obsolete improvements are to be demolished and disposed of in accordance with all governing regulations.
 - (7) Buildings are to include architectural design features that add visual interest to the residential buildings. While not required, all buildings shall try to integrate the design standards set forth in §174-13 as related to architectural style and materials.
 - (8) As visible to the public, roof mounted or ground placed equipment shall be screened by appropriate architectural landscape design features.
 - (9) Adequate provision shall be made through the physical design of the residential development for public services, waste, and recycling collection, control over vehicular and pedestrian traffic, the amenities of light and air, passive recreation and visual enjoyment, and stormwater management.
 - (10) Screening or buffers consisting of fencing, landscaping, berms, or other improvements may be required around parking, utility and refuse disposal areas, existing adjacent residential areas, and around other similar areas as determined by the Planning Board.
- G. All design and performance standards set forth in the Township code that are not address herein remain applicable.
- H. Affordable Housing Requirements.
- (1) Design of Affordable Units. Design and siting of the affordable units and market rate units must comply with the occupancy standards set forth in N.J.A.C. 5:80-26.5(a)(2) and/or (a)(3), as applicable, and Chapter 67 of the Township Code. Bedroom and income distribution shall be determined by the Municipal Housing Liaison in consultation with the Administrative Agent approved by the Township for the project, at or before the time of application for a construction permit for the first dwelling unit in the project. This shall be an essential and non-severable condition of any approval.
 - (2) Compliance with settlement agreement. Full compliance with the Mediation Agreement entered into between the Township and Fair Share Housing Center, dated December 15, 2025, as may be amended and supplemented, and shall be an essential and a non-severable condition of any approval.
 - (3) Construction and phasing of construction of all affordable units shall be in strict compliance with the most current version of UHAC and Chapter 67 of

the Township Code in effect at the time of application for a construction permit. Administration of all affordable units shall be in accordance with the most current version of UHAC and Chapter 67 of the Township Code in effect at the time of administration. To the extent that the provisions of UHAC conflict with the provisions of the Township Ordinance, UHAC will apply. This shall be an essential and non-severable condition of any approval.

- (4) Deed Restriction. The signature of the Municipal Housing Liaison on the subdivision plan shall be a required signature for recording the subdivision plan or subdivision deed. Prior to signing the subdivision plan or subdivision deed, the developer or owner of the tract shall record a deed restriction, in the form approved by the Municipal Housing Liaison and required by UHAC, identifying the affordable units to be constructed as part of the project. This shall be an essential and non-severable condition of any approval.



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R-1

AREA TABULATIONS

Block 56, Lot 3:	69.25 Ac.
R-11 District Area:	23.36 Ac.
Remainder Lot 3:	45.89 Ac.

LEGEND

	Parcels
	Block 56, Lot 3



ZONING

	R-1 - Residential - Agricultural District
	PO - Professional Office
	INS - Institutional District
	C-4 - Flexible Commercial District
	R-11 Special Residential District



Sources:
1. Aerial Photography from ArcGIS Online World Imagery.

HARRISON TOWNSHIP
R-11 SPECIAL RESIDENTIAL DISTRICT
OVERLAY ZONE

RICHARD A. ALAIMO ASSOCIATES
Consulting Engineers
200 High Street Mount Holly, NJ
201 Willowbrook Blvd. Wayne, NJ

APPENDIX 1

AERIAL MAP

Date: Feb, 2026

Scale: 1" = 400'

Drawn By: CFC

Checked By: RH

Project No.: M-0360-0010-000