

ORDINANCE 5-2026

**TOWNSHIP OF MANTUA
COUNTY OF GLOUCESTER**

**ORDINANCE OF THE TOWNSHIP OF MANTUA, COUNTY OF GLOUCESTER AND
STATE OF NEW JERSEY REPEALING AND REPLACING SECTION 230-71
“MANDATORY AFFORDABLE HOUSING SETASIDE REQUIREMENTS”**

WHEREAS, in order to comply with requirements of the Township’s settlement agreement with Fair Share Housing Center, it is necessary to amend the mandatory setaside ordinance to incorporate additional language regarding the provision of affordable housing and compliance with the Township’s affordable housing requirements contained in §230-69 of the Land Development Ordinance; and

WHEREAS, it is the intent of this ordinance to require certain development projects proposed within the Township to setaside a percentage of units constructed for very-low, low-and moderate income households while complying with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq..

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Mantua, in the County of Gloucester and State of New Jersey as follows

Section I. Section 230-71 entitled “Mandatory Affordable Housing Setaside Requirements” is hereby repealed and replaced as follows:

§ 230-71 “Mandatory Affordable Housing Setaside Requirements”

- A. All residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units shall be required to setaside a minimum of 20% of the residential units for very low, low, and moderate income households, as set forth below.
- B. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more. This requirement shall not apply to sites or zoning districts identified in the Fair Share Plan where standards for the set-aside of affordable housing units have already been established.

- C. All affordable housing units shall comply with the Township's Affordable Housing Ordinance, Chapter 230, Article VIII, §230-69, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1 et seq.). This shall include but is not limited to:
- (1) The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income;
 - (2) Appropriate distribution of 1-, 2-, and 3-bedroom units;
 - (3) Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
 - (4) Minimum unit sizes by square footage for affordable housing units.
 - (5) The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Township, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
- D. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that affordable units shall be generally distributed within each building with market-rate units. The residents of the affordable units shall have full and equal access to all amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.
- E. Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
- F. Subdivision and/or site plan approval shall not be granted by the reviewing board unless the developer complies with the requirements to provide very low-, low-, and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The board may impose any reasonable conditions to ensure such compliance.

- G. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- H. In the event application of the required 20% setaside does not result in a full integer, the developer shall round the required set-aside upward and construct a whole affordable unit when 0.5 unit or more is the resulting fraction of a unit.
- I. In the event application of the required set-aside percentage to the total number of residential units proposed does not result in a full integer, the developer may round the required set-aside downward and make a payment-in-lieu of providing the affordable unit when 0.49 unit or less is the resulting fraction of a unit. The resulting fractional unit shall be multiplied by \$340,000 to determine the required payment-in-lieu. All payments-in-lieu of providing fractional units meeting the requirements of this section shall be deposited into the Mantua Township Affordable Housing Trust Fund.
- J. Any developer subject to the requirements of this section and who provides an affordable housing setaside shall not be subject to payment of residential development fees.

Section II. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Mantua declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section III. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

TOWNSHIP OF MANTUA

By:



Robert Zimmerman, Mayor

ATTEST:



Jennica Bileci, Township Clerk

Introduction: February 9, 2026

	<u>Zimmerman</u>	<u>Legge</u>	<u>Lukens</u>	<u>Snyder</u>	<u>Steen</u>
YES	✓	✓		✓	✓
NO					
ABSTAIN					
ABSENT			✓		

Public Hearing Held: March 9, 2026

	<u>Zimmerman</u>	<u>Legge</u>	<u>Lukens</u>	<u>Snyder</u>	<u>Steen</u>
YES	✓	✓	✓	✓	✓
NO					
ABSTAIN					
ABSENT					

RESOLUTION NO. 2026-17
RESOLUTION OF THE TOWNSHIP OF MANTUA LAND USE BOARD FINDING THE
PROPOSED AFFORDABLE HOUSING ORDINANCES CONSISTENT WITH THE MASTER
PLAN

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the Township Committee of the Township of Mantua has referred to the Township of Mantua Land Use Board (“Board”), acting in its capacity as a Planning Board, for its review and report to the Committee, Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026, which were introduced for a first reading before the Committee on February 9, 2026; and

WHEREAS, at its special meeting on March 3, 2026, the Board reviewed and discussed Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026 with its Affordable Housing Planner, James T. Kyle, PP/AICP (“Planner”); and

NOW, THEREFORE, the Board makes the following findings with respect to Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026

1. The Mayor and Committee have directed the Board to consider the following ordinances:
 - i. Ordinance No. 5-2026 titled “Ordinance of the Township of Mantua, County of Gloucester and State of New Jersey Repealing and Replacing Section 230-71 “Mandatory Affordable Housing Setaside Requirements”
 - ii. Ordinance No. 6-2026 titled “Ordinance of the Township of Mantua, County of Gloucester and State of New Jersey Amending Chapter 230 “Land Development”, Article IV “District Regulations” to Include New Section 230-26.1 Entitled “AH-1 Affordable Housing District”
 - iii. Ordinance No. 7-2026 titled “Ordinance of the Township of Mantua, County of Gloucester and State of New Jersey Amending Section 230-69 “Affordable Housing Requirements”
 - iv. Ordinance No. 8-2026 titled “Ordinance of the Township of Mantua, County of Gloucester and State of New Jersey Amending Chapter 98 “Affordable Housing Requirements”
2. Upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Board conducted a public hearing on June 17, 2025 to consider the draft of the proposed Housing Element and Fair Share Plan (“HEFSP”), supported by the testimony of the Planner.
3. At the June 17, 2025 hearing, the Board determined that the HEFSP was consistent with the goals and objective of the Township’s Master Plan, and that adoption and implementation of the HEFSP as an amendment to an element of the Master Plan was in the public interest, protects public health and safety, and promotes the general welfare.
4. Based upon that determination, the Board adopted the Fourth Round HEFSP prepared by the Planner and recommended that the HEFSP be formally endorsed by the Township of Mantua

Mayor and Committee in furtherance of its constitutional obligations with respect to affordable housing.

5. On August 25, 2025, Fair Share Housing Center (“FSHC”) objected to the Township’s HEFSP, which was resolved by a settlement agreement, authorized by the Township Committee by Resolution R-148-2025.
6. The settlement agreement required that the adopted HEFSP be amended. The Board adopted the amended HEFSP at a special meeting on March 3, 2026.
7. Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026 are intended to implement the HEFSP by re-establishing Township wide regulations and standards to govern the development of very low-, low- and moderate-income affordable housing units in the Township as may be approved by the Township and the Board and is intended to regulate these very low, low- and moderate-income units in a manner that is transparent and consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (“COAH”) regulations.
8. Pursuant to N.J.S.A. 40:55D-26, the Board is charged with preparing a report including identifying any provisions in the proposed development regulations which are inconsistent with the Master Plan and with providing recommendations concerning these inconsistencies and any other matter that the Board deems appropriate.
9. The Board finds that Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026 are consistent with the Master Plan and does not have any recommendations for Township Committee.

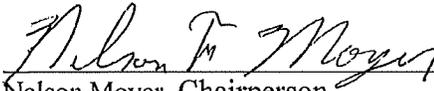
NOW THEREFORE BE IT RESOLVED that the Township of Mantua Land Use Board, acting in its capacity as a Planning Board, hereby finds that Ordinance No. 5-2026, 6-2026, 7-2026 and 8-2026 are consistent with the Master Plan.

ATTEST:

**TOWNSHIP OF MANTUA
LAND USE BOARD**



 Jessica Taylor
 Land Use Board Secretary



 Nelson Moyer, Chairperson

RESOLUTION NO. 2026-12

RESOLUTION OF THE LAND USE BOARD, IN ITS CAPACITY AS A PLANNING BOARD, OF THE TOWNSHIP OF MANTUA, COUNTY OF GLOUCESTER, APPROVING AND ADOPTING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

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

WHEREAS, pursuant to the Amended FHA and the Administrative Office of the Court's Directive No. 14-24 ("Directive #14-24"), the Township of Mantua ("Township") Committee adopted a "binding resolution" committing to a Present Need obligation of twenty-one (21) units and a Prospective Need obligation of one-hundred and thirty-one (131) units based on the Township's Affordable Housing Planner, James Kyle, P.P., A.I.C.P. ("Planner")'s calculations using the methodology in the Amended FHA; and

WHEREAS, in accordance with the Amended FHA and Directive #14-24, the Township filed a Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("Program"), along with its binding resolution; and

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

WHEREAS, the New Jersey Builders Association ("NJBA") filed a timely challenge to the DJ Action; and

WHEREAS, the Honorable Julio L. Mendez, J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conferences, and make recommendations to the Mount Laurel Judge of the Gloucester Vicinage; and

WHEREAS, the Township and NJBA reached an agreement that was put on the record at a settlement conference that took place on March 27, 2025, before Judge Mendez; and

WHEREAS, on May 5, 2025, the court prepared an order fixing the Township's obligation at twenty-one (21) units for Present Need and one hundred and thirty-four (134) units for Prospective Need and authorized the Township to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

WHEREAS, on June 19, 2025, the Township filed its HEFSP; and

WHEREAS, on August 25, 2025, Fair Share Housing Center ("FSHC") objected to the Township's HEFSP; and

WHEREAS, the Township and FSHC have come to an agreement that resolves the challenge and provides a reasonable opportunity for the development of affordable housing to satisfy the Township's Fourth Round Affordable Housing obligations; and

WHEREAS, pursuant to the agreement, the Township is required to amend its HEFSP ("Amended HEFSP"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Township of Mantua Land Use Board, in its capacity as a Planning Board ("Board"), may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on February 17, 2026, on the adoption of the Amended HEFSP as required by the

Municipal Land Use Law. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Amended HEFSP; and

WHEREAS, the hearing was opened to the public, and whereas no members of the public attended the hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Mantua, County of Gloucester, State of New Jersey, that the Land Use Board hereby adopts the Amended HEFSP, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Land Use Board of the Township of Mantua adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on March 2, 2026.

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Amended HEFSP.

ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.

(March 2, 2026)

Moved By: *J. Moore*

Seconded By: *W. Wilkinson*

Those in Favor: *Beninato, Moyer, Jozze, Jenkins, Moscatelli, Wilkinson, Shaot, J. Moore, Rainier, K. Moore*

Those Opposed: *Ø*

Those Absent or Recused: *deMara, Huston*

I hereby certify this to be a true and accurate copy of the resolution adopted by the Land Use Board of the Township of Mantua, Gloucester County, New Jersey at a public meeting held on March 2, 2026.

Jessica Taylor

Jessica Taylor, Secretary
Mantua Township Land Use Board

Nelson Moyer

Nelson Moyer, Chair Person



TOWNSHIP OF MANTUA

Gloucester County, New Jersey

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Office of the Township Clerk

MEMORANDUM

To: Jessica Taylor, LUB Secretary

From: Jennica Bileci, Township Clerk

Subject: Ordinances Review

Date: February 11, 2026

JOHN LEGGE
TOWNSHIP COMMITTEE

JASON SNYDER
TOWNSHIP COMMITTEE

JACK STEEN
TOWNSHIP COMMITTEE

Please schedule the attached Ordinances to be reviewed at your next Land Use Board meeting so that a written recommendation can be made to the Township Committee at your earliest convenience. This matter is scheduled for Public Hearing on March 9, 2026.