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March 16, 2026

### VIA ECOURTS

**Honorable Robert Malestein, P.J.C.H.**

**Gloucester County Superior Court**

70 Hunter St,  
Woodbury, NJ 08096

**RE: In the Matter of the Application of the Township of Woolwich**  
**Docket No.: GLO-L-108-25**

Dear Judge Malstein,

On behalf of the Township of Woolwich (“Township” or “Woolwich”), please be advised as follows. Woolwich and Fair Share Housing Center, Inc (FSHC) have agreed on a form of Consent Order today that I anticipate the Township will authorize to be signed tonight and that I plan to file tomorrow.

First, the Consent Order, if acceptable to the Court, requires the Township to provide an amended MUD zoning ordinance. See **2026-03** Ordinance Repealing and Replacing the Mixed Use Downtown Zone of the Kings Landing Redevelopment Plan, and Repealing Article XXII of the Woolwich Township Zoning Ordinance of 1992. This is Exhibit 1 anticipated to be adopted tonight.

Second, the Consent Order requires the Township to provide a Rehabilitation Program Manual. Attached please find a resolution adopting such a manual as well as the manual anticipated to be adopted tonight. See **R-2026-111** Resolution Adopting the Operating Manual for the Administration of the Rehabilitation of Sale and Rental Units Prepared by Triad Associates, attached hereto as Exhibit 2.

Third, the Order requires the Township to provide a Spending Plan that complies with N.J.A.C. 5:99. Attached please find a resolution adopting a Spending Plan that complies with N.J.A.C. 5:99 as well as the Spending Plan anticipated to be adopted tonight. See **R-2026-112** Resolution Seeking Approval of a Spending Plan attached hereto as Exhibit 3.

Finally, the order provides that “[t]he Township will update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 before March 15, 2026.

As to this final requirement, the Township is anticipated to adopt the following ordinance in addition to the ordinance referenced above: **Ordinance 2026-02** Ordinance repealing and Replacing Article III, Affordable Housing Development fees and Article XII, Affordable Housing, of Chapter 203 Zoning of the Township of Woolwich. See Exhibit 4.

In addition, it is anticipated that the Township will adopt the following resolutions in addition to those referenced above:

1. **R-2026-114 b** - Resolution authorizing signing of consent order with FSHC. Exhibit 5
2. **R-2026-109** - Resolution endorsing amendment to Housing Element and Fair Share Plan adopted by the Joint Land Use Board for the Township of Woolwich. Exhibit 6
3. **R-2026-110** - Resolution adopting Affirmative Marketing Plan. Exhibit 7
4. **R-2026-113** - Resolution adopting Affordability Assistance Manual. Exhibit 8
5. **R-2026-114** - Resolution of intent to bond if necessary. Exhibit 9
6. **R-2026-114 a**- Resolution To Adopt All Outstanding Ordinances and Resolutions Exhibit 10

The Township looks forward to addressing any questions or concerns the Court may have once it reviews this package of documents. We appreciate your attention to this matter.

Please feel free to call me should you have any questions.

Respectfully submitted,

*Jeffrey R. Surenian*

Jeffrey R. Surenian

cc: All Attorneys of record (*via eCourts*)

# Exhibit 1

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH REPEALING AND REPLACING THE MIXED USE DOWNTOWN ZONE OF THE KINGS LANDING REDEVELOPMENT PLAN, AND REPEALING ARTICLE XXIII OF THE WOOLWICH TOWNSHIP ZONING ORDINANCE OF 1992**

**ORDINANCE 2026-03**

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.); and

**WHEREAS**, pursuant to the New Jersey Fair Housing Act ("Act"), on January 21, 2025, the Township adopted a Resolution accepting the Department of Community Affairs' calculation of the Township's present and prospective need for affordable housing for the period 2025-2035 (4th Round Obligation"); and

**WHEREAS**, on January 23, 2025, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Woolwich, County of Gloucester Docket No. GLO-L-108-25, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

**WHEREAS**, as required by the Act, the Joint Land Use Board has adopted a Housing Element and Fair Share Plan (Plan); the Township has filed that Plan with the Affordable Housing Dispute Resolution Program (Program); and the Township will consider the Plan for endorsement; and

**WHEREAS**, the Fair Share Plan recommends that the MUD zone be rezoned to accommodate affordable housing as part of inclusionary zoning projects; and

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Woolwich, in the County of Gloucester, State of New Jersey, the Kings Landing Redevelopment Plan and other ordinances, is hereby amended as follows:

**Section 1.** Section VIII Mixed Use Downtown (MUD) Zone of the Kings Landing Redevelopment Plan shall be repealed and replaced as follows:

***Mixed Use Zone***

The Mixed Use (MU) Zone is intended to enhance the Township's primary commercial corridor by providing areas for a mix of both commercial and residential uses, while incorporating specific provisions allowing for the realistic development opportunity of affordable housing.

<b>Mixed Use Zone</b>	
<b>BLOCK</b>	<b>LOT</b>
<b>7</b>	<b>5 (partial)</b>
<b>12</b>	<b>2</b>
<b>57</b>	<b>3 (partial)</b>

## A. Permitted uses

While the following uses are permitted, the mixed use nature of the zone requires the construction of both residential and nonresidential uses. Residential density is permitted up to 7 units an acres, but requires a 20% affordable housing set aside. All affordable units must be deed restricted, and creditable under state regulations.

- (1) Commercial educational facilities such as tutoring centers, child or adult day care facilities.
- (2) Anchor or magnet stores, shopping centers, supermarkets, wholesale clubs, lumber, hardware and garden centers.
- (3) Bakeries, confectioners.
- (4) Breweries, wineries and distilleries.
- (5) Business and household service uses including repair shops for business equipment, appliances and the shops of tradesmen such as plumbers and electricians.
- (6) Delicatessen/carryout.
- (7) Funeral homes and mortuaries.
- (8) Greenhouses, including retail sales.
- (9) Florists.
- (10) Health and fitness centers; dance and exercise studios.
- (11) Mechanical car wash and automobile detailing services.
- (12) Offices for administrative, executive, professional, business sales, government offices and similar uses, the normal attributes of which do not involve the storage, exchange or delivery of merchandise to the general public.
- (13) Office of banks, credit unions, savings and loan associations and similar financial institutions, with or without drive-through facilities for the transaction of business from motor vehicles.
- (14) Office furniture and supplies, auto and rental equipment.
- (15) Hospitals. medical, rehabilitation or dental offices or clinics.
- (16) Outpatient surgical centers.
- (17) Personal service businesses including hair salons, tanning salons, nail salons, dry cleaning outlets, dressmaking or tailor shops, shoe repair shops, printing and reproduction services, shipping centers, package facilities, and similar type uses except for tattoo studios and body piercing establishments unless located in a hair or nail salon.
- (18) Public transportation stations and shelters.
- (19) Recreational and sport facility, indoor and outdoor, commercial.
- (20) Rental halls for meetings and social occasions.
- (21) Repair and maintenance of equipment and machines normally utilized in any of the uses permitted in this district.
- (22) Research, experimental or testing laboratories.
- (23) Restaurant, full service, fast food, or take-out, with or without drive-through, patio and/or curbside pickup.
- (24) Automobile dealership for new or used cars or trucks.
- (25) Brewpubs.
- (26) Taverns and nightclubs serving legal beverages

- (27) Veterinarian office and animal hospital, provided there is no outdoor use area or overnight boarding.
- (28) Utility facilities, including telephone, water, sewer, electricity and gas.
- (29) Wireless telecommunications towers and antenna located entirely within an existing building or on the roof or side of a building or attached to an existing structure.
- (30) Retail sales and services, including newspapers, gifts, novelties, tobacco products, drugs (including marijuana dispensaries), food, clothing, spirits, confections, florist items, books and specialty merchandise, automotive supplies and services, including convenience stores (with or without fuel pumps), with or without drive-through.
- (31) Breweries, wineries and distilleries.
- (32) Theaters for motion pictures, digital streaming and live performances (other than XXX-rated), with or without food and beverage service, including alcoholic beverages.
- (33) Indoor and outdoor amusement, recreation, entertainment and leisure uses not otherwise prohibited.
- (34) Art galleries and studios.
- (35) Dinner theaters.
- (36) Indoor and outdoor farm and food markets including food halls.
- (37) Hotels and motels, extended-stay, conference centers.
- (38) Sale and/or installation of tires, batteries, oil changes and other ancillary automobile maintenance services.
- (39) Public libraries and museums.
- (40) Residential
- (41) Any combination of the above.

B. All customary and incidental accessory uses are permitted

C. Any construction of residential units requires the applicant to enter into a Redevelopment Agreement with the Township. Execution of a Redevelopment Agreement shall be a mandatory checklist item for any application for development as the term is defined in N.J.S.A. 40:55D-3 for any parcel or parcels seeking to develop residential units under the MU zone and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed Redevelopment Agreement has been submitted as part of the application. Only upon execution of a Redevelopment Agreement may an applicant submit an application for development to the Planning Board for completeness review.

- (1) Residential may be part of a vertical (residential above non-residential) or horizontal (residential and non-residential on the same site) mixed use development.
- (2) The following residential dwelling types shall be permitted as part of a horizontal mixed-use development:
  - (a) Single-family semidetached dwelling
  - (b) Single-family attached dwelling
  - (c) Two-family dwelling
  - (d) Triplex
  - (e) Multifamily dwelling

- D. 12-foot multi-use pathway is required along Route 322 and Kings Hwy.
- E. In total, the zone must produce 54 age restricted affordable units. Each proposed development must provide age restricted units as agreed to in the redevelopment agreement with the governing body. This agreement may result in a single parcel producing only age restricted affordable units.
- F. Development standards for residential or mixed uses.
- (1) Maximum Building Height: 40 feet.
  - (2) Minimum lot width: 18 feet.
  - (3) Minimum lot depth: 60 feet.
  - (4) Maximum impervious coverage: 70% for the entire tract or development area.
  - (5) Each building shall have a max length of 180 ft.
  - (6) Minimum setback from all existing property lines (parent parcel): 75 feet.
  - (7) Parking:
    - (a) Off-street parking for residential uses shall meet the design standards contained in R.S.I.S. (N.J.A.C. 5:21-4), provided that deviations and/or alternative standards may be permitted by the Joint Land Use Board.
    - (b) Off-street parking lots shall be accessed by means of common driveways. Cross-access easements for adjacent lots with interconnected parking lots shall be required.
    - (c) Sidewalks shall be provided at multifamily building entrances and shall be a minimum of 8 feet in width.
    - (d) A pedestrian crosswalk shall be provided between residential buildings and the non-residential area of the development.
    - (e) A pedestrian crosswalk within non-residential areas shall be provided at appropriate intervals.
  - (8) Permitted Building Projections
    - (a) Non-enclosed porches, porticos, balconies, stoops and entrance platforms shall be permitted to project not more than eight (8) feet into a required yard setback or building separation distance.
    - (b) Cornices, eaves, chimneys, gutters, downspouts, awnings, canopies, cantilevered roofs, uncovered balconies and bay windows shall be permitted to project not more than three (3) feet into any yard setback or building separation distance.
    - (c) Window wells may project not more than five (5) feet into any yard setback or building separation distance.
    - (d) Ramps and stairways leading to a porch, stoop or other building entrance may project into a yard setback or building separation distance without limitation, provided that the steps do not encroach upon the street right-of-way.

- (e) Building height calculations shall exclude building service equipment (e.g., mechanical services, elevator penthouses, condensers, exhaust fans, air-conditioning and similar equipment), stair enclosures, skylights or atrium structures, and roof-access stairwells, landmark signage structures, and architectural enhancements and appurtenances (e.g., parapets, chimneys, cupolas, steeples, spires, belfries, towers, corner towers, flagpoles and similar elements), provided that such shall not exceed applicable height requirements by greater than 4 feet.
  - (f) All required setbacks shall be measured from the right-of-way of public streets and from the face of curb or edge of cartway of all internal streets.
- (9) Additional standards
- (a) All affordable units will meet UHAC and state guidelines
  - (b) No single unit shall contain more than 3 bedrooms
  - (c) Each development must provide at least 130 square feet of nonresidential construction per residential unit.
  - (d) In addition to phasing requirements as indicated in Article XII, Affordable Housing, in order to guarantee that the Township does not create an undue burden on local infrastructure, without also increasing tax receipts to pay for required improvement, the issuance of certificates of occupancy will be closely tied to the construction phasing for nonresidential uses. The following minimal phasing schedule shall apply to all projects and nonresidential vertical construction must commence prior to the issuance of the last residential certificate of occupancy, in any given phase:

<b>Construction Phasing (Minimum Requirement)</b>	
<b>% of Residential Units</b>	<b>% of Nonresidential Square Footage</b>
25%+1	10%
50%	30%
75%	70%
90%	90%

G. Development standards for nonresidential uses.

- (1) Building height: 40 feet maximum.
- (2) Maximum impervious coverage: 70% of the entire tract or development area.
- (3) Minimum use setback.
  - (a) Front yard: 40 feet from Route 322.
  - (b) Side yard: 25 feet; from external site boundary or a residential use.
  - (c) Rear yard: 25 feet; from external site boundary or a residential use.

- (4) Parking:
- (a) Off-street parking stalls shall be nine feet by 18 feet and, where practical, applicants may provide up to 10% of required parking inventory in the form of compact parking stalls measuring 8 feet by 18 feet. Parking spaces shall not be utilized for outdoor display and/or sales of retail products.
  - (b) Parking for uses within a shopping center shall be provided at a ratio of four spaces per 1,000 square feet of gross leasable area. Parking for stand-alone uses shall be provided at the ratio required by Section 203-81 of the Zoning Ordinance.
  - (c) Off-street parking lots shall be accessed by means of common driveways. Cross-access easements for adjacent lots with interconnected parking lots shall be required.
  - (d) Shared parking shall be permitted. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the Urban Land Institute. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
- (5) All required setbacks shall be measured from the right-of-way of public streets and from the face of curb or edge of cartway of all internal streets.
- (6) Area, bulk and dimensional requirements for wireless telecommunication facilities shall be subject to the provisions of Section 203-50 of the Woolwich Township Code.

**Section 2.** Section 203-35 of the Township Code, entitled, "Zoning Map", is hereby amended as follows to replace the official "Zoning Map of the Township of Woolwich":

- Block 12, Lots 1 and 2.01, 3.01, 3.02 within the Kings Landing Redevelopment Area is rezoned to Corridor Commercial (CC) Zone
- Block 12, Lot 4.01 within the Kings Landing Redevelopment Area is rezoned to R-2 Residential District (R-2) Zone

**Section 3.** Article XXIII Mixed Use (MU) of the Township Code, is hereby repealed.

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

**Section 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.

ATTEST:

TOWNSHIP OF WOOLWICH

\_\_\_\_\_  
Jessica Mignogna, Clerk

\_\_\_\_\_  
Natalie Matthias, Mayor

**CERTIFICATION**

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 2<sup>nd</sup> day of March 2026. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting is to be conducted on the 16<sup>th</sup> day of March 2026, at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

\_\_\_\_\_  
Jessica Mignogna, Clerk

**CERTIFICATION OF ADOPTION**

The foregoing Ordinance was adopted by the Township Committee of the Township of Woolwich upon second reading and subsequent to a public hearing conducted on the same, at a meeting of the Township Committee on the 16<sup>th</sup> day of March, 2026 and therefore becomes effective.

\_\_\_\_\_  
Jessica Mignogna, Clerk

# Exhibit 2

**RESOLUTION NO. [REDACTED]-2026**

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, ADOPTING THE OPERATING MANUAL FOR THE ADMINISTRATION OF THE REHABILITATION OF FOR SALE AND RENTAL UNITS PREPARED BY TRIAD ASSOCIATES**

**WHEREAS**, in January 2025, the Township of Woolwich (“Township” or “Woolwich”) filed a Declaratory Judgment Action pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.as amended (“FHA II”); and

**WHEREAS**, in June of 2025, the Township filed with the Affordable Housing Dispute resolution program (hereinafter “the Program”) a Housing Element and Fair Share Plan adopted by its Joint Land Use Board (JLUB) and subsequently endorsed (hereinafter “2025 Plan”) by the Township; and

**WHEREAS**, the JLUB subsequently adopted an amendment to the 2025 Plan and the Township endorsed that amendment; and

**WHEREAS**, the amended plan addresses the Township’s rehab obligation and its new construction obligation; and

**WHEREAS**, to address the rehab obligation, the Township proposes to implement an indigenous need rehab program in accordance with applicable laws; and

**WHEREAS**, the Township has directed retained Triad Associates (“Triad”), its administrative agent, to prepare a manual for the rehabilitation of ownership and rental units (hereinafter “Rehab Manual”) outlining the policies, procedures, and administrative protocols necessary to implement the Township’s rehabilitation programs in accordance with State law and regulatory requirements; and

**WHEREAS**, the Rehab Manual is attached hereto; and

**WHEREAS**, the Township Committee finds that the Rehab Manual is in the best interest of the Township, ensures compliance with affordable housing requirements, and provides a clear operational framework for the administration of the rehabilitation programs; and

**WHEREAS**, the Township Committee desires to formally adopt the Rehab Manual and direct its use by the Administrative Agent, and the Township’s representatives.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

1. The Township Committee hereby adopts the Rehab Manual.
2. The Township Committee hereby directs the Township's Administrative Agent to implement the policies and procedures contained in said Rehab Manual.
3. The Township declares that the Rehab Manual may be amended from time to time to ensure continued compliance with State regulations, Court Orders, and Township procedures, provided such amendments are approved by the Township Committee.
4. This Resolution shall take effect immediately upon adoption.

CERTIFICATION



# WOOLWICH TOWNSHIP



## OPERATING MANUAL For the Administration of the AFFORDABLE HOUSING REHABILITATION PROGRAM

*In Accordance with the Uniform Housing Affordability Controls*

## INTRODUCTION

This Housing Rehabilitation Program Operating Manual has been prepared to assist in the administration of the Township of Woolwich Housing Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The Housing Rehabilitation Program will be administered by the Township of Woolwich and their Housing Rehabilitation Program Consultant for Owner-Occupied and Rental Rehabilitation.

The following represents the procedures developed to offer an applicant the opportunity to apply for the program.

### A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit regarding race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments. For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

## **SECTION I. ELIGIBLE PARTICIPANTS**

### **A. Categories of Participants**

Owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one-unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Units that are currently vacant will be rented through the Municipalities Administrative Agent. Rents must be affordable to low- or moderate-income households.

### **B. Income Limits for Participation**

The occupants of the units must have incomes that now fall within the income guidelines established for the *County of Gloucester*, these limits are revised annually. Units that are vacant at the time of rehabilitation must be rented through the Municipalities Administrative Agent, Triad Associates, to a qualified applicant.

### **C. Program Area**

This is a municipal-wide program. The rehabilitation property must be in the Township of Woolwich

### **D. Certification of Substandard**

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems.
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a program inspector.

## SECTION II. AVAILABLE BENEFITS

### A. Program Financing

Up to \$20,000 per unit may be available for improvements to eligible owner-occupied properties, the minimum average per unit rehabilitation hard costs shall be \$10,000 in accordance with N.J.A.C. 5:93-5.2(h)(2). If a particular unit requires more than \$20,000, the Municipality will approve on a case-by-case basis, keeping with the requirement dictating that the minimum average per unit rehabilitation hard cost shall be \$10,000.

For renter-occupied units; The average per unit rehabilitation costs shall be **\$10,000**. The landlords are required to ensure, upon rehabilitation, each unit will meet the New Jersey State Housing Code, N.J.A.C. 5:28 and each unit must meet the major system repair or replacement requirement upon completion. The maximum loan available per unit from the Township is \$10,000. If a particular unit requires more than \$10,000 investment from the Municipality, the Township will review and approve on a case-by-case basis

### B. Renter-occupied Units - Program Financing/Program Affordability Controls

Eligible landlords of one-four-unit buildings may be eligible for an interest free loan which will be due when title to the property is transferred. The landlords are required to provide at least 50% of the **total rehabilitation costs** needed for each unit to meet the New Jersey State Housing Code, N.J.A.C. 5:28 and each unit must meet the major system repair or replacement requirement. At the time the application is submitted, owners must submit proof of their share through bank statements, credit lines, etc. Title searches and property appraisals will be required to determine if there is sufficient equity in the property to cover the cost of the loan. The landlords will be expected to pay for the costs of the title searches and provide up to date property appraisals. In addition to the interest free, deferred payment loan, a ten-year deed restriction, attached to the mortgage and note, will be used to control the contract rent and ongoing tenant eligibility on rental units that receive assistance. The loan will be due upon transfer of title to the property; however, the deed restrictions shall remain in effect for ten years from the date the units are certified as standard. There are no monthly payments. The deed restriction and mortgage documents will be recorded in the county deed book.

In situations where the non-income eligible owner(s) of eligible rental units occupies a unit in the structure to be rehabilitated, repairs to shared systems (i.e.: roof, heating, foundations, etc.) will be prorated with the owner(s) receiving no financial assistance for the owner's share.

If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income

household at an affordable price and affirmatively marketed. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.15.

### **C. Owner-occupied Units – Program Financing/Program Affordability Controls**

Loans will be a ten-year interest-free, deferred payment loan secured by a mortgage payable upon transfer of title. After the Five-Year Anniversary of the Loan Signing, 20% of the mortgage loan principal will be forgiven for each of the remaining five years. If the title has not transferred after ten years, the entire loan is considered forgiven.

Should an owner-occupant die before repayment of the loan, the balance of the loan which has not been forgiven, will be due at the time of settlement of the estate. However, if the household inheriting the unit is income eligible and agrees to occupy the unit or even if not income-eligible agrees to rent the unit only to income-eligible households, the terms of the funding agreement shall be transferred to the inheriting household.

If an owner-occupied housing unit is sold prior to the end of the controls on affordability, the portion of the loan which has not been forgiven, shall be recaptured and used to rehabilitate another housing unit, unless the unit is sold to a low- or moderate-income household at an affordable price.

Funding for owner-occupied units will be secured by a mortgage and mortgage note to the municipality.

### **D. Subordination**

The Township of Woolwich may agree to subordinate a loan if the mortgage company supplies an appraisal showing that the new loan plus the balance on the old loan does not exceed 95% of the appraised value of the unit.

In order for the Municipality to approve the request, the Municipality must be subordinate to no more than two loans and there must be sufficient equity in the property. Subordination requests will only be considered for the following reasons: *1) to reduce monthly mortgage payments; 2) debt consolidation; and 3) additional home improvement funds to maintain the Township of Woolwich code and/or Certificate of Occupancy Codes.*

## **SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS**

### **A. Eligible Improvements**

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which includes one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

### **B. Ineligible Improvements**

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

### **C. Rehabilitation Standards**

Upon rehabilitation, housing deficiencies shall be corrected, and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive

requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

#### **D. Certification of Standard**

All code deficiencies noted in the inspection report must be corrected and rehabilitated. Units must be in compliance with the standards proscribed in subsection C above upon the issuance of a certificate of completion or occupancy. The program inspector must certify any structure repaired as a whole or in part with rehabilitation funds to be free of any code violations.

#### **E. Emergency Repairs**

A situation relating to safety and/or health hazard for the occupants would constitute an emergency. The program inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained, when possible, for the "emergency" work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, subsection A.

### **SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES**

#### **A. Application**

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the Housing Rehabilitation Program Consultant.

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present the required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

**Applications will be processed in the order of receipt.** Only emergency situations shall be handled out of the order of receipt.

## **B. Income Eligibility and Program Certification**

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If after reviewing the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds the program income limits or, for owner occupied units, if the carrying costs of the unit (taxes, mortgage, insurance) exceed program's criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed.

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter certifying eligibility, the applicant will be required to reapply for certification.

## **C. Housing Inspection/Substandard Certification**

Once determined eligible, the program staff will arrange for the program inspector to inspect the entire residential property.

The program inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

#### **D. Ineligible Properties**

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined to be ineligible for any one of the following reasons:

- Title search is unfavorable.
- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

The Township of Woolwich may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed 50 percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property.

If after reviewing the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

#### **F. Cost Estimate**

The program inspector will prepare a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specific details on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner. Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program.

#### **G. Contractor Bidding Negotiations**

After the unit and the unit occupant have been certified as eligible, the program staff will provide a bid request to a list of approved, pre-qualified trade contractors for bidding.

Program staff will review the proposals and provide the property owner with a list of contractors who have submitted eligible bids for the work. Eligible bids will be those that:

- Satisfy with the specifications of the Work Write-Up
- Have no math errors
- Have been submitted by an eligible contractor

- Are no more than 20% above or below the Program Cost Estimator's final cost estimate for the work, unless an exception has been recommended by the Cost Estimator and approved by the Program Director.
- Have been submitted by a contractor who, in the opinion of the Program Director, has the ability to perform the designated tasks within a responsible period of time as is specified in the Contract documents.

The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

Property owners may seek proposals from non-program participating contractors. However, the Municipality must pre-approve the contractor prior to submitting a bid.

### **G. Contract Signing/Pre-Construction Conference**

Program staff will provide the property owner with the bids to review. The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include Contractors Agreement(s), Mortgage and Mortgage Note. The property owner, program staff representative and contractor will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

### **H. Progress Inspections**

The program inspector will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing walls on plumbing and electrical improvements.

### **I. Change Orders**

If it becomes apparent during construction that additional repairs are necessary or the described repair needs to be amended, the program inspector will inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order.

**J. Payment Schedule**

The contract will permit two payments if the project costs more than \$12,000. First payment is made when the project is one-half completed. Final payment upon completion.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and program inspector are satisfied with the work performed. The municipality will then release the payment. Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives Lien Releases and a Property Owner Sign-off letter.

**K. Resolution of Disputes/Appeal Process**

Should any dispute arise respecting the true meaning of the Work Write-Up, or should any dispute arise respecting the true value of the extra work or of the work omitted, or of improper workmanship or materials, or of any loss sustained by the Homeowner, the Homeowner may request a hearing before the Municipality. Such a request must be made in writing to the Program Administrator and shall state the nature of the dispute. All parties to the dispute shall be notified in writing of the date and location of the hearing. An arbitration committee, consisting of three members, shall convene and the final decision rests with the arbitration committee, with no further recourse on the part of the property owner.

**L. Final Inspection**

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The property owner and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

**M. Record Mortgage Documentation**

Program staff will file the executed Mortgage with the County Clerk.

**N. File Closing**

After the final payment is made, the applicant's file will be closed by the program staff.

## **SECTION V. PROCEDURE FOR OWNER OCCUPIED INCOME-ELIGIBILITY CERTIFICATION**

### **A. Complete a Household Eligibility Determination Form**

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. Income verification documentation should include, but is not limited to the following for each member of a household who is 18 years of age or older:

- 1-month (consecutive weeks) paystubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
  - Social Security or SSI – Current award letter or computer printout letter
  - Unemployment – verification of Unemployment Benefits
  - Welfare -TANF<sup>1</sup> current award letter
  - Disability - Worker’s compensation letter or
  - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- 3 months of reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

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<sup>1</sup> TANF – Temporary Assistance for Needy Families

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

### ***Income***

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

### ***Not Income***

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

### ***Student Income***

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

***Income from Real Estate***

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be input on the determined value of real estate.

**B. Records Documenting Household Composition and Circumstances**

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card

**C. Income Certification**

Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

The complete submission of all the required documentation shall be submitted to the Program Staff within 30 days, or the applicant's application may be moved to the bottom of the selection list.

**D. Appeals**

Appeals from all decisions of an Administrative Agent shall be made in writing to the designated agency.

**SECTION VI. CONTRACTOR RELATED PROCEDURES****A. Contractor Selection**

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical

**B. Number of Proposals Required**

The approved work write-up will be submitted to the contractors by the program staff. Contractors must visit the property and submit bids within *14* days. The contract will be awarded to the lowest bidder<sup>2</sup>, provided that the program inspector or the professional who drafted the work write-up certifies that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within *20%* of the cost estimate.

**C. Contractor Requirements**

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

**SECTION VII. MAINTENANCE OF RECORDS****A. Files To Be Maintained on Every Applicant**

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

**B. Files of applicants approved for the program will also contain the following additional documentation:**

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

**C. For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:**

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports

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<sup>2</sup> If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion and Release of Contractor's Bond

### **A. Rehabilitation Log**

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

### **B. Monitoring**

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

## **SECTION VIII. PROGRAM MARKETING**

Upon the initial implementation of the program, the municipality will market the program as follows: 1). the municipality will include flyers with the tax bills and/or water bills to property owners currently owning rental units; 2). The municipality will advertise the program in the local newspaper and the local cable station and 3). Program information will be available at the municipal building, library, and on the municipal website.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

# Exhibit 3

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, SEEKING APPROVAL OF A SPENDING PLAN**

**WHEREAS**, the Township of Woolwich (hereinafter “Township” or “Woolwich”) adopted a Development Fee Ordinance, which established standards for the imposition and collection of development fees; and

**WHEREAS**, in addition, the New Jersey Legislature adopted the Statewide Nonresidential Development Fee Act (SNDFA) authorizing and directing municipalities to impose a fee on nonresidential development, subject to specified exceptions; and

**WHEREAS**, the Township imposed and collected fees in accordance with its Development Fee Ordinance and the SNDFA; and

**WHEREAS**, the Township deposited fees collected in an affordable housing trust fund; and

**WHEREAS**, the Township adopted a Spending Plan to show how the Township planned to spend the trust fund money in accordance with applicable laws and included that Spending Plan as an exhibit to the Housing Element and Fair Share Plan it filed in June of 2025; and

**WHEREAS**, in December of 2025, several months after the Planning Board adopted the HEFSP in June of 2025, the New Jersey Department of Community Affairs (“DCA”) provided regulations governing how affordable housing fees may be spent; and

**WHEREAS**, the Township wishes to demonstrate its commitment to spending trust fund monies in accordance with current laws; and

**WHEREAS**, accordingly, to comply with the new DCA regulations that only became available in December of 2025, the Township’s affordable housing planner has prepared a Spending Plan compliant with current laws; and

**WHEREAS**, the Spending Plan is attached hereto; and

**WHEREAS**, the Township has reviewed the Spending Plan and finds that it is in the best interest of the Township to adopt it and seek approval of same in conjunction with efforts to secure approval of its HEFSP as amended.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Woolwich, County of Cape May, State of New Jersey, as follows:

1. The Township Committee of the Township of Woolwich hereby adopts the Spending Plan attached hereto.

2. The Township Committee hereby directs its professionals to seek approval of the Spending Plan in conjunction with their efforts to secure approval of the Township's amended Housing Element and Fair Share Plan.
3. The Township Committee authorizes its professionals to provide such clarifications or supplemental documents as they deem fit in their efforts to secure approval of the Updated Spending Plan
4. This Resolution shall take effect immediately upon adoption, according to law.

**CERTIFICATION**

## **Woolwich Township Affordable Housing Trust Fund Spending Plan**

### **INTRODUCTION**

The Township of Woolwich Fourth Round Housing Element and Fair Share Plan was prepared in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the Fair Housing Act (N.J.S.A. 52:27D-301), section 3 of P.L.2024, c.2, and N.J.A.C. 5:93-1 et seq. A development fee ordinance was adopted by the municipality on December 15, 2008 by Ord. 2008-24 with some further amendments in 2022. This spending plan is intended to project anticipated affordable housing trust fund revenues, expenditures, and the mechanisms for expenditure through December 31, 2035.

As of December 31, 2024, the Township of Woolwich had collected \$6,868,646 (of which \$113,946 is interest garnished to date and \$199 in other income) and expended \$480,099 in administrative costs and \$2,017,072 of other expenditures, thereby resulting in a balance of \$4,371,475. All development fees and interest earned by the fees were deposited in a separate interest-bearing Affordable Housing Trust Fund in First Bank, located at 2465 Kuser Road, Hamilton Township. These funds shall be spent in accordance with the Fair Housing Act (“FHA”), and applicable COAH regulations, as described in the sections below.

### **1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated through December 31, 2025, the Township of Woolwich considered the following:

- (a) Development fees:
  1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  3. Future development that is likely to occur based on historical rates of development.
- (b) Payment in lieu (PIL):

To date, there are no actual or committed payments in lieu (PIL) of construction from developers. If any such funds are collected during the Fourth Round, said funds will be deposited in the Township’s Affordable Housing Trust Fund.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. If any such funds are collected during the Fourth Round, said funds will be deposited in the Township’s Affordable Housing Trust Fund.

(d) Projected interest:

Affordable Housing Trust Fund interest is based on the current rate of interest of 3.9%.

Table 1 below shows the anticipated revenue to be generated from development fees. Woolwich Township projects that a subtotal of \$7,627,521 (\$7,924,994 with interest) will be collected between January 1, 2025 and December 31, 2035 for affordable housing purposes, based on the assumptions that immediately follow the table. These projections are essentially extrapolations of historic trends. After adding in the funds currently in the account, the total is projected to be \$12,296,469.

**Table 1: PROJECTED REVENUES, HOUSING TRUST FUND (2025 THROUGH 2035)**

Year Source of Funds	2024	2025	2026-2027	2028-2029	2030-2031	2032-2033	2034-2035	2025-2035 Total
Projected Residential Development	STARTING BALANCE \$4,371,475 (12/31/24)	\$148,673	\$297,346	\$297,346	\$297,346	\$297,346	\$297,346	\$1,635,403
Projected Non-Residential Development		\$544,738	\$1,089,476	\$1,089,476	\$1,089,476	\$1,089,476	\$1,089,476	\$5,992,118
Interest		\$27,043	\$108,056	\$108,056	\$108,056	\$108,056	\$108,056	\$297,473
<b>Total</b>	\$4,371,475	\$720,454	\$1,440,908	\$1,440,908	\$1,440,908	\$1,440,908	\$1,440,908	\$12,296,469

\*\* The years were doubled up from 2026-2035 for the sake of space, however the yearly amount is depicted in the 2025 column.  
 \*\*\* The numbers have been rounded to the nearest whole number making the numbers approximate figures.

Projected residential development is based on the construction of 21 new dwelling units per year, which in turn is based on residential construction that might be identified in a subdivision only, and without an affordable housing component. The 21 units were based on

an extrapolation of census data, and our understanding of current residential construction activity within the Township. The 21 units were multiplied by \$471,977, which is the Township's approximate equalized value for an average dwelling unit as indicated by the County. This estimate of \$9,911,517 of new yearly equalized assessed value was then multiplied by 0.015 (1.5% residential development fee), resulting in \$148,672.76 of yearly residential development fee.

Projected non-residential development is based on the square footage of 4 approved projects in the Township that have yet to be constructed. It is our understanding that this development will likely reach building out around 2035. Three of the projects are warehouses and will consist of 2,425,626 sq. ft. or about 220,511 sq. ft. per year spread out over our time horizon. This was multiplied by \$95 which is the Township's approximate per square foot equalized assessed value for industrial use as indicated by the County tax assessor. This estimate of \$20,948,545 in new annual construction was then multiplied by 0.025 (2.5% non-residential development fee) resulting in a \$523,714 fee. The remaining project is retail and will consist of 48,432sq. ft. or 4,403 sq. ft. per year spread out over our time horizon. This was multiplied by \$191 which is the Township's approximate per square foot equalized assessed value for commercial use as indicated by the County tax assessor. This estimate of \$840,973 in new annual commercial construction was then multiplied by 0.025 (2.5% non-residential development fee) resulting in a \$21,024 fee. We then added the two fees together (\$523,714 +\$21,024) to get the overall fee (\$544,738) for non-residential development and extrapolated it over the next 11 years.

As indicated in the Table above, Woolwich Township anticipates that a total of \$7,924,994 in revenue will be collected between January 1, 2025 and December 31, 2035 (\$1,635,403+ \$5,992,118+\$297,473).

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Township of Woolwich:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Woolwich's development fee ordinance for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), applicable COAH regulations, and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).

(b) Distribution of development fee revenues:

A resolution recommending the expenditure of development fee revenues as set forth in this spending plan is adopted by the Planning Board and forwarded to the Committee. The Committee then reviews the request for consistency with the spending plan and, by resolution, adopts the recommendation.

Upon adoption of the Committee's resolution, funds can be released in accordance with the Court-approved spending plan. The Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the Committee's resolution following approval of a request by resolution.

**3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

Woolwich Township may use the monies in the trust fund for any of the following items, pursuant to N.J.A.C. 5:99-2.3 through 2.5:

- New construction of affordable housing and related development costs; eligible costs for inclusionary development shall be pro-rated based on the proportion of affordable housing units that are included in the development;
- Extensions and/or improvements of roads and infrastructure directly serving affordable housing sites; costs for inclusionary development shall be pro-rated based on the proportion of affordable housing units that are included in the development;
- Purchase and/or improvement of land to be used for low- and moderate-income housing;
- Market-to-affordable programs to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
- RCAs, approved prior to July 17, 2008;
- Acquisition and/or improvement of land to be used for affordable housing;
- The extension of expiring controls;
- The construction of group homes and supportive and special needs housing;
- Rehabilitation, maintenance and repair or affordable housing units;
- To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
- Repayment of municipal bonds issued to finance affordable housing activity;
- Affordability assistance in accordance with N.J.A.C. 5:99-2;.5 Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
- Any other activity approved by the Division.

**Specific Projects**

- The Township will sponsor the construction of a 100% Affordable Project on Block 16, Lot 5. While the Township will commit funds from the affordable housing trust fund, total funds dedicated to the project will be limited to a maximum of 3% of the project cost. The Township will work with the site’s developer in a good faith effort to effectuate and move the project forward. For the purposes of this Spending Plan, the Township is allocating \$1,200,000 towards the project recognizing that this may change based on future conditions, detailed site layout and design, and a proforma.
- While the Township participates in the County Rehabilitation Program, the Township will supplement this program with its own municipality sponsored program. At such time that the Township has met its 16-unit rehabilitation obligation, the Township reserves the right to reallocate funds to other permitted programs or mechanisms.

**4. AFFORDABILITY ASSISTANCE (N.J.A.C. 5:99-2.5)**

A portion of collected development fees shall be used to create very low-income units and provide affordability assistance to low- and moderate-income households in affordable units included in the Fair Share Plan.

Table 2 below shows the amount anticipated being available for affordability assistance to low- and moderate-income households, including very low-income households.

**TABLE 2: AFFORDABILITY ASSISTANCE CALCULATION**

Development fees collected from 7/17/08 to 12/31/2024		\$6,754,700
Development fees projected, 2025-2035	+	\$7,627,521
Interest earned, July 17, 2008 to December 31,2024	+	\$113,946
Interest projected, 2025-2035	+	\$297,473
Other Income	+	\$199
<b>Total</b>	=	\$14,793,839
Calculate 27 percent	x .27 =	\$3,940,147
Less Affordability assistance expenditures through 12/31/2024	-	\$0
Projected Affordability Assistance expenditures	=	\$3,940,147
Projected Very Low-Income Affordability Assistance expenditures	÷ 3 =	\$1,182,044

The Township of Woolwich anticipates to dedicate \$3,940,147 from the affordable housing trust fund to render units more affordable, including at least \$1,182,044 to render units more affordable to households earning no more than 30 percent of median income by region. Programs and activities for which funds will be spent will be determined from the following list:

- Affordability assistance to very low-, low- and moderate-income buyers and renters of affordable housing units to lower the cost of homeownership, subsidize closing costs and down payments, security deposits, emergency repairs funding and/or reduce the capitalized basis of the rent payments.
- Assistance with homeowners association or condominium fees and special assessments
- Affordability assistance to create very low-income and low-income units

The Township reserves the right to reallocate funds to other permissible expenses, including but not limited to additional administrative expenses as indicated under Table 4, or as necessary to support additional affordable housing. Any future reallocation will require an amendment to this spending plan.

**5. ADMINSTRATIVE EXPENSES (N.J.A.C. 5:99-2.4(a))**

**TABLE 3: ADMINISTRATIVE EXPENSE CALCULATION**

Development fees, 7/17/08 thru 12/31/24	+	\$6,754,700
Projected development, 2025-2035	+	\$7,627,521
<b>Total</b>	=	\$14,382,221
Calculate 20 percent maximum allowed administrative expense	x .20	\$2,876,444
	=	
Less administrative expenditures thru 12/31/2024	-	\$480,099
Projected maximum allowable administrative expenses, 12/31/24 through 12/31/2035	=	\$2,396,345

The Township of Woolwich projects that \$2,396,345 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, which are subject to the 20 percent cap, include:

- Fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Affordable Housing Dispute Resolution Program, including,

but not limited to, the costs of the municipality of resolving a challenge pursuant to the Affordable Housing Dispute Resolution Program.

- Costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.
- Administrative costs to underwrite professional consulting fees relating to the preparation and implementation of the Township's Fair Share Plan and any amendments thereto;
- Professional, legal, and court fees related to affordable housing;
- Administrative fees related to the Municipally-sponsored new construction program; and
- Underwrite fees associated with the retention of a qualified administrative agent as may be found necessary.

The Township will not expend for administrative purposes in excess of the formula in Table 3 above.

## **6. EXPENDITURE SCHEDULE**

The Township of Woolwich anticipates using affordable housing trust fund revenues to the benefit of low-, moderate-, and very low-income households, as set forth in the table below. In preparing this spending plan, it should be noted that, the Township is committed to expending the funds in the municipal trust fund within four years of the date of collection or within four years after the Township receives a Compliance certification in accordance with section 3 of P.L.2024, c.2, whichever is later.

**TABLE 4: PROJECTED EXPENDITURE SCHEDULE (2025 THROUGH 2035)**

PROJECTS/ PROGRAMS	No. of Units	2025	2026-2027	2028-2029	2030-2031	2032-2033	2034-2035	Total
Affordability Assistance		\$358,195	\$716,390	\$716,390	\$716,390	\$716,390	\$716,3902	\$3,940,147
Rehabilitation Program	8	-	\$50,000	\$50,000	\$50,000	\$50,000	-	\$200,000
100% Affordable Project (Block 18, Lot 4.03 <sup>1</sup> )		\$3,000,910		-	-	-	-	\$3,000,910
Block 18, Lot 4.03 (Permit/Land Donation <sup>2</sup> ) Reimbursement		-	\$550,000	-	-	-	-	\$550,000
Permit and application fees (Kings Meadow) - Reimbursement		-	\$600,000	\$500,000	-	-	-	\$1,100,000
Infrastructure to Dwelling Units (\$7,006) <sup>3</sup> Reimbursement		-	\$ 622,164	\$622,165	\$311,083	-	-	\$1,555,412
100% Affordable Project (Block 16, Lot 5)	70	-	\$1,200,000	-	-	-	-	\$1,200,000
Administration		\$150,000	\$150,000	\$100,000	\$100,000	\$100,000	\$150,000	\$750,000
<b>Total</b>	<b>N/A</b>	<b>\$3,509,105</b>	<b>\$3,888,554</b>	<b>\$1,988,555</b>	<b>\$1,177,473</b>	<b>\$866,390</b>	<b>\$866,392</b>	<b>\$12,296,469</b>

**7. SUMMARY**

The Township of Woolwich intends to spend affordable housing trust fund revenues as approved by the Program and/or the Court pursuant to the Fair Housing Act and applicable regulations and consistent with the programs described in the Township’s Housing Element and Fair Share Plan.

<sup>1</sup> This parcel has been subdivided numerous times. The lots are referenced differently in the Third Round Plan and Third Round Settlement Agreement, Currently the site is indicated as Block 18, Lots 4.04 and 4.05.

<sup>2</sup> The remaining \$550,000 of the \$1.1 million donation will likely be utilized in the Fourth Round.

<sup>3</sup> It is more than likely that additional affordable units are constructed along the Route 322 corridor. This figure only considers those affordable units which are contemplated as part of Third Round compliance. Should additional units be constructed, the Township will seek fund reimbursement at that time, and the Township will amend the Spending Plan. Should reimbursement be sought for units offered for Fourth Round compliance, reimbursement may be sought in the Township’s Fourth Round Spending Plan.

The Township of Woolwich has a balance of \$4,371,475 as of December 31, 2024 and anticipates an additional \$7,924,994 in revenues through December 31, 2035, for a total of \$12,296,469. The municipality will dedicate \$200,000 towards a rehabilitation program, make a \$3,000,910 payment towards the municipal sponsored project at Block 18, Lot 4.03, seek a \$550,000 reimbursement for permit/land donation activity on Block 18, Lot 4.03, seek a \$1,100,000 reimbursement for permit fees related to the Kings Meadow Development, seek a \$1,555,412 reimbursement for the construction of sewer to serve affordable housing, dedicate approximately \$1,200,000 to a future 100% affordable project at Block 16, Lot 5, \$3,940,147 towards homeowner/tenant affordability assistance, and \$750,000 towards administrative costs.

**TABLE 5: SPENDING PLAN SUMMARY**

<b>REVENUES</b>	
Balance as of December 31, 2024	\$ 4,371,475
<b>Projected Revenue from December 31, 2025 through 2035</b>	
1. Development fees	+ \$ 7,627,521
2. Payments in lieu of construction	+ \$ 0
3. Interest	+ \$ 297,473
<b>TOTAL REVENUE</b>	<b>= \$ 12,296,469</b>
<b>EXPENDITURES</b>	
Affordability Assistance	- \$ 3,940,147
Rehabilitation Program	- \$ 200,000
Block 18, Lot 4.01 - Municipal Support	- \$ 3,000,910
Block 18, Lot 4.03 (Permit/Land Donation) - Reimbursement	- \$ 550,000
Permit and application fees (Kings Meadow) - Reimbursement	- \$ 1,100,000
Infrastructure to Dwelling Units (\$7,006) - Reimbursement	- \$ 1,555,412
100% Affordable Project (Block 16, Lot 5)	- \$ 1,200,000
Administration	- \$ 750,000
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$ 12,296,469</b>
<b>REMAINING BALANCE</b>	<b>= \$ 0</b>

# Exhibit 4

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH REPEALING AND REPLACING ARTICLE III, AFFORDABLE HOUSING DEVELOPMENT FEES, OF CHAPTER 95 FEES AND ARTICLE XII, AFFORDABLE HOUSING, OF CHAPTER 203 ZONING OF THE TOWNSHIP OF WOOLWICH**

**ORDINANCE 2026-02**

**WHEREAS**, the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very low-, low-, and moderate-income households;

**WHEREAS**, this Ordinance establishes Township wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the Township or the Township Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations;

**WHEREAS**, the FHA requires that this ordinance be adopted by March 15, 2026;

**WHEREAS**, the Township of Woolwich has a fair share obligation consisting of a Present Need (Rehabilitation Obligation) of 16 units, a Prior Round Obligation (1987-1999) of 209 units, a Third Round Obligation (1999-2024) of 525 units and Fourth Round Obligation (2025-2035) of 241 units; and

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

**SECTION 1.** Article III, Affordable Housing Development Fees, of Chapter 95, Fees, of the Township of Woolwich, shall be repealed and replaced as follows:

**§ 95-9. Purpose**

- A. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

**§ 95-10. Basic Requirements.**

- A. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund. Approval of a Round 3 Spending Plan shall suffice to satisfy this requirement until such time as a Round 4 Spending Plan or subsequent amendments is/are approved.
- B. The Township of Woolwich shall not spend development fees until the Court has approved a plan for spending such fees.

**§ 95-11. Definitions.**

All terms used in Chapter 95 shall have the meanings set forth in § 203-91 of the Township Code.

**§ 95-12. Residential development fees.****A. Imposed fees.**

- (1) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. 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) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (3) Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% 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.

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

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (4) No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

- (5) Developers of specific types of residential development, for example developments with one or two owner-occupied dwelling units, residential structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

### **§ 95-13. Nonresidential development fees.**

#### **A. Imposed fees.**

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

#### **B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.**

- (1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
- (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to c.46 the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in the Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of

the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Woolwich Township as a lien against the real property of the owner.

- (6) Notwithstanding anything to the contrary, if there are any inconsistencies between these regulations and the Statewide Non-residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), the Act controls.

**§ 95-14. Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, “State of New Jersey Non-Residential Development Certification/Exemption,” to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. 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 improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. The developer shall pay 100% of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.
- I. Appeal of development fees.
- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination

by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- (2) A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

### **§ 95-15. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
- (1) Payments in lieu of on-site construction of affordable units, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality.
  - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with Woolwich Township's affordable housing program.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
- (1) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;

- (2) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
- (3) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
- (4) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
- (5) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
- (6) Revocation of compliance certification or a judgment of compliance and repose;
- (7) Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
- (8) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

E. All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by the Court.

#### **§ 95-16. Use of funds.**

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance,

and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

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

D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

### **§ 95-17. Monitoring.**

On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

### **§ 95-18. Ongoing collection of fees.**

- E. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- F. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

### **§ 95-19. Emergent Affordable Housing Opportunities.**

- A. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

**SECTION 2.** Article XII, Affordable Housing, of Chapter 203, Zoning, of the Township of Woolwich, shall be repealed and replaced as follows:

## **§ 203-90. Purpose and Applicability**

### **A. Purpose.**

- (1) This section sets forth regulations regarding the very low-, low- and moderate-income housing units in Woolwich Township consistent 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., and as reflected in the adopted Woolwich Township’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
- (2) This Ordinance 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 pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit (“LIHTC”) financed developments shall adhere to the provisions set forth below in item B(3) below.
- (3) Woolwich Township’s Joint Land Use Board has adopted the HEFSP pursuant to the Municipal Land Use Law (“MLUL”) at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- (4) This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

### **B. Applicability.**

- (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
- (2) This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- (3) Projects receiving federal LIHTC financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements,

maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus, pursuant to the current Low Income Housing Tax Credit Program, a 15-year extended-use period for a total of not less than 45 years.

- (4) The UHAC standards shall not apply to the exclusions referenced in N.J.A.C.5:80-26.1
- (5) Nothing herein is intended to modify the Township’s right “to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions” in accordance with N.J.S.A. 52:27D-311.m.

**§ 203-91. Definitions.**

The following terms, when used in this article, shall have the following meanings:

**ACCESSORY APARTMENTS**

Means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

**ACT**

Means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

**ADAPTABLE**

Means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

**ADMINISTRATIVE AGENT**

Means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

**AFFIRMATIVE MARKETING**

Means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

**AFFIRMATIVE MARKETING PLAN**

Means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

**AFFIRMATIVE MARKETING PROCESS or PROGRAM**

Means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

**AFFORDABILITY ASSISTANCE**

Means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

**AFFORDABILITY AVERAGE**

Means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

**AFFORDABLE**

Means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

**AFFORDABLE HOUSING DEVELOPMENT**

Means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP.

**AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM or THE PROGRAM**

Refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

**AFFORDABLE HOUSING MONITORING SYSTEM or AHMS**

Means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**AFFORDABLE HOUSING TRUST FUND or AHTF**

Means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

**AFFORDABLE UNIT**

Means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

**AGE-RESTRICTED HOUSING**

Means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**AGENCY**

Means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

**ASSISTED LIVING RESIDENCE**

Means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure 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.

**BARRIER-FREE ESCROW**

Means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

**BUILDER'S REMEDY**

Means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

**CERTIFIED HOUSEHOLD**

Means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

**CHOICE**

Means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

**COAH or the COUNCIL**

Means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

**COMMISSIONER**

Means the Commissioner of the Department of Community Affairs.

**COMPLIANCE CERTIFICATION**

Means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2

(C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

### **CONSTRUCTION**

Means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

### **CONSTRUCTION OFFICIAL**

The qualified person appointed by the Township of Woolwich pursuant to the State Uniform Construction Code Act[2] and the regulations promulgated thereunder who is responsible for the enforcement and administration of the Uniform Construction Code and related regulations within the Township of Woolwich.

### **COUNTY-LEVEL HOUSING JUDGE**

Means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

### **DCA and DEPARTMENT**

Mean the State of New Jersey Department of Community Affairs.

### **DEFICIENT HOUSING UNIT**

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

### **DEPARTMENT**

Means the New Jersey Department of Community Affairs.

### **DEVELOPER**

Means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

### **DEVELOPMENT**

Means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any 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**

Means money paid by a developer for the improvement of residential and non-residential

property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

**DISPUTE RESOLUTION PROGRAM**

Means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

**DIVISION**

Means the Division of Local Planning Services within the Department of Community Affairs.

**EMERGENT OPPORTUNITY**

Means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

**EQUALIZED ASSESSED VALUE or EAV**

Means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (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 EAV shall be determined at project completion by the municipal assessor.

**EQUITY SHARE AMOUNT**

Means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

**EXIT SALE**

Means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

**EXCLUSIONARY ZONING LITIGATION**

Means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

**EXTENSION OF EXPIRING CONTROLS**

Means extending the deed restriction period on units where the controls on the deed restriction imposed at the closing of the first purchaser of the affordable unit will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

**FAIR SHARE OBLIGATION**

Means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

**FAIR SHARE PLAN**

Means the plan or proposal, with accompanying ordinances and resolutions, by which a

municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which 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 municipal land use ordinances and regulations.

**FHA**

Means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

**GREEN BUILDING STRATEGIES**

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

**HMFA or THE AGENCY**

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

**HOUSEHOLD INCOME**

Means 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**

Means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

**HOUSING REGION**

Means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

**INCLUSIONARY DEVELOPMENT**

Means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

**JUDGMENT OF COMPLIANCE or JUDGMENT FOR REPOSE**

Means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

**LOW-INCOME HOUSEHOLD**

Means a household with a household income equal to 50 percent or less of the regional median income.

**LOW-INCOME UNIT**

Means a restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM**

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

**MIXED USE DEVELOPMENT**

Means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1)there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

**MODERATE-INCOME HOUSEHOLD**

Means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

**MODERATE-INCOME UNIT**

Means a restricted unit that is affordable to a moderate-income household.

**MONI**

Means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

**MUNICIPAL HOUSING LIAISON or MHL**

Means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

**MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

Means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

**MUNICIPAL DEVELOPMENT FEE ORDINANCE**

Means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

**NEW CONSTRUCTION**

Means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed 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 JERSEY AFFORDABLE HOUSING TRUST FUND**

Means an account established pursuant to N.J.S.A. 52:27D-320.

**NEW JERSEY HOUSING RESOURCE CENTER or HOUSING RESOURCE CENTER**

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

**95/5 RESTRICTION**

Means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

**NON-EXEMPT SALE**

Means any sale or 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.

**NONPROFIT**

Means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

**NON-RESIDENTIAL DEVELOPMENT**

Means:

- Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;
- Hotels, motels, vacation timeshares, and child-care facilities; and
- The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

**NON-RESIDENTIAL DEVELOPMENT FEE**

Means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

**ORDER FOR REPOSE**

Means the protection a municipality has from exclusionary zoning litigation including a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

**PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS**

Means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development.

**PROSPECTIVE NEED**

Means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

**QUALIFIED URBAN AID MUNICIPALITY**

Means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

**PERSON WITH A DISABILITY**

Means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

**PRICE DIFFERENTIAL**

Means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

**PRIOR ROUND UNIT**

Means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round

development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

### **PROGRAM**

Means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

### **RANDOM SELECTION PROCESS**

Means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; 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 housing units to be leased or sold on a first-come, first-served basis.

### **RCA ADMINISTRATOR**

Means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

### **RCA PROJECT PLAN**

Means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

### **RECEIVING MUNICIPALITY**

Means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

### **RECONSTRUCTION**

Means 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.

### **RECREATIONAL FACILITIES AND COMMUNITY CENTERS**

Means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

### **REGIONAL CONTRIBUTION AGREEMENT or RCA**

Means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

### **REGIONAL MEDIAN INCOME**

Means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

### **REHABILITATION**

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

### **RENT**

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

### **RESIDENTIAL DEVELOPMENT FEE**

Means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

### **RESTRICTED UNIT**

Means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

### **SPENDING PLAN**

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

### **STATE DEVELOPMENT AND REDEVELOPMENT PLAN or STATE PLAN**

Means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

### **SUPPORTIVE HOUSING HOUSEHOLD**

Means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or

program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

### **SUPPORTIVE HOUSING SPONSORING PROGRAM**

Means grant or loan program which provided financial assistance to the development of the unit.

### **SUPPORTIVE HOUSING UNIT**

Means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

### **TRANSITIONAL HOUSING**

Means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (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 department; and (4) allows households to remain for a minimum of six months.

### **TREASURER**

Means the Treasurer of the State of New Jersey.

**UHAC**

Means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

**UHORP**

Means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

**UNIT TYPE**

Means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

**VERY-LOW-INCOME HOUSEHOLD**

Means a household with a household income less than or equal to 30 percent of the regional median income.

**VERY-LOW-INCOME HOUSING**

Means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

**VERY-LOW-INCOME UNIT**

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

**VETERAN**

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

**VETERANS' PREFERENCE**

Means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

**WEATHERIZATION**

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

**§ 203-92 Monitoring and Reporting Requirements.**

- A. In accordance with the Act and N.J.A.C. 5:99 et seq., the Township is required to annually provide updated affordable housing monitoring activity and affordable housing trust fund activity through the Department's Affordable Housing Monitoring Service on or before February 15 annually.

- B. All developers, program sponsors and landlords of developments or projects containing affordable housing in the Township shall be required to provide all necessary information related to the status of construction and occupancy of each affordable unit within the respective developer, program sponsor or landlord's development to the municipality's Municipal Housing Liaison by no later than January 2 annually for the previous year.

### **§ 203-93 Affordable Housing Programs**

- A. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." By way of example only, the following is a non-exhaustive list of potential crediting mechanisms the Borough may rely upon from COAH regulations.
- B. Municipally sponsored and 100% affordable development program.
- (1) Under a municipally sponsored and 100% affordable development program, the Township of Woolwich will serve either as the primary sponsor or enter into a partnership with a nonprofit or other housing provider to facilitate the construction of developments in which all units are available to very-low-income households, low-income households and moderate-income households.
  - (2) The following provisions shall apply to municipally sponsored and 100% affordable developments:
    - (a) All sites shall meet the site suitability criteria set forth in the Fair Housing Act and its implementing regulations.
    - (b) The Township of Woolwich or developer/sponsor shall have control or the ability to control the site(s).
    - (c) The construction schedule shall provide for construction to begin within two years of substantive certification or in accordance with the Township of Woolwich's implementation schedule pursuant to the Fair Housing Act and its implementing regulations.
    - (d) The first floor of all townhouse dwelling units and of all other multistory dwelling units must be adaptable and comply with the Fair Housing Act and its implementing regulations.
  - (3) The units shall comply with UHAC.
  - (4) Within each municipally sponsored and 100% affordable development, all of the affordable housing units shall be divided equally between low-income households and moderate-income households, and a minimum of 13% of the all affordable housing units shall be affordable to households earning no more than 30% of the median gross income for households of the same size within Housing Region 6.

C. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

(1) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

- (a) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- (b) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- (c) Occupancy shall not be restricted to youth under 18 years of age.
- (d) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- (e) The bedrooms and/or units shall comply with UHAC with the following exceptions:

[1] Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

[2] Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

- (a) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- (b) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- (c) The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

[1] An Affirmative Marketing Plan.

[2] If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section.

which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

- (d) The sponsor/owner shall complete annual monitoring as directed by the MHL.

D. Zoning for inclusionary development

- (1) Affordable housing units proposed through inclusionary development shall be provided through zoning for development that includes a financial incentive to produce the affordable housing, including but not limited to increased densities and reduced costs to the developer. Inclusionary zoning may apply to all or some zones or sites within the municipality. Financial incentives may provide for a range of opportunities to induce affordable housing production at varying levels provided the compensatory benefits minimally meet the criteria set forth in this section.
- (2) The following provisions presumptively apply to each site or zone proposed for inclusionary development:
- (a) The site shall meet site suitability criteria
  - (b) The site has been zoned specifically at a minimum gross density of six units per acre with a 20 percent set-aside
  - (c) The affordable units shall comply 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., and as reflected in the adopted Woolwich Township’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
  - (d) Inclusionary zoning ordinances shall require developers to construct the required affordable units on site.
  - (e) The design of inclusionary and mixed-use developments providing affordable housing to be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.
- (3) Inclusionary zoning ordinances shall require, to the extent feasible, that developers fully integrate the low- and moderate-income units with the market units.
- (4) Inclusionary zoning ordinances shall require that affordable units utilize the same heating source as market-rate units within the inclusionary development and have

access to all community amenities available to market-rate units and subsidized in whole by association fees.

- (5) Inclusionary zoning ordinances shall require that the first floor of all townhouse dwelling units and all other multistory dwelling units comply with N.J.A.C. 5:97-3.14.
- (6) The affordable units shall comply with N.J.A.C. 5:97-9 and UHAC.

**§ 203-94 New Construction**

Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

- A. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
- B. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

<u>Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy</u>	<u>Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy</u>
<u>25+1</u>	<u>10</u>
<u>50</u>	<u>50</u>
<u>75</u>	<u>75</u>
<u>90</u>	<u>100</u>

- C. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

- (7) Design of 100 percent affordable developments:
  - (f) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules.
  - (g) Each bedroom in each restricted unit must have at least one window.
  - (h) Restricted units must include adequate air conditioning and heating.

- (8) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
- (a) Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
  - (b) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
  - (c) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, 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. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - (d) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable 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. This shall apply to prior round units.
  - (e) Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
  - (f) Each bedroom in each restricted unit must have at least one window.
  - (g) Restricted units must be of the same unit type as market-rate units within the same building.
  - (h) Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules.
- (9) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section C(2) above. Restricted sale units shall comply with the below:
- (a) 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. This shall apply to prior round units.

- (b) Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
- (c) Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses shall be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
- (d) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules.
- (e) Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
- (f) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable 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. This shall apply to prior round units.
- (g) Each bedroom in each restricted unit must have at least one window; and
- (h) Restricted units must include adequate air conditioning and heating.

#### D. Utilities.

- (1) Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- (2) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with UHAC.

#### E. Low/moderate split and bedroom distribution.

- (1) Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

- (2) In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
- (3) Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall 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, and counted as part of the required number of low-income units within the development.
- (4) Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
  - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
  - (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
  - (c) The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.
  - (d) At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
  - (e) At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
  - (f) The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer in accordance with the municipality's housing element and fair share plan.
- (5) Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall within the restricted units equals the number of restricted units. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent of those restricted units.

F. Accessibility requirements.

- (1) Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units

shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

(2) Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include 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 however an interior accessible route of travel shall not be required between stories;
- (d) An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
- (e) If one or more of the foregoing requirements in (2)(a) through (2)(d) can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- (f) An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

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

[2] To this end, the builder of restricted units shall deposit funds within the 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 shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

(g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

G. Maximum Initial Rents and Sales Prices.

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC at N.J.A.C. 5:80-26.4.
- (2) The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- (3) The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
- (4) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. 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.
- (5) The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
- (6) The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special

assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

- (7) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
- (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one- and one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half-person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (8) In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
- (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one- and one-half-person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two 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.
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household;
- (9) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and

supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

- (10) The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (11) At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

### **§ 203-95 Affirmative Marketing Requirements**

- A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 5 and is required to be followed throughout the period of deed restriction.
- C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
- (1) Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A.

52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

- (2) There shall be a regional preference for all households that live and/or work in Housing Region 5 comprising Burlington, Camden, and Gloucester Counties.
  - (3) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - (4) With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly 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.
- D. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
  - E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
  - F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
  - G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
  - H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
  - J. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Woolwich.

**§ 203-96 Occupancy Standards**

- A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- C. In referring certified households to specific restricted units, the Administrative Agent shall strive, to the extent feasible and without causing an undue delay in occupying the unit, to:
  - (1) Ensure each bedroom is occupied by at least one person, except for age-restricted units;
  - (2) Provide a bedroom for every two adult occupants;
  - (3) With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  - (4) Avoid placing a one-person household into a unit with more than one bedroom.

**§ 203-97 Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- A. The initial control periods for restricted ownership units shall be for a period of at least 30 years and in accordance with the UHAC , as may be amended and supplemented, with the Township reserving the right to extend the affordability control period for an additional period of time thereafter.
- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of at least 10 years (crediting towards present need only).
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  - (1) If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - (2) If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

- (3) Notwithstanding the foregoing, nothing herein is intended to eliminate the right of a municipality with a 95/5 unit, which allows the municipality to permit the unit to be sold at fair market value and to capture 95 percent of the differential to be used for affordable housing.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

### **§ 203-98 Price Restrictions for Restricted Ownership Units**

- A. Price restrictions for restricted ownership 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 percentage for a restricted ownership unit shall be set 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 the standards set forth in N.J.A.C 5:80-26.7.
    - (a) If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
    - (b) If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- (3) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
- (a) those that render the unit suitable for a larger household or the addition of a bathroom.
  - (b) The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
- (4) No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

### **§ 203-99 Buyer Income Eligibility**

- A. Buyer income eligibility for restricted ownership 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 ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, as determined by the Division, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of

eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the affirmative marketing requirements at N.J.A.C. 5:8 0-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
  - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

### **§ 203-100 Limitations on Indebtedness Secured by Ownership Unit; Subordination**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent a notice of intent to incur such indebtedness (for example, a home equity loan or solar loan), in such form and with such documentary support as determined by the administrative agent, and the owner may not incur any such indebtedness unless and until the administrative

agent has determined and confirmed, in writing, that the proposed indebtedness complies with the provisions of this section.

- B. With the exception of original purchase money mortgages, during a control period, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.7(c).

### **§ 203-101 Control Periods for Restricted Rental Units.**

- A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated, with the Township reserving the right to extend the affordability controls for an additional period of time in accordance with the ACT and UHAC.
- B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit;

- (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
- (4) The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

**§ 203-101.1 Rent Restrictions for Rental Units; Leases and Fees.**

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
  - (1) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- F. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

**§ 203-101.2 Tenant Income Eligibility.**

- A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:

- (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) 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;
  - (2) 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;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents are reliable anticipated 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.
- C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in subsection B above with the Administrative Agent, who shall counsel the household on budgeting.

### **§ 203-101.3 Enforcement of Affordable Housing Regulations**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or

tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
  - (a) The penalty provided in Chapter 1, General Provisions, Article I, Adoption of Code by Township Committee; General Penalty, § 1-15, General penalty.
  - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the municipal 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 housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), 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.
- D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
  - (1) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable 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.
  - (2) 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- or 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 the full 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 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.

- (3) Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they 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.
  - (4) 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 affordable 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 affordable 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 that would have been realized from an actual sale as previously described.
  - (5) Failure of the low- or 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 that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
  - (6) The affordable unit 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.
- E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property

- manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
- F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
- G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

#### **§ 203-101.4 Appeals**

- A. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

#### **§ 203-101.5 Regional Income Limits.**

- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- B. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
- C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

#### **§ 203-101.6 Municipal Housing Liaison**

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.

- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
- (1) Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - (2) The oversight of the Affirmative Marketing Plan and affordability controls.
  - (3) When applicable, overseeing and monitoring any contracting Administrative Agent.
  - (4) Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - (5) Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - (6) Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - (7) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
  - (8) Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
  - (9) Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
  - (10) Listing on the municipal website contact information for the MHL and Administrative Agents.

### **§ 203-101.7 Administrative Agent**

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
- (1) Administrative agent fees related to rental units shall be paid by the developer/owner.
  - (2) Administrative agent fees related to initial sale of units shall be paid by the developer.

- (3) Administrative agent fees related to resales shall be paid by the seller of the affordable home.
  - (4) Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
  - (2) Affirmative marketing:
    - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
    - (b) Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
  - (3) Household certification.
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
    - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
    - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
    - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.

- (f) Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- (4) Affordability controls.
  - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
  - (b) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
  - (c) Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
  - (d) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- (5) Records retention.
  - (a) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - (b) Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- E. Resales and re-rentals.
  - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
  - (b) Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- (6) Processing requests from unit owners.
  - (a) Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units

that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

- (c) Notifying the municipality of an owner's intent to sell a restricted unit.
- (d) Making determinations on requests by owners of restricted units for hardship waivers.

(7) Enforcement.

- (a) Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (c) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
- (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
- (e) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

- (8) The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

**§ 203-101.8 Waivers**

- A. A waiver may be granted of any provision of this ordinance if it would advance the interests of low- and moderate-income households or if strict compliance would cause an unreasonable result.

**§ 203-101.9 General Qualifications**

- A. The State only made the regulations available that impact this ordinance in December of 2025. Consequently, the Borough reserves the right to review and amend this ordinance consistent with applicable law

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**TOWNSHIP OF WOOLWICH**

Attest: \_\_\_\_\_

Jessica Mignogna, Township Clerk

\_\_\_\_\_

Natalie Matthias, Mayor

**NOTICE**

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 2nd day of March, 2026. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting is to be conducted on the 16th day of March, 2026, at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

\_\_\_\_\_  
Jessica Mignogna, Township Clerk

**CERTIFICATION OF ADOPTION**

The foregoing Ordinance was adopted by the Township Committee of the Township of Woolwich upon second reading and subsequent to a public hearing conducted on the same, at a meeting of the Township Committee on the 16th day of March, 2026 and therefore becomes effective.

\_\_\_\_\_  
Jessica Mignogna, Township Clerk

# Exhibit 5

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH , COUNTY OF GLOUCESTER  
APPROVING CONSENT ORDER WITH FAIR SHARE HOUSING CENTER AND  
RATIFYING MAYOR NATALIE MATTHIAS’S EXECUTION OF SAME  
R-2026-114B**

**WHEREAS**, in January 2025, the Township of Woolwich (“Township” or “Woolwich”) filed a Declaratory Judgment Action pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.as amended in March of 2024 (hereinafter “FHA II”); and

**WHEREAS**, on June 5, 2025, the Township filed a Housing Element and Fair Share Plan with the Dispute Resolution Program (the “program”) in accordance with FHA II;

**WHEREAS**, Fair Share Housing Center (“FSHC”) wrote a letter in the objection period that followed raising certain questions about the Township’s Plan; and

**WHEREAS**, on October 10, 2025 and November 17, 2025, the Township provided responsive materials to FSHC; and

**WHEREAS**, the Township and FSHC have negotiated a Consent Order intended to resolve all issues raised by FSHC’s challenge except for one and have agreed on a procedure to address the remaining issue; and

**WHEREAS**, the Township’s professionals deemed the Consent Order, attached hereto as Exhibit A, to be in the best interest of the Township; and

**WHEREAS**, it is in the best interest of the Township of Woolwich that the Committee approve the agreement to facilitate the Township’s goal of securing approval of its Housing Element and Fair Share Plan as amended; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

1. The Township hereby approves the Consent Order, attached hereto as Exhibit A and authorizes the Mayor’s execution of same; and
2. This Resolution shall take effect immediately.

Adopted this 16th day March, 2026

**TOWNSHIP OF WOOLWICH**

ATTEST: \_\_\_\_\_  
Jessica Mignogna, Clerk

\_\_\_\_\_  
Natalie Matthias, Mayor

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 16th day of March, 2026.

---

Jessica Mignogna, Clerk

**Fair Share Housing Center**

510 Park Boulevard  
Cherry Hill, New Jersey 08002  
P: 856-665-5444  
F: 856-663-8182

*Attorneys for Fair Share Housing Center*

By: Ashley J. Lee, Esq. (375392021)  
ashleylee@fairsharehousing.org

**In the Matter of the Application  
of the Township of Woolwich,  
County of Gloucester.**

SUPERIOR COURT OF NEW JERSEY  
Law Division, Gloucester  
County  
Docket No. GLO-L-108-25

**CIVIL ACTION  
(Mount Laurel)**

**Consent Order Conditional  
Compliance Certification  
(N.J.S.A. 52:27D-304(q))**

**THIS MATTER** having come before the Court via the joint request of the Township of Woolwich, via counsel Jeffrey R. Surenian, Esq. (of Surenian, Edwards, Buzak & Nolan LLC), as well as Fair Share Housing Center, via counsel Ashley J. Lee, Esq. (on behalf of Fair Share Housing Center); and

**WHEREAS,** the Township of Woolwich (the "Township" or "Woolwich") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 23, 2025; and

**WHEREAS,** the Court entered an order on April 24, 2025 setting the Township's Fourth Round fair share obligations as a Present Need of sixteen (16) and a Prospective Need of two hundred forty-

one (241), which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

**WHEREAS**, the Township having filed its HEFSP on June 6, 2025; and

**WHEREAS**, FSHC having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP on August 27, 2025 seeking additional information and documentation before the HEFSP may be approved by the Program and trial court; and

**WHEREAS**, no other interested-party filed a challenge or any other communication; and

**WHEREAS**, the Court having reviewed the Township's HEFSP, attachments, and proposed implementing ordinances and resolutions and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met;

**WHEREAS**, the Court incorporates the Court's prior orders and for good cause shown:

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2026,

**ORDERED** as follows:

1. Subject to the satisfaction of the Conditions in Paragraph 8 of this Order and the deadlines established therein, the Township of Woolwich's Fourth Round Fair Share Plan (Exhibit P-1) is hereby approved and deemed to meet the "objective

standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Township is granted a Compliance Certification as to its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision.

2. The Township's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Township shall have repose from exclusionary zoning litigation, including, but not limited to, Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.
3. The Township's Present Need or Rehabilitation Obligation is sixteen (16), the Township's Prior Round Obligation (1987-1999) is two hundred nine (209), the Township's Third Round

Obligation (1999-2025) is five hundred twenty-five (525), the Township's Fourth Round Prospective Need (2025-2035) is two hundred forty-one (241).

4. The Township will address its Present Need via continued participation in the Gloucester County Owner Occupied Rehabilitation Program and implementation of a municipal rehabilitation program addressing both rental and for-sale housing.
5. The Township's Prior Round Obligation is 209 and has been met with the following mechanisms:

<b>Woolwich Township's 209-unit Prior Round Compliance Mechanisms</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
<b><i>Alternate Living Arrangements</i></b>			
Group Home Bedrooms	52	-	52
<b><i>Regional Contribution Agreements</i></b>			
Borough of Paulsboro/ Borough of Swedesboro	19	-	19 <sup>1</sup>
<b><i>100% Affordable Family Rentals- Existing</i></b>			
The Oaks Family Rental Apartments	85	53	138
<b>Total</b>	<b>156</b>	<b>53</b>	<b>209</b>

6. The Township's Third Round Obligation is 525 and shall be met with the following mechanisms:

<b>Woolwich Township's 525-unit Third Round Compliance Mechanisms</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
<b><i>Regional Contribution Agreements</i></b>			
Borough of Swedesboro/ Borough of Paulsboro	20	-	20
<b><i>100% Affordable Family Rentals- Existing</i></b>			
Eagle View Trail Development, Block 4 - Lot 3.02	80	80	160
<b><i>100% Affordable Development- Proposed</i></b>			
Fair Share Housing Development - Block 18, Lots 4 and 6	132	52	184
<b><i>Inclusionary Developments- Proposed</i></b>			
Weatherby Phase III - Block 2.09, Lot 1.03	71	-	71
<b><i>Woolwich Residential Inclusionary Development - Block 18, Lots 4 &amp; 6, Block 22, Lots 2, 2.01, and 4<sup>2</sup></i></b>			
Woolwich Assisted Living - Block 28.01, Lot 2	90	-	90
	7	-	7
<b>Total</b>	<b>400</b>	<b>132</b>	<b>532</b>

7. The Township's Fourth Round Obligation is 241 and shall be met with the following mechanisms:

<b>Mechanism</b>	<b>Type</b>	<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<i>Third Round Surplus</i>		7		7
100% Affordable Project (Block 16, Lot 5)	Family rentals	72	60	132
MUD Inclusionary Zoning (Block 7, Lot 5 partially; Block 12, Lot 2; Block 57, Lot 3 partially)	Mixed-use inclusionary zoning	103	0	103
NP Woolwich Industrial LLC (Block 61, Lots 1-4, 4.01, 7) Group Home	Supportive housing	6	0	6
<b>TOTAL</b>		<b>188</b>	<b>60</b>	<b>248</b>

8. The Township's Compliance Certification is deemed conditional until the following conditions are met:

- The Township will provide the amended MUD zoning ordinance.
- The Township will provide the municipal rehabilitation program manual.
- The Township will prepare and adopt a Spending Plan that complies with the regulations at N.J.A.C. 5:99
- The Township will update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99.

9. No later than March 16, 2026, the Township shall take the actions set forth above. Within 48 hours after adoption, the Township shall file the information required by Paragraph 8 and any other adopted ordinances and resolutions on eCourts.
10. While the parties have resolved all the issues set forth above on the basis set forth above, the parties have not resolved the issue of whether and how the residential and non-residential phasing in the proposed MUD Zone can be achieved. In the event the parties can achieve an agreement on this issue, the parties will report it to the Court within the next thirty (30) days. If the parties cannot reach an agreement on this issue within this timeframe, the parties will present their positions for the Court's determination on the issue.
11. No later than April 15, 2026, the Township and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review, or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.
12. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
  - The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the

Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>.

- The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Township

or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

13.A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

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

On behalf of the Township of  
Woolwich:

\_\_\_\_\_  
Jeffrey R. Surenian, Esq.

On behalf of Fair Share  
Housing Center:

  
\_\_\_\_\_  
Ashley J. Lee, Esq.

# Exhibit 6

**TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WOOLWICH ENDORSING THE AMENDED ROUND 4 HOUSING ELEMENT AND  
FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD**

**WHEREAS**, the New Jersey Fair Housing Act as amended in March of 2024 (“FHA II”) and other applicable law imposes an affordable housing obligation on all municipalities, including the Township of Woolwich; and

**WHEREAS**, FHA II and the Municipal Land Use law require each municipal planning board to adopt a Housing Element as part of the Township’s Master Plan; and

**WHEREAS**, the Woolwich Joint Land Use Board adopted a Housing Element and Fair Share Plan on June 5, 2025 and the Township endorsed that plan on June 16, 2025 (hereinafter “2025 Plan”); and

**WHEREAS**, Woolwich filed the 2025 Plan with “the Program”, an entity created by FHA II, in accordance with the standards established by that Legislation; and

**WHEREAS**, Fair Share Housing Center, Inc. (FSHC) filed an objection to Woolwich’s application for approval of its plan; and

**WHEREAS**, the objection triggered a dialogue that resulted in the Township agreeing to make certain changes to the 2025 Plan; and

**WHEREAS**, accordingly, the Township’s professionals prepared an Amendment to its Housing Element and Fair Share Plan (hereinafter “Amendment”) to implement the agreed-upon changes; and

**WHEREAS**, the Joint Land Use Board reviewed the Amendment, together with supporting documentation and the recommendations of the Township’s planning and legal professionals and adopted the Amendment; and

**WHEREAS**, the next step in the process of seeking to secure a certificate of compliance approving the amended plan is for the Township to endorse the Amendment; and

**WHEREAS**, the Township Committee has reviewed the Amendment and desires to formally endorse the same in order to advance the Township’s efforts to secure judicial approval of its affordable housing compliance.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

1. The Township Committee hereby endorses and approves the Amendment attached hereto.
2. The Township authorizes its professionals to provide such supplemental information, clarifications, or certifications as they deem appropriate in their efforts to secure approval of the amended plan from the county level judge.
3. The Township authorizes its professionals to make any non-substantive or de minimis revisions or clarifications necessary to effectuate the intent of this Resolution and facilitate judicial review of the Amended Plan.
4. The Township Clerk is directed to transmit copies of this Resolution, together with the adopted Amendment, immediately to Affordable Housing Counsel so that counsel, in accordance with FHA II, can file the Amendment within 48 hours from adoption.
5. This Resolution shall take effect immediately upon adoption.

#### CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Woolwich at a meeting held on \_\_\_\_\_, 2026.

**HOUSING ELEMENT AND FAIR SHARE PLAN  
FOR THE FOURTH ROUND: 2025-2035**

**PREPARED FOR**

**THE TOWNSHIP OF WOOLWICH  
COUNTY OF GLOUCESTER  
STATE OF NEW JERSEY**

~~August 11, 2025~~  
~~February 19, 2026~~

Adopted by the Township Joint Land Use Board: June 5, 2025 (Resolution # 2025-19)  
Amended by the Township Joint Land Use Board: August 21, 2025 (Resolution # 2025-22)  
~~Amended by the Township Joint Land Use Board: March 5, 2026, 2026 (Resolution # 2026-12)~~



2059 Springdale Road,  
Cherry Hill, NJ 08003

Accordingly, the following are the specific sections of the HEFSP that are amended exhibiting page numbers corresponding to the August 11, 2025 HEFSP. Specific substantive text changes are underlined while omissions are indicated as a ~~strike through~~ in the text below for the Board's review and consideration in adopting as amendments to the HEFSP of the Master Plan.

N.B. The original of this document was signed and sealed as per N.J.A.C. 13:41-1.3.b.

  
Ashton G. Jones, AICP, PP, CFM  
License #33LI00633800

**Mayor**

Mayor Natalie Matthias

**Township Committee**

Natalie Matthias, Mayor  
Michael Nocentino, Deputy Mayor  
Craig Frederick, Committeeman  
Cindy Minhas, Committeewoman  
Jacqueline Williams, Committeeman

**Offices of the Township Administrator and Clerk**

Jim Watson, Township Administrator  
Jessica Mignogna, RMC, CMR, CTC, Municipal Clerk

**Joint Land Use Board Members**

Natalie Matthias, Mayor  
Michael Nocentino, Deputy Mayor  
Thomas Daniels, Class II  
~~Joseph Mauger~~Lee Silberman, Class IV  
~~Robert Rushton~~Christina Trautz, Class IV  
Carolyn Grasso, Class IV  
Dana Cotton, Class IV  
Joseph Kauffman, Class IV  
Ellie Moore, Class IV  
Patrick Healey, Alternate #1  
Yusuf Fluellen, Alternate #2  
~~Christina Trautz, Alternate #3~~  
Shannon Kilpatrick, Secretary

**Joint Land Use Board Professionals**

Mike Aimino, Esq., Solicitor  
Ted Wilkinson, PE, Engineer  
Ashton Jones, PP, AICP, CFM, Planner

**Remington & Vernick Engineers Consultants**

~~Ashton Jones, PP, AICP, CFM~~  
Jenizza Corbin, PP, AICP, LEED Green Associate  
Jachel Everett

**Affordable Housing Counsel**

Jeffrey R. Surenian, Esq.

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## 1.0 INTRODUCTION

### 1.1. Background

New Jersey affordable housing law began in 1975 when the Supreme Court decided *So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel*, 67 N.J. 151 (1975), commonly referred to as “Mount Laurel I.” In *Mount Laurel I*, the Supreme Court ruled that the State Constitution required each “developing” municipality, through its land use regulations, to “make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there”, including those of low and moderate income. Thus, the Supreme Court prohibited municipalities from using their zoning powers to prevent the development of affordable housing for low- and moderate-income households.

In 1983, displeased with progress of municipalities to zone for affordable housing in response to “Mount Laurel I”, the Supreme Court decided “to put some steel” into the doctrine. Specifically, it decided *So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp.*, 92 N.J. 158 (1983), commonly referred to as “Mount Laurel II”. To facilitate the actual construction of affordable housing, the Court fashioned a judicial remedy, now commonly referred to as a “Builder’s Remedy”. That remedy created an incentive for developers to sue towns that had not complied with the doctrine and to force them to comply.

*Mount Laurel II* precipitated a flood of builder’s remedy suits creating pressure for a legislative solution to the *Mount Laurel* doctrine. Judge Serpentelli, one of three judges assigned to implement *Mount Laurel II*, decided the AMG case wherein he provided a fairly simple formula to enable any developer to easily determine a municipality’s fair share. This formula greatly simplified the process for developers to prove that a municipality was non-compliant and facilitated their ability to secure a builder’s remedy. The AMG decision dramatically increased the pressure for a legislative solution as developers sued municipalities across the state and stripped them of their home rule powers.

The pressure for a legislative solution culminated in the enactment of the Fair Housing Act (FHA) in 1985, roughly a year after Judge Serpentelli issued the AMG decision. The FHA created COAH, and conferred primary jurisdiction on COAH to administer the FHA and implement the affordable housing policies of our State. In January 1986, the Supreme Court decided *Hills Dev. Co. v. Bernards Twp.*, 103 N.J. 1 (1986), commonly referred to as “Mount Laurel III”, wherein the Court declared the FHA to be constitutional and directed trial judges to follow the decisions of COAH “wherever possible”.

The FHA, as enacted in 1985, gave municipalities six years of protection from when COAH certified their affordable housing plans. Consequently, the FHA directed COAH to promulgate regulations from “time to time” so that at any given time, there would be a body of regulations which any municipality could use to determine and satisfy its obligations. To implement the FHA, COAH adopted regulations for each housing cycle. It adopted regulations for Round One in 1986; for Round Two in 1994; and for the Round Three in 2004. The Appellate Division invalidated the first version of COAH’s Round 3 regulations in 2007 and COAH adopted new Round 3 regulations

in 2008. In 2010, the Appellate Division invalidated the second iteration of COAH's Round 3 regulations and, in 2013, the Supreme Court affirmed the Appellate Division's decision. The Supreme Court gave COAH five months to adopt valid regulations for Round 3 and then extended that deadline multiple times. After COAH failed to adopt Round 3 regulations a third time, the Supreme Court was out of patience. It decided *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), commonly referred to as "Mount Laurel IV". In *Mount Laurel IV*, the Supreme Court declared COAH to be "moribund" and turned over the task of implementing the Mount Laurel doctrine back to the trial courts. This time, instead of having three specialized judges preside over Mount Laurel cases, the Supreme Court assigned the task to 15 judges throughout the State.

On March 20, 2024, this all changed once again when Governor Murphy signed, P.L. 2024, C.2, into law, which substantially amended the FHA and created an entirely new affordable housing regulatory plan approval process (hereinafter "FHA II"). FHA II provided that a municipality could secure immunity by adopting a resolution to commit to a present need and Round 4 prospective need by January 31, 2025 and by filing a declaratory judgment action within 48 hours of adoption of the resolution. FHA II provided that a municipality could maintain that immunity if it filed an adopted Housing Element and Fair Share Plan by June 30, 2025. FHA II introduced a comprehensive structure for municipalities to meet their obligations, with key provisions including, but not limited to, the following:

- The abolishment of COAH and reassigning affordable housing oversight to a new entity known as the Affordable Housing Dispute Resolution Program (the Program), which consists of seven retired Mount Laurel judges and their Special Adjudicators, previously known as Court Masters. FHA II provided that if the Program judges, with the assistance of Adjudicators, could not resolve dispute amicably, a vicinage area judge would decide the matter.
- FHA II also required the Department of Community Affairs (DCA) to take over the monitoring of affordable units in every municipality in the state, and to draft and release a non-binding report calculating Fourth Round municipal Present and Prospective Need obligation for every municipality in the state. The DCA released its report on October 18, 2024.
- FHA II also ordered the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to adopt new Uniform Housing Affordability Controls, commonly referred to as the "UHAC" regulations.
- FHA II required 13% of the Fourth Round affordable units to be designated as very low-income units (30% of median income), half of which must be available to families with children.
- FHA II required 25% of affordable units to be rental housing units, half of which must be available to families with children.
- FHA II required 50% of the municipality's prospective need (exclusive of any bonus credits) to be available to families with children.
- FHA II required no more than 10% of the municipality's fair share obligation to be counted towards transitional housing.
- FHA II required no more than 30% of affordable housing units to be age-restricted (excluding bonus credits).

- FHA II required 40-year deed restrictions for new rental units, and 30-year deed restrictions for for-sale units.
- FHA II required any municipality that secures a vacant land adjustment (VLA) to provide realistic zoning through redevelopment for “at least 25 percent of the prospective need obligation that has been adjusted” or demonstrate why it is unable to do so..

The law also includes significant changes to the use of bonus credits which are now allocated based on the following:

- Special Needs/Permanent Supportive Housing: 1 bonus credit per 1 credit
- Housing created in partnership with a non-profit housing developer: ½ bonus credit per 1 credit
- Housing located within half a mile radius of public transit stations (or one mile in Garden State Growth Zones): ½ bonus credit per 1 credit
- Age-restricted housing: ½ bonus credit per 1 credit
- Family housing with at least 3 bedrooms, above the minimum number required by the bedroom distribution requirement determined pursuant to the Uniform Housing Affordability Controls: ½ bonus credit per 1 credit
- Redevelopment of sites previously used for retail, office, or commercial space: ½ bonus credit per 1 credit
- Extending affordability controls on existing low- or moderate-income rental units, with municipal financial support: ½ bonus credit per 1 credit
- For 100% affordable projects, municipalities that contribute land or at least 3% of the project’s cost to a fully affordable development: 1 bonus credit per 1 credit
- Very low-income housing for families beyond the required 13%: ½ bonus credit per 1 credit
- Converting market-rate housing to affordable units, provided the municipality secures an agreement with the property owner or owns the property: 1 bonus credit per 1 credit

Limitation to the bonus credits:

- Municipalities are prohibited from using more than one type of Bonus Credit for any unit.
- No more than 25% of a Municipality’s Prospective Need obligation can be satisfied through bonus credits
- Bonus credit for age-restricted is limited only to a maximum of 10% of the total age-restricted units

On December 13, 2024, the Administrative Office of the Courts issued Administrative Directive #14-24 which established guidelines implementing the Program pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2).

## **1.2. Municipal Overview**

Woolwich Township is situated southwestern Gloucester County. The Township covers approximately 22 square miles, surrounds the Borough of Swedesboro, and is bound to the south by South Harrison, Pilesgrove (Salem County), and Oldmans Townships (Salem County), to the

west by Logan Township, and to the north by East Greenwich Township. The 2020 Census indicates that the Township has a total population of 12,577 residents. This represents a population increase of 23.3% when compared to the population indicated in the 2010 Census.

### 1.3. Required Contents of Housing Element

The Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) provides that a municipal Master Plan can include a housing element as the foundation for the municipal zoning ordinance. While the Housing Element is not identified under the Municipal Land Use Law as a required element of the master plan, it is nonetheless a required element of Woolwich Township's Master Plan inasmuch as the Township has an adopted zoning ordinance. Pursuant to N.J.S.A. 40:55D-62(a), a governing body may not adopt or amend a zoning ordinance, until and unless, the planning board would have adopted a land use plan element and housing plan element of the master plan.

FHA II provides that a housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. As per the FHA at N.J.S.A. 52:27D-310, the housing element must contain as follows:

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

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

- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L. 2004, c. 120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

#### **1.4. Consistency with the State Development and Redevelopment Plan**

With respect to the State Development and Redevelopment Plan (SDRP), adopted March 1, 2001, the Township is classified various planning areas, ranging from Suburban Planning Area (PA2), to Parks and Natural Areas (PA8). The PA2 areas are characterized by “availability of developable land, and a more dispersed and fragmented pattern of predominately low-intensity development.”

<sup>1</sup> For these areas, the SDRP anticipates the creation of development patterns with reasonable densities, given the availability of public infrastructure, and “retrofitting” to mean, the redeveloping of existing sprawl.” <sup>2</sup> Development within the Township is expected to be heavily focused around the area encompassed within the Kings Landing Redevelopment Plan.

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*1 The New Jersey State Development and Redevelopment Plan, March 1, 2001, p. 194.*

*2 The New Jersey State Development and Redevelopment Plan, March 1, 2001, p. 196.*

## 2.0 HOUSING ELEMENT

### 2.1 Housing Stock: Occupancy and Physical Characteristics

#### 2.1.1 Occupancy and Housing Unit Type

The 2020 US Census reported that Woolwich Township had a total of 4,249 dwelling units, 96.4% of which were occupied<sup>3</sup> Of the occupied units, about 69% are owner occupied with a mortgage or loan, 14% are owner occupied without a loan, and 17% are renter occupied.<sup>4</sup> While the number of housing units has increased about 30%, between the 2010 and 2020 Census, the occupancy ratio has remained relatively consistent.<sup>5</sup>

The 2023 5-year American Community Survey (ACS) provides that approximately 73% of dwelling units are single-family detached, 8% single-family attached, and 18% multifamily (3 units or more units).<sup>6</sup>

**Table 1: Types of Units** <sup>6</sup>

Unit Type	# of Units	Percentage
1, Detached	3,157	73.1%
1, Attached	340	7.9%
2 units	29	0.7%
3 or 4 units	235	5.4%
5 to 9 units	138	3.2%
10 to 19 units	345	8.0%
20 or more	72	1.7%
Mobile Home	0	0.0%
Other	0	0.0%
<b>Total</b>	<b>4,316</b>	<b>100.0%</b>

#### 2.1.2 Housing Units by Age

Almost 70% of the Township's housing stock was built after 2000, much between 2000 and 2009, while only 6% of the Township's housing stock was built before 1969. Between 1990 and 2009, construction of residential development jumped by 310%, making the Township one of the fastest growing municipalities in the state at the time.

<sup>3</sup> U.S. Census Bureau, 2020 Census Demographic and Housing Characteristics File (DHC), Table DP1, Profile of General Population and Housing Characteristics

<sup>4</sup> U.S. Census Bureau, 2010 Census, Table H4, Tenure

<sup>5</sup> U.S. Census Bureau, 2010 Census, Table H3, Occupancy Status

<sup>6</sup> U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Selected Housing Characteristics Table DP04

**Table 2: Year Structure Built** <sup>6</sup>

<b>Year Built</b>	<b># of Units</b>	<b>Percentage</b>
1939 or earlier	102	2.4%
1940 to 1949	54	1.3%
1950 to 1959	41	0.9%
1960 to 1969	60	1.4%
1970 to 1979	84	1.9%
1980 to 1989	164	3.8%
1990 to 1999	523	12.1%
2000 to 2009	2,145	49.7%
2010 to 2019	1,067	24.7%
2020 and later	76	1.8%
<b>Total</b>	<b>4,316</b>	<b>100.0%</b>

### 2.1.3 Substandard Housing Conditions

P.L. 2024, C.2 requires that with respect to this calculation a methodology should be used that is “similar to the methodology used to determine third round municipal present need”. Third Round municipal present need calculations used three factors to calculate present need: the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. DCA issued Affordable Housing Obligations for 2025-2035 (Fourth Round), indicate that the Township has 16-unit rehabilitation obligation.

## 2.2 Housing Stock: Value and Affordability

### 2.2.1 Owner-Occupied Units

According to 2023 ACS (5-year estimate), the median value of the Township’s owner-occupied housing units is \$417,900. Comparatively, the median value of owner-occupied housing in 2000 was \$194,800<sup>7</sup> and \$373,700 in 2010.<sup>8</sup> This indicates that owner-occupied housing units experienced a 114% increase since 2000 and about an 8% increase since 2010. Of the owner-occupied housing units estimated in 2023, about 60%, were within the \$300,000 to \$499,999 range, while, 25% of the housing stock was in the \$500,000 to \$999,999 value range .<sup>6</sup>

<sup>7</sup> US Census Bureau, Census 2000 Summary File 3, Table H076, Median Value (Dollars) For Specified Owner-Occupied Housing Units [1].

<sup>8</sup> U.S. Census Bureau, 2006-2010 American Community Survey, Table DP04, Selected Housing Characteristics.

**Table 4: Value of Owner-Occupied Units**<sup>6</sup>

Value	Number of Units	Percent
Less than \$149,999	33	1%
\$150,000 to \$199,999	110	3.3%
\$200,000 to \$299,999	322	9.7%
\$300,000 to \$499,999	1,982	59.6%
\$500,000 to \$999,999	836	25.1%
\$1,000,000 or more	43	1.3%
<b>Total Owner-Occupied</b>	<b>3,326</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$417,900</b>	

### 2.2.2 Rental Units

The 2023 5-year ACS estimate indicates that the Township's median rent is \$2,020, with approximately 52% of the rental units above \$2,000 per month.<sup>6</sup> This represents a 67% increase from the median indicated in 2010. **Error! Bookmark not defined.**

**Table 5: Gross Rent**<sup>6</sup>

Cost	# of Units	Percentage
Less than \$999	2	0.2%
\$1,000 to \$1,499	216	26%
\$1,500 to \$1,999	185	22.2%
\$2,000 to \$2,499	322	38.7%
\$2,500 or more	107	12.9%
<b>Total Occupied Rental Units</b>	<b>832</b>	<b>100.0%</b>
<b>Median Rent</b>	<b>\$2,020</b>	

## 2.3 Demographics

### 2.3.1 Population and Age

Woolwich Township's population remained relatively stagnant in the decades leading up to 2000. However, between 2000 and 2010, the population rose sharply from 3,032<sup>9</sup> to 10,200<sup>10</sup>, representing a 236.4% increase. The population further increased 23.3% between 2010 and 2020.

**Table 9: Population Change by Decade**<sup>11</sup>

Year	Population	% Change
1940	1,193	---
1950	1,343	12.6%

<sup>9</sup> U.S. Census Bureau, *Census 2000 Summary File 2, Matrices PCT3, PCT4, PCT8, PCT9, PCT10, PCT11, PCT14, PCT18, PCT19, PCT23, PCT26, HCT2, and HCT5, Table DP1*

<sup>10</sup> U.S. Census Bureau, *2010 Census, Table PI, Race*

<sup>11</sup> For Year 1940 to 2000, NJSDC 2000 Census Publication, *New Jersey Population Trends: 1790 to 2000, Table 6. New Jersey Resident Population by Municipality: 1940 - 2000, page 36, <https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>*

Year	Population	% Change
1960	1,235	-8.0%
1970	1,147	-7.1%
1980	1,129	-1.6%
1990	1,459	29.2%
2000	3,032	107.8%
2010 <sup>10</sup>	10,200	236.4%
2020 <sup>3</sup>	12,577	23.3%

According to the 2020 Census, the median age in the Township is 38.6.<sup>12</sup> Comparatively, the median age in 2010 was 35.7<sup>13</sup> and 33.8 in 2000.<sup>14</sup> According to the U.S. Census Bureau, this rise in median age is largely due to an aging baby boomer population (born between 1946 and 1964) and is evident in the Township. In 2000, about 7%<sup>15</sup> of the Township's population were 65 years and over, whereas by 2020 this figure had increased to about 11%.

**Table 10: Population by Age<sup>6</sup>**

Age	Total	Percentage
Under 5 years	734	5.8%
5 to 9 years	929	7.4%
10 to 14 years	1,137	9.0%
15 to 19 years	1,096	8.7%
20 to 24 years	687	5.5%
25 to 29 years	502	4.0%
30 to 34 years	615	4.9%
35 to 39 years	846	6.7%
40 to 44 years	955	7.6%
45 to 49 years	1,163	9.2%
50 to 54 years	1,043	8.3%
55 to 59 years	859	6.8%
60 to 64 years	614	4.9%
65 to 69 years	487	3.9%
70 to 74 years	433	3.4%
75 to 79 years	254	2.0%
80 to 84 years	128	1.0%
85 years and over	95	0.8%
<b>Total Population</b>	<b>12,577</b>	<b>100.0%</b>
<b>Median Age</b>	<b>38.6 years</b>	

<sup>12</sup> U.S. Census Bureau, 2020 Census, Table P13.

<sup>13</sup> U.S. Census Bureau, 2010 Census, Table P13.

<sup>14</sup> U.S. Census Bureau, 2000 Census, Table P013

<sup>15</sup> U.S. Census Bureau, Census 2000 Summary File 4, Matrices PCT1, PCT3, PCT4, PCT8, PCT9, PCT10, PCT11, PCT12, PCT14, PCT15, PCT23, PCT26, HCT2, and HCT7, table DP1, Profile of General Demographic Characteristics: 2000

### 2.3.2 Household Size

Understanding household size can help determine demand for different types of housing units and provide insight into demographic shifts over time. In 2010, the average household size within the Township was 3.20 and the average family size was 3.48. While the Township's population is growing, the average size for both households and families have decreased in 2023, at 3.10 and 3.21, respectively.

**Table 11. Average Household & Family Size**

	2010 <sup>16</sup>	2023 <sup>17</sup>
Average Household Size	3.20	3.10
Average Family Size	3.48	3.31

Of the occupied units in the Township, 83% are owner-occupied while the remaining are renter-occupied. Of those that are owner-occupied, about 27% are occupied by 2-person households and 27% by 4-person households. In renter occupied units, 2-person households make up 38% while 1-person households represent about 31%. <sup>18</sup>

**Table 12: Tenure by Household Size <sup>18</sup>**

	% of Units	Percentage
<b>Total Occupied Units</b>	<b>4,098</b>	<b>100%</b>
<b>Owner occupied:</b>	<b>3405</b>	<b>83.0%</b>
1-person household	328	9.6%
2-person household	931	27.3%
3-person household	656	19.3%
4-person household	922	27.1%
5-person household	407	12.0%
6-person household	105	3.1%
7-or-more-person household	56	1.6%
<b>Renter occupied:</b>	<b>693</b>	<b>27.0%</b>
1-person household	212	30.6%
2-person household	262	37.8%
3-person household	92	13.3%
4-person household	60	8.7%
5-person household	39	5.6%
6-person household	19	2.7%
7-or-more-person household	9	1.3%

<sup>16</sup> U.S. Census Bureau, 2006-2010 American Community Survey, Table S1101, Households and Families

<sup>17</sup> U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table S1101, Households and Families

<sup>18</sup> U.S. Census Bureau, 2020 Census Demographic and Housing Characteristics File (DHC), Table H12, Tenure by Household Size

### 2.3.3 Household Income

In 2023, the median income in the Township was \$155,808 for households and \$163,084 for families. This represents a 42%, and about a 38% increase from 2010, respectively.<sup>19</sup>

**Table 13: Household Income**<sup>1919</sup>

Income Range	Households	Families
Less than \$10,000	2.4%	2.0%
\$10,000 to \$14,999	0.0%	0.0%
\$15,000 to \$24,999	3.5%	1.8%
\$25,000 to \$34,999	0.5%	0.3%
\$35,000 to \$49,999	6.3%	6.7%
\$50,000 to \$74,999	5.0%	4.9%
\$75,000 to \$99,999	10.1%	8.4%
\$100,000 to \$149,999	20.3%	20.5%
\$150,000 to \$199,999	21.2%	21.6%
\$200,000 or more	30.8%	33.7%
<b>Total</b>	<b>100.0%</b>	<b>100%</b>
<b>Median Income</b>	<b>\$155,808</b>	<b>\$163,084</b>

According to the 2024 Affordable Housing Regional Income Limits by Household Size, which was prepared by Affordable Housing Professionals of New Jersey (AHPNJ), the median income level for Region 5 (Burlington, Camden, Gloucester Counties) is \$80,290. This income level is set on a regional scale and is used to determine moderate, low, and very low-income levels. In Region 5 of New Jersey, which includes Woolwich Township, the moderate household income limit for one person is \$64,232, the low-income is \$40,145, and the very low-income limit is \$24,087.<sup>20</sup>

## 2.4 Existing and Probable Future Employment and Population

### 2.4.1 Employment Status

About 69% of the Township's over 16 years old population is in the labor force, with 4% being unemployed.<sup>21</sup>

<sup>19</sup> U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table S1901, Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars)

<sup>20</sup> Affordable Housing Professionals of New Jersey (AHPNJ), 2024 Affordable Housing Regional Income Limits by Household Size, April 12 2024, [https://ahpnj.org/member\\_docs/Income\\_Limits\\_2024\\_FINAL.pdf](https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf)

<sup>21</sup> U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates, Table DP03, Selected Economic Characteristics

**Table 14: Employment Status<sup>21</sup>**

	<b>Population</b>	<b>%</b>
<b>Population 16 years and over</b>	<b>9,721</b>	<b>100%</b>
Civilian labor force	6,724	69.2%
Employed	6,466	66.5%
Unemployed	258	2.7%
Armed Forces	0	0.0%
Not in labor force	2,997	30.8%
Unemployment Rate (of the Civilian Labor Force)	----	3.8%

#### 2.4.2 Employment by Industry

About 25 % of employed civilians work in the “Educational Services, Health Care and Social Assistance Services” industry, about 10% work in “Retail trade”, about 9% work in “Manufacturing,” “Finance and insurance, and real estate and rental and leasing” and “arts, entertainment, and recreation, and accommodation and food services” , and about 8% work in “Transportation and warehousing, and utilities” and “professional, scientific, and management, and administrative and waste management services”. Less than 1% of the employed civilian labor force works in “Agriculture, forestry, fishing and hunting, and mining” industry.<sup>21</sup>

**Table 15: Employment by Industry<sup>21</sup>**

<b>Industry</b>	<b>Estimate</b>	<b>%</b>
Agriculture, forestry, fishing and hunting, and mining	36	0.6%
Construction	281	4.3%
Manufacturing	602	9.3%
Wholesale trade	195	3.0%
Retail trade	640	9.9%
Transportation and warehousing, and utilities	516	8.0%
Information	243	3.8%
Finance and insurance, and real estate and rental and leasing	594	9.2%
Professional, scientific, and management, and administrative and waste management services	522	8.2%
Educational services, health care and social assistance	1,622	25.1%
Arts, entertainment, and recreation, and accommodation and food services	606	9.4%
Other services, except public administration	200	3.1%
Public administration	398	6.2%
<b>Total (Civilian employed population 16 years and over)</b>	<b>6,466</b>	<b>100.0%</b>

#### 2.4.3 Population and Employment Projections

The Delaware Valley Regional Planning Commission (DVRPC) is the federally funded Metropolitan Planning Organization (MPO) for the Greater Philadelphia Region, which includes Gloucester County. The organization projects that the Region will gain over 466,795 jobs from

2015 to 2050, with the largest share occurring in Gloucester County (29.9%) and Chester County, PA (23.5%). DVRPC also projects that much of the growth by 2050 would be concentrated in suburban areas similar to Woolwich Township, and that employment within New Jersey counties under the organization's jurisdiction will grow by 14.7%.<sup>22</sup>

DVRPC also projects an increase of 500,537 residents by 2050 within the nine-county region with the largest increases again expected in Gloucester County and Chester County, PA at 12.5% and 25.4%, respectively.<sup>23</sup> As a municipality located within Gloucester County, over the next twenty-five (25) years, Woolwich Township should expect an increase in both employment and population. It is reasonable to assume that future employment and population growth within Woolwich Township will emanate from development activity within the Kings Landing Redevelopment Area.

Based on DVRPC's Analytical Report, Population and Employment Forecasts 2015-2050, the Township's population is projected to grow approximately 67%, and employment by 27%. There are several reasons why the employment growth of the Township is projected to be lower than its population growth, including the residential suburban nature of the Township. Without significant increases in office parks, retail centers, or business hubs, job growth will likely continue to lag population increases.

**Table 16: Population & Employment Projections**

Year	Population <sup>24</sup>	% Change	Jobs <sup>25</sup>	% Change
2025	13,926	----	5,401	----
2030	16,239	16.6%	5,414	23.8%
2035	18,230	12.3%	5,431	0.2%
2040	19,859	8.9%	5,456	0.3%
2045	21,346	7.5%	5,468	0.5%
2050	21,655	1.4%	5,482	0.2%

## 2.5 Housing Stock Projection

### 2.5.1 Building and Demolition Permits by Year

FHA II requires that Housing Plans include a projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate. As Table 18 below shows, annual building permit issuance

<sup>22</sup> Delaware Valley Regional Planning Commission (DVRPC), Analytical Report: Population and Employment Forecasts 2015-2050, November 2022, p. 37., <https://www.dvrpc.org/products/adr21014>

<sup>23</sup> Delaware Valley Regional Planning Commission (DVRPC), Analytical Report: Population and Employment Forecasts, November 2022, p. 29, <https://www.dvrpc.org/products/adr21014>

<sup>24</sup> Delaware Valley Regional Planning Commission (DVRPC), Analytical Report: Population and Employment Forecasts 2015-2050, November 2022, p. A-5., <https://www.dvrpc.org/products/adr21014>

<sup>25</sup> Delaware Valley Regional Planning Commission (DVRPC), Analytical Report: Population and Employment Forecasts 2015-2050, November 2022, p. B-5., <https://www.dvrpc.org/products/adr21014>

in Woolwich Township from 2013 through 2023 averaged 113 units, while annual demolition permit issuance averaged 0.8 units.

**Table 18: Housing Unit Building and Demolition Permits by Year**

<b>Year</b>	<b>Building Permits Issued For New Construction <sup>26</sup></b>	<b>Housing Demolition Permits Issued <sup>27</sup></b>
<b>2013</b>	194	1
<b>2014</b>	71	1
<b>2015</b>	44	0
<b>2016</b>	163	0
<b>2017</b>	47	0
<b>2018</b>	76	0
<b>2019</b>	67	0
<b>2020</b>	138	1
<b>2021</b>	86	4
<b>2022</b>	210	1
<b>2023</b>	145	1
<b>Average</b>	112.8	0.8
<b>5-Year Projection</b>	564	4
<b>10-Year Projection</b>	1,128	8

<sup>26</sup> New Jersey Department of Community Affairs (NJCA), Building Permits: Yearly Summary Data

<sup>27</sup> New Jersey Department of Community Affairs (NJCA), Demolition Permits Yearly Summary Data

### **3.0 FAIR SHARE PLAN**

This Fair Share Plan sets forth Woolwich Township's affordable housing obligations and explains how the Township is satisfying its obligation.

The Township's fair share is 991, consisting of Present Need (Rehabilitation Obligation) of 16, a Prior Round Obligation (1987-1999) of 209, a Third Round Obligation (1999-2024) of 525 and Fourth Round Obligation (2025-2035) of 241.

Another way to construe this 991-unit obligation is that 16 units is the present need (or rehab obligation) and 975 units is the prospective need otherwise known as the new construction component. The new construction obligation can be further broken down into 734 for Rounds 1 through 3 and 241 for Round 4.

The Township has satisfied its new construction obligation of 734 for Rounds 1 through 3; ~~however. Furthermore, the Township lacks sufficient lands able to satisfy the its 241-unit obligation assigned to it under for Round 4. through a 100% affordable housing project and a property specific rezonings which will require the construction of affordable housing. .~~

~~The Township has applied the standards set forth in N.J.A.C. 5:93-4.2 to determine its entitlement to a vacant land adjustment to the 241 Round 4 prospective need number assigned by the DCA and accepted by the Township (see Appendix). As a result of that analysis, the Township has determined that it is entitled to adjust its 241 Round 4 prospective need to 182, leaving the Township with a realistic development potential (RDP) of 182 and an unmet need of 59. This plan will demonstrate how the Township is creating a realistic opportunity for satisfaction of both its realistic development potential and unmet need.~~

~~To elaborate on the vacant land adjustment analysis, in accordance with N.J.A.C. 5:93-4.2, we first created an inventory of vacant or underutilized parcels. Initially, an exhaustive analysis of all vacant properties was conducted utilizing 2024 MOD-IV tax data from the New Jersey Geographic Information Network. These data were reviewed for completeness and accuracy with respect to property class codes and, where necessary, updated based on local information and/or current aerial images.~~

~~Next, all privately owned vacant contiguous parcels under 0.83 acres were eliminated from the analysis (could not accommodate a density of 6 dwelling units per acre and would therefore generate zero affordable units). The Township utilized a density of 6<sup>28</sup> units per acre, as per COAH regulation N.J.A.C. 5:93-4.2.~~

~~Next, the Township removed agricultural lands which have been preserved; environmentally sensitive lands including wetlands, flood hazard areas, active recreation; and conservation, parklands and open space lands.~~

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*28 With the exception of the MUD zoned properties indicated below where a density of 7 units an acre was indicated.*

~~Furthermore, the Township removed parcels which were deemed to have special circumstances which might otherwise preclude the sites' inclusion, including vacant lands surrounded by industrial uses, areas without access, lacking access to sewer, areas with access only through wetlands, areas with known contamination, sites containing utilities (i.e., pump stations, etc.), common areas within developed sites (i.e. parking areas, open space areas), areas with stormwater management facilities, etc. In other words, all sites that did not qualify as available, approvable, developable and suitable under COAH regulations were removed because a municipality can only comply with sites that meet these criteria~~

### **3.1 Present Need Obligation**

#### **3.1.1 As Determined and Addressed**

The Township accepts the Present Need of **16 units** promulgated by the Department of Community Affairs (DCA) as its Rehabilitation Obligation. For the satisfaction of the Rehabilitation Obligation, Woolwich Township will continue to seek future credits resulting from participation in the Gloucester County Owner Occupied Rehabilitation Program. The Gloucester County Owner Occupied Rehabilitation Program is administered by the Gloucester County Planning Division and is funded by the United States Department of Housing and Urban Development (HUD). For income eligible households, the program provides 0% per annum, simple interest deferred loans up to \$25,000 for the repair of major housing systems. As defined at N.J.A.C. 5:93-5.2(b), major systems include: “weatherization, a roof, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.” Woolwich will supplement and subsidize the County program with a municipal rehab program that addresses both for-sale housing and rental housing.

### **3.2 Prior Round Obligation (1987 – 1999) and Third Round (1999-2024)**

#### **3.2.1 Numeric Obligation as Recognized**

On March 3, 2022, under Resolution # 2022-16, the Joint Land Use Board (JLUB) adopted a revised Third Round Plan. This plan indicated the Township’s compliance with both the Prior Round and Third Round and was the direct result of the Developer’s Agreement dated February 7, 2022. Pursuant to that plan, the Township has continued to advance all required mechanisms and the JLUB has since granted approval to the two projects, which at the time, remained pending (details below). While details can be found in the Township’s adopted Third Round Housing Element and Fair Share Plan, this plan will provide a brief update.

#### **3.2.2 Status update for projects approved post Third Round Plan adoption:**

<b>Project</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
Fair Share Housing Development - Block 18, Lots 4.03	132	52	184
Woolwich Residential Inclusionary Development - Block 18, Lots 4 & 6, Block 22, Lots 2, 2.01, and 4	90	-	90

Fair Share Housing Development - 100% Affordable

Resolution 2024-28, adopted July 18, 2024, granted Preliminary and Final Major Site Plan, and Minor Subdivision Approval. On December 30, 2024, the project received approval from NJHMFA for Low Income Housing Tax Credit financing. Resolution 2025-62, adopted February 18, 2025, authorized the Township to enter into a second amendment of the February 7, 2022 Developer's Agreement. This amendment indicated that the Township would contribute \$3,350,910 from its affordable Housing Trust Fund. To date the Township has provided ~~\$1,424,072~~all funds.

Credits:	132
<u>Bonus Credits:</u>	<u>52</u>
<b>Total Credits:</b>	<b>184</b>

Kings Meadow - Inclusionary

On September 21, 2023, the Joint Land Use Board adopted Resolution 2023-39, granting Preliminary and Final Major Site Plan, and Major Subdivision Approval. Once completed, this project will provide 1,065 units, 90 of which will be affordable. The project will comply with those UHAC standards in place at the time of approval.

Credits:	90
<b>Total Credits:</b>	<b>90</b>

**3.3 Fourth Round (2025-2035)**3.3.1 Numeric Obligation as Recognized

As referenced above, the Township's Fourth Round Obligation is **241 units**. ~~The Township is entitled to adjust that obligation to 182, leaving an unmet need of 59.~~

~~3.3.2 Satisfaction of the Realistic Development Potential (RDP-182)~~~~3.3.2 Compliance Mechanism~~

The Township is addressing its ~~RDP~~ obligation of ~~182~~241 units through two mechanisms, a 100% affordable project (~~Multani Brothers Site~~) ~~and~~ an inclusionary zoning amendment (MUD zone), and group homes collocated on an individual lot associated with a large warehouse development.

**Table 16. ~~182 Unit RDP~~ - Compliance Mechanisms Summary**

Project	Credits	Bonus Credits	Total
100% Affordable Project (Block 16, Lot 5), <u>Multani Brothers</u> )	72	<del>46</del> <u>60</u>	<del>118</del> <u>132</u>
MUD Zone – Mandatory <del>Affordable</del> –20% set-aside ( <del>82 acres of MUD</del> )	<del>82</del> <u>103</u> <sup>29</sup>	0	<del>82</del> <u>103</u>
<u>Group Homes (Block 61, Lot D)</u> <del>Total</del>	<del>15</del> <u>46</u>	<del>46</del>	<del>200</del> <u>6</u>
<u>Total</u>	<del>181</del> <u>181</u>	<del>Surplus Credits to be applied towards unmet need</del> <u>60</u>	<del>18</del> <sup>30</sup> <u>241</u>

**Multani Brothers Site - 100% Affordable Project (Block 16, Lot 5)**

The Township has held discussions with a developer who will seek approval for a 72-unit 100% affordable project. The front portion of the lot, adjacent to Route 322, will be retained for future commercial development, while the rear of the site will be developed as a HMFA Tax Credit financed project. The Township and the developer intend to execute all required agreements rendering the project a realistic source of affordable housing.

- ~~○ Site Control: The site is under contract by the developer.~~
- ~~○ Approvable Site: Pursuant to N.J.A.C. 5:93-1.3, while the site contains some wetlands, there are no constraints on the portion of the site that will be developed with affordable housing. The site will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site.~~
- ~~○ Developable Site: Pursuant to N.J.A.C. 5:93-1.3, the site will seek access to the gravity sewer and water systems installed along Route 322. It is the developer’s intent to provide access to both Kings Hwy. and Garwin Rd.~~
- ~~○ Site Suitability Analysis: The site is suitable as defined in N.J.A.C. 5:93-1.3, has access to appropriate streets and is consistent with environmental policies in N.J.A.C. 5:93-4.~~
- ~~✓ The site is available, approvable, developable and suitable for residential development.~~
- ~~✓ The site is well connected to the surrounding area.~~

<sup>29</sup> ~~Assuming a density of 7 units/acre and a 20% set-aside, full residential buildout would result in 522 units - 103 of which would be affordable (there is a slight math discrepancy due to rounding and the zone being on three separate parcels).~~

<sup>30</sup> ~~Assuming a developer wants to build a residential component at the by right 7 units/acre, 114 affordable units would be produced.~~

- ~~✓ The site will comply with all applicable environmental regulations. Per the wetlands layer of the NJ GeoWeb managed by the New Jersey Department of Environmental Protection's (DEP) Bureau of GIS, less than an acre of wetlands may be present on site, providing approximately ten acres of developable area.~~
  - ~~✓ Per the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA), the portion of the site to be developed with affordable housings is not located within any flood hazard areas.~~
  - ~~✓ The site contains no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will impact the development of the affordable housing.~~
  - ~~✓ The site is located in the Fringe Planning Area (PA3) per the New Jersey State Development and Redevelopment Plan. It is important to note that the site is within the Township's sewer service area.~~
  - ~~✓ The site has direct frontage and access on Kings Hwy. and Garwin Road.~~
  - ~~✓ Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq~~
- ~~○ Administrative Entity: An experienced affordable housing administrative entity acceptable to the Township that will administer the affordability controls and affirmative marketing. The administrative entity will qualify applicants and will provide long term administration of the units in accordance with N.J.A.C. 5:80-26.1 et seq.~~
  - ~~○ Controls on Affordability: Pursuant to P.L. 2024, C. 2, a 40-year affordability control deed restriction will be in place for the affordable units.~~
  - ~~○ Bedroom Distribution: Pursuant the N.J.A.C. 5:80-26.1, the affordable units will be developed in accordance with the Uniform Housing Affordability Controls (UHAC) bedroom distribution requirements:
 
    - ~~✓ The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low and moderate income units;~~
    - ~~✓ At least 30% shall be two-bedroom units;~~
    - ~~✓ At least 20% shall be three-bedroom units; and~~
    - ~~✓ No less than 50% of all restricted units shall be composed of two-bedroom and/or three-bedroom.~~~~
  - ~~○ Very Low/ Low/ Moderate Income Split: Pursuant the N.J.A.C. 5:80-26.1, the affordable units will satisfy the following income distribution requirements:
 
    - ~~✓ At least 50% of the affordable units shall be low or very low income units;~~
    - ~~✓ At least 50% of all efficiency or one-bedroom units shall be low or very low income units;~~
    - ~~✓ At least 50% of all two-bedroom units shall be low or very low income units;~~
    - ~~✓ At least 50% of all three-bedroom units shall be low or very low income units;~~
    - ~~✓ At least 50% of all four or more bedroom units shall be low or very low income units; and~~
    - ~~✓ Any very low income units are distributed between each bedroom count as proportionally as possible;~~~~

~~✓ At least 13% of all affordable units shall be affordable to very low income households.~~

~~○ Rental Bonus: This project is eligible for bonus credits.~~

- The applicant sought preliminary site plan approval to construct a 72-unit 100% affordable project. The front portion of the lot, adjacent to Route 322, will be retained for future commercial development, while the rear of the site will be developed as a HMFA Tax Credit financed project. Preliminary site plan and minor subdivision approval was granted at the February 5<sup>th</sup>, 2026, JLUB hearing but a resolution has yet to be signed.

Credits:	72
<u>Bonus Credits:</u>	<u>4660</u>
<b>Total Credits:</b>	<b><u>48132</u></b>

**MUD Zone Amendment (Block 7, Lot 5 - partial; Block 12, Lot 2; Block 57, Lot 3 - partial)**

The MUD zone currently ~~ex~~exists as indicated on the Zoning map, there are currently a few small parcels located in the zone, that are not likely to be developed as mixed uses. These parcels will be rezoned (Block 12, Lots 1 and 2.01, 3.01, 3.02 rezoned to Corridor Commercial (CC) Zone; Block 12, Lot 4.01 rezoned to R-2 Residential District (R-2) Zone). The Remaining portions of the MUD zone cover approximately 8674 acres within the Kings Landing Redevelopment Area. ~~Two parcels within the zone are not likely to be developed with a mix of uses and should be rezoned to match adjacent zoning. The remaining approximately 82 acres in the zone, and are contained within~~ on three large parcels, could be developed with a mix of uses parcel. The Township will amend the zoning to require a ~~minimum of 1 affordable unit/acre but permit up to 20% set aside and a max density of 7 units/acre when providing a 20% set aside.~~ Due to Township efforts to retain areas for commercial ratables, any amendment to this zone will require a commercial component.

The Township has been approached by a developer seeking to develop Block 7, Lot 5 (partially located within the existing MUD zone) as a mixed-use project. The Township has had ~~one~~two initial ~~meeting~~meetings with the developer and has since been provided with revised plans indicating 360 townhouses (including 72 affordable units) at a proposed density of 9.5 units/acre, and 42,500 sf. of commercial space. The Township has considered the proposal but is only willing to accommodate a ~~healthy~~ density of 7 units/acre with a 20% set-aside within the MUD zone. The rationale for 7 units/acre is due to the fact that the Township desires additional commercial ratables and believes that any density above 7 units/acre would reduce the area that could be developed for future commercial uses. ~~Furthermore, the Township believes that it is entirely possible that if the three MUD parcels under consideration are developed at a density of 7 units/acre (with a 20% set aside), the Township could generate enough units to satisfy the entirety of the unmet need.~~

Credits:	82103
<u>Bonus Credits:</u>	<u>0</u>
<b>Total Credits:</b>	<b><u>103</u></b>

**NP Woolwich Industrial, LLC (Block 61, Lots 1, 2, 3,4, 4.01 & 7)**

The applicant sought preliminary and final site plan and major subdivision approval to consolidate six (6) existing vacant lots into four (4) lots and construct three (3) warehouse buildings:

- Proposed Lot A (64.8 ac) will consist of a 1,007,536 +/- sf. warehouse building (Bldg. 1), Proposed Lot B (69.6 ac) will consist of a 217,235 +/- sf. warehouse building (Bldg. 2)
- Proposed Lot C (35.3 ac) will consist of a 384,817 +/- sf. warehouse building (Bldg. 3)
- Proposed Lot D (5.4 ac) No development sought at the time

Preliminary and final site plan and major subdivision approval was granted at the November 21<sup>st</sup>, 2024, JLUB hearing (Resolution #2024-41). As indicated in the approving resolution, and by a separate developer's agreement, approval was conditioned on the relocation of existing group homes on site to a new proposed lot D. As indicated in both the Resolution and the redevelopment agreement, the group home site will be operated by Bancroft and could accommodate addition units above and beyond those being relocated. Six group home beds, in addition to those that are being relocated and were utilized for credit in prior rounds, will be located on Lot D.

<u>Credits:</u>	<u>6</u>
<u>Bonus Credits:</u>	<u>0</u>
<b>Total Credits:</b>	<b><u>826</u></b>

### 3.3.3 — Unmet Need — 59 Units

~~As referenced above, the Township has an RDP of 182. Unmet need is the difference between the affordable housing obligation (241 units) and the obligation as indicated through the RDP. While it is extremely unlikely that only 82 affordable units will be generated from the MUD zoning amendments indicated above, if the 7 units/acre density is utilized, any additional affordable units generated would count towards unmet need and the 25% redevelopment requirement. Should the MUD zone develop at 7 unit/acre density, it is likely that the Township would no longer seek a VLA, as the entirety of unmet need could be addressed.~~

~~Additionally, as an unknown factor towards unmet need it is anticipated that new group home beds will be produced in conjunction the NP Woolwich Industrial, LLC project located on Block 61, Lots 1, 2, 3, 4, 4.01, 7. Per N.J.S.A. 40A:12A-7 (Local Redevelopment and Housing Law), the developer is responsible to relocate existing group home beds. In conjunction with the relocation, the group home operator is seeking to establish additional beds and has Township support. Any additional beds, beyond those being relocated, will be credited as an additional surplus. Due to a unit surplus between 18 and 50<sup>31</sup>, and the Township's likely ability to satisfy its municipal obligations as indicated by DCA, the Township proposes no additional unmet need mechanisms. The Township believes that since the MUD zone is located within a redevelopment area, and the proposed zoning amendment and density increase is designed to increase development opportunities within the redevelopment area, both unmet need and the 25% redevelopment requirement have been addressed.~~

*31 Assuming a density of 7 units/acre and a 20% set aside, full residential buildout would result in 574 units — 114 of which would be affordable. While this would result in a 50 unit surplus, which could be applied towards unmet need, it is possible for the Township to comply with the DCA obligation as released October 18, 2024.*

### 3.3.43.3.3 Formulas Having Applicability for Award of Credit

**Rental Obligation (N.J.A.C. 5:93-5.15(a)):** ~~For a~~ municipality ~~receiving a vacant land adjustment (VLA) pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal~~ satisfy a minimum of 25% of the RDP's affordable housing units, exclusive of any bonus credits, to address its prospective need obligation, through rental housing, including at least half of that number available to families with children. Thus, the Township has a rental obligation of **4661 units** (~~182241 units x 25%=45.5)-60.25~~). Pursuant to P.L. 2024, C. 2, half of the rental obligation must be available to families with children. Thus, the Township has an obligation of rental housing for families with children of **2331 units** (~~4661 units x 50%=2330.5~~).

**Total Units for Families with Children (P.L. 2024, C. 2):** A municipality must provide 50% of its obligation available to families with children. Thus, the Township has an obligation to provide **77121 units** for families with children (~~154241 units x 50%=77120.5~~).

**Age Restricted Housing Limitation or Age Restricted Cap (P.L. 2024, C. 2):** Up to 30% of units towards municipality's prospective affordable housing obligation may be satisfied through age-restricted housing. Thus, the Township may be permitted to utilize **4656 units** of its obligation towards age-restricted housing (~~154187 units x 30%=46256.1~~).

#### **Rental Unit Bonus Credits and Limitation (P.L. 2024, C. 2):**

Bonus Credit Cap: No more than 25% of a Municipality's Prospective Need obligation can be satisfied through bonus credits.

Thus, the Township may satisfy its obligation up to 60 units through bonus credits. The Township will satisfy **60 units** of its obligation through bonus credits.

Municipal Contribution: A municipality may receive one bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing project for which the municipality contributes land or at least 3% of the project's total cost.

|

## **4.0 APPENDIX**

**4.1—Map of Affordable Sites**

**4.2—Multani Brothers Site - Block 16, Lot 5**

**1.5.—Vacant Land Analysis**

**1.6.—Spending Plan**

**1.7.—**

**1.8.—**

**1.9.—**

**1.10.—**

**1.11.—**

**1.12.—**

**1.13.—**

**1.14.—**

**1.15.—**

**1.16.—**

**1.17.—**

**1.18.—**

**1.19.—**

**1.20.—**

**1.21.—**

**1.22.—**

**1.23.—**

~~1.24.~~——

~~1.25.~~——

~~1.26.~~——

~~1.27.~~——

~~1.28.~~——

~~1.29.~~——

~~1.30.~~——

~~1.31.~~——

~~1.32.~~——

~~1.33.~~——

~~1.34.~~——

~~1.35.~~——

~~1.36.~~——

~~1.37.~~——

~~1.38.~~ **Map of Affordable Sites**

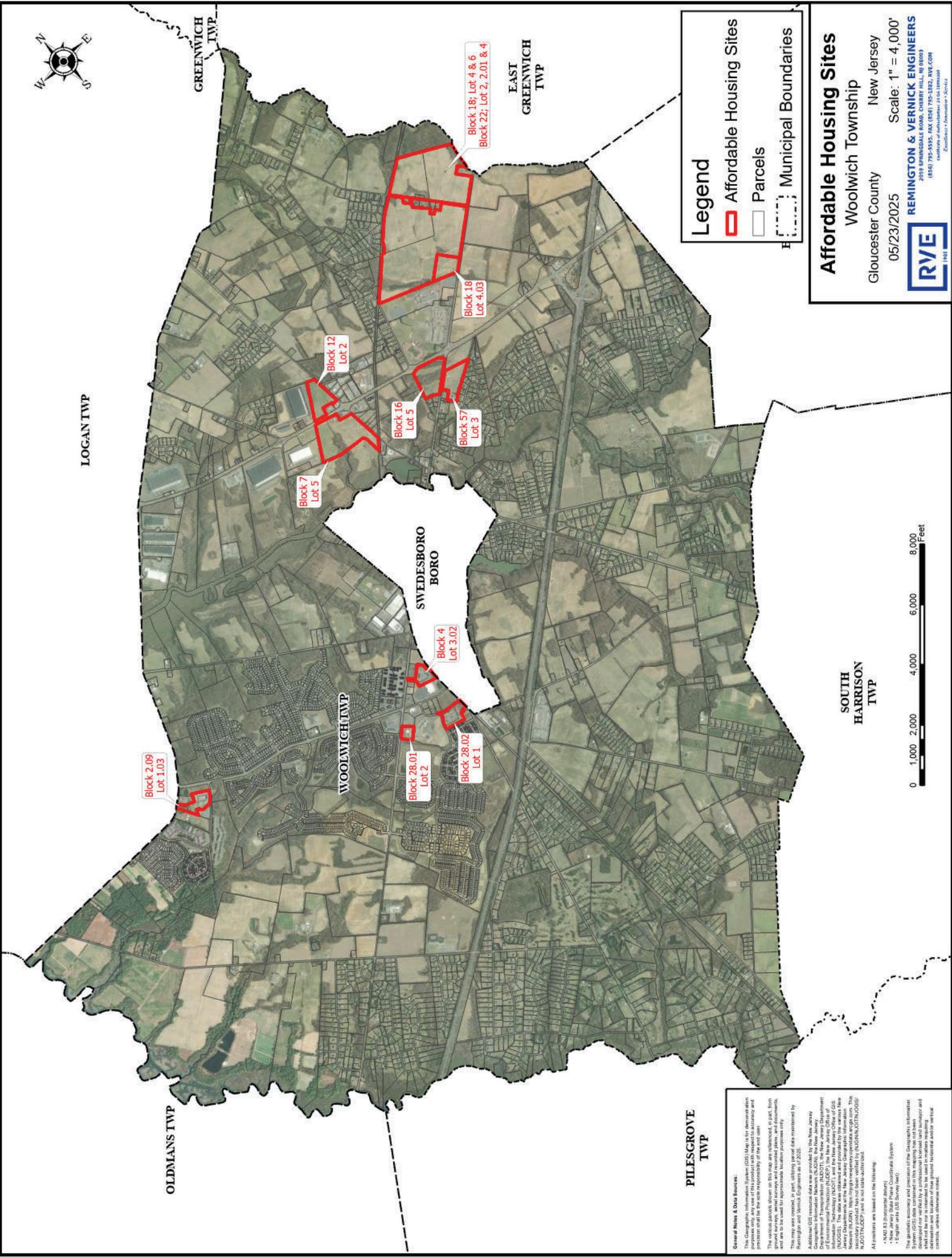
~~1.39.~~——

~~**4.1 Multani Brothers Site - Block 16, Lot 5**~~

## ~~4.2 – Vacant Land Analysis~~

### **~~4.3 Spending Plan~~**





**Legend**

- Affordable Housing Sites
- Parcels
- Municipal Boundaries

**Affordable Housing Sites**  
 Woolwich Township  
 Gloucester County New Jersey  
 05/23/2025 Scale: 1" = 4,000'

**REMINGTON & VERICK ENGINEERS**  
 2019 SPRINGDALE ROAD, CHERRY HILL, NJ 08003  
 (856) 795-5355, FAX (856) 795-1832, RVE.COM  
 Equal Opportunity Employer

**RVE**  
 1901



**General Notes & Data Sources:**

This Geographic Information System (GIS) Map is for informational purposes only. Any use of this product with respect to acquiring and/or providing data for the site responsibility of the end user.

This version of the map was prepared using a parcel boundary file from the Gloucester County GIS Department. The parcel boundary file was prepared by the Gloucester County GIS Department and is not a legal document. The parcel boundary file was prepared by the Gloucester County GIS Department and is not a legal document.

This map was created, in part, utilizing parcel data maintained by Remington and Verick Engineers as of 2025.

Additional GIS resources data were provided by the New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Office of Information Technology (NJ-OIT), and the New Jersey Office of Information Technology (NJ-OIT).

This map is not intended to be used for legal purposes. The information shown on this map is for informational purposes only. The information shown on this map is for informational purposes only.

All projections are based on the following:

- \* NAD 83 (Datum)
- \* New Jersey State Plane Coordinate System
- \* English Units (US Survey Feet)

The information on this map was prepared by the Gloucester County GIS Department. The information on this map was prepared by the Gloucester County GIS Department. The information on this map was prepared by the Gloucester County GIS Department.

# Exhibit 7

**TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, NEW JERSEY  
RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WOOLWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, ADOPTING  
THE AFFIRMATIVE MARKETING PLAN PREPARED BY TRIAD ASSOCIATES**

**WHEREAS**, the Township of Woolwich (“Township”) is required to administer its affordable housing programs in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and applicable law; and

**WHEREAS**, the proper implementation of affordable housing programs requires that affordable housing is affirmatively marketed to low- and moderate-income households in compliance with State regulations, including targeted outreach to racial and ethnic minorities, persons with disabilities, and other protected classes; and

**WHEREAS**, Triad Associates, serving as the Township’s affordable housing consultant, has prepared a comprehensive Affirmative Marketing Plan outlining procedures for public outreach, advertising methods, eligibility guidelines, referral networks, application intake, lottery protocols, and compliance monitoring (hereinafter “Affirmative Marketing Plan”); and

**WHEREAS**, the Township Committee has reviewed the Affirmative Marketing Plan and finds it compliant with UHAC requirements, consistent with the Township’s affordable housing obligations, and in the best interest of ensuring fair and equal access to all affordable housing opportunities within the Township; and

**WHEREAS**, the Township Committee desires to formally adopt the Affirmative Marketing Plan and direct its use by Township’s Administrative Agent and other representatives.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

1. The Township Committee hereby adopts the Affirmative Marketing Plan for implementation in the administration of all affordable housing units and programs within the Township.
2. The Township’s Administrative Agent and all of its representatives are hereby directed to implement and enforce the policies and procedures contained in the Affirmative Marketing Plan.

3. The Affirmative Marketing Plan may be updated from time to time to ensure ongoing compliance with State law, court-ordered requirements, and the Township's Housing Element and Fair Share Plan, provided such updates are approved by the Township Committee.

4. This Resolution shall take effect immediately upon adoption.

CERTIFICATION



# WOOLWICH TOWNSHIP



## AFFIRMATIVE MARKETING PLAN

In Accordance with the Uniform Housing Affordability Controls



**TOWNSHIP WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
 For Affordable Housing in (REGION 5)

**I. APPLICANT AND PROJECT INFORMATION**

<b>1a. Administrative Agent Name, Address, Phone Number</b>  Triad Associates 1301 W. Forest Grove Road Vineland NJ 856-690-9590 <a href="http://www.triadhousingprograms.com">www.triadhousingprograms.com</a> <a href="mailto:housing@triadassociates.com">housing@triadassociates.com</a>		<b>1b. Development or Program Name, Address:</b>  Township of Woolwich 120 Village Green Drive, Woolwich Township, NJ 08085 information@woolwichtwp.org (856) 467-2666  <input checked="" type="checkbox"/> FOR RENT UNITS <input checked="" type="checkbox"/> FOR SALE UNITS	
<b>1c.</b> <input type="checkbox"/> Number of Affordable Units: TBD <input type="checkbox"/> Number of Sale Units: TBD <input checked="" type="checkbox"/> Number of Rental Units: TBD	<b>1d. Price or Rental Range</b>  <u>TO BE DETERMINED</u>	<b>1e. State and Federal Funding Sources (if any)</b>  None	
<b>1f.</b> <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted <input checked="" type="checkbox"/> TBD	<b>1g. Approximate Starting Dates</b> Advertising: TBD Occupancy: TBD Lottery Date: TBD		
<b>1h. County:</b> GLOUCESTER		<b>1i. Census Tract(s):</b>	
<b>1j. Managing/Sales Agent's Name, Address, Phone Number</b>			
<b>1k. Application Fees (if any):</b> Application, Credit and Background Check Fees may apply.			

**TOWNSHIP OF WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
For Affordable Housing in (REGION 5)

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

## II. RANDOM SELECTION

1. Described is the random selection process that will be used once applications are received.

### INITIAL RANDOMIZATION

The Affirmative Marketing period begins when the applicant waitlist opens, and a property is posted on the NJHRC website. During this 120 day period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications. After a minimum of 60 days from the date that the affirmative marketing period begins, a lottery randomization takes place. All preliminary applications received during the first 60 days of the affirmative marketing period are included in this lottery randomization, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials.

All applicants are included in the lottery and randomized regardless of household size or, desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 5 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until units are filled.

## TOWNSHIP OF WOOLWICH AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in (REGION 5)

### III. MARKETING

**3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)**

White (non-Hispanic)     
  Black (non-Hispanic)     
  Hispanic  
 American Indian or Alaskan Native     
  Asian or Pacific Islander     
  Other group:

**3b. HOUSING RESOURCE CENTER ([www.njhrc.gov](http://www.njhrc.gov))** A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.

**3c. Commercial Media (required) (Check all that apply)**

DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPERS	CIRCULATION AREA
<b>TARGETS ENTIRE HOUSING REGION 5</b>		
INTERNET ADVERTISING		

✓	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Statewide
✓	Place social media ads targeting a housing region of the Township/City	Social media ads include "apply today" button that goes to the landing page for each listing	Camden, Gloucester and Burlington Counties
✓	Listed for the duration of the affirmative marketing process	NJHRC.gov and Triadhousingprograms.com	Statewide
✓	A print ad to run for one week The Newtown Press in conjunction a digital ad. Ad will include a link to the website and application portal.	<a href="https://newtownpress.com/">https://newtownpress.com/</a>	Regional: Swedesboro, Woolwich Township, Logan Township, East Greenwich Township, Auburn, South Harrison Township, and parts of Mullica Hill

<b>TARGETS PARTIAL HOUSING REGION 5</b>			
DAILY NEWSPAPER			
✓	Press Release at beginning of affirmative marketing	New Town Press	Swedesboro, Woolwich Township, Logan Township, East Greenwich Township, Auburn, South Harrison Township, and parts of Mullica Hill
✓	Press Release at beginning of affirmative marketing	South Jersey Times	Gloucester
WEEKLY NEWSPAPER			
✓	Press Release at beginning of affirmative marketing	Central Record	Burlington
✓	Press Release at beginning of affirmative marketing	News Weekly	Burlington

**TOWNSHIP OF WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
 For Affordable Housing in (REGION 5)

✓	Press Release at beginning of affirmative marketing	Register-News	Burlington
✓	Press Release at beginning of affirmative marketing	Gloucester City News	Camden
✓	Press Release at beginning of affirmative marketing	Retrospect	Camden
✓	Press Release at beginning of affirmative marketing	Gloucester County Times	Camden, Gloucester
✓	Press Release at beginning of affirmative marketing	News Report	Gloucester
✓	Press Release at beginning of affirmative marketing	servicioslatinos@hotmail.com	Burlington County

**3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that apply)**

DURATION & FREQUENCY OF OUTREACH	NAME OF PUBLICATION	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 5</b>			
WEEKLY			
✓	Press Release at beginning of affirmative marketing	Al Dia	Philadelphia Area Spanish-Language
✓	Press Release at beginning of affirmative marketing	Nuestra Comunidad	Central/South Jersey Spanish-Language
<b>TARGETS PARTIAL HOUSING REGION 5</b>			
WEEKLY			
✓	Press Release at beginning of affirmative marketing	El Hispano	Camden and Trenton areas Spanish-Language
✓	Press Release at beginning of affirmative marketing	Ukrainian Weekly	New Jersey Ukrainian community

**3e. Community Contacts (names of community groups/organizations throughout the housing region who will receive direct notification of the availability of affordable housing units and who will be asked to post advertisements and distribute flyers and application forms regarding available affordable housing to their members.**

**TOWNSHIP OF WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
 For Affordable Housing in (REGION 5)

	<b>OUTREACH</b>	<b>GROUP/ORGANIZATION</b>	<b>ADDRESS</b>
✓	Flyers to be mailed at beginning of Marketing	Burlington County College	601 Pemberton Browns Mills Rd Pemberton 08068
✓	Flyers to be mailed at beginning of Marketing	Medford Leas Continuing Care	1 Medford Leas Medford, NJ 08055
✓	Flyers to be mailed at beginning of Marketing	Rowan University	201 Mullica Hill Road Glassboro, NJ 08028
✓	Flyers to be mailed at beginning of Marketing	New Jersey Housing Resource Center	600 1st Ave, Raritan, NJ 08869
✓	Flyers to be mailed at beginning of Marketing	Fair Share Housing Center	510 Park Blvd, Cherry Hill, NJ 08002
✓	Flyers to be mailed at beginning of Marketing	Fair Share Housing Development	1 Ethel Lawrence Blvd, Mt Laurel, NJ 08054
✓	Flyers to be mailed at beginning of Marketing	Camden County East NAACP	P.O. Box 53 Lawnside, NJ, 08045
✓	Flyers to be mailed at beginning of Marketing	Camden County NAACP	1123 1/2 Kaighns Avenue, Camden, NJ 08103
✓	Flyers to be mailed at beginning of Marketing	Gloucester County NAACP	GC NAACP, PO Box 545 Williamstown, NJ 08094
✓	Flyers to be mailed at beginning of Marketing	Latino Action Network	PO Box 943, Freehold, NJ 07728
✓	Flyers to be mailed at beginning of Marketing	Willingboro NAACP	PO Box 207, Roebling 09854
✓	Flyers to be mailed at beginning of Marketing	Southern Burlington County NAACP	PO Box 3211, Cinnaminson, NJ 08077
✓	Flyers to be mailed at beginning of Marketing	Burlington County Community Action Program	718 Route 130 South, Burlington, NJ 08016
✓	Flyers to be mailed at beginning of Marketing	New Jersey NAACP Conference	P.O. Box 1706 Montclair, NJ 07043
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	Alden St #14, Cranford, NJ 07016
✓	Flyers to be mailed at beginning of Marketing	Burlington County United Way	595 Rancocas Rd, Westhampton, NJ 08060
✓	Flyers to be mailed at beginning of Marketing	Camden County Council on Economic Opportunity Latino Action Network	538 Broadway Camden, NJ 08103
✓	Flyers to be mailed at beginning of Marketing	Interfaith Hospitality Network of Burlington County (IHNBC)	16 East Main Street Moorestown, NJ 08057
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities	383 W State Street Trenton, NJ 08607
✓	Flyers to be mailed at beginning of Marketing	Camden County Board of Social Service	600 Market Street Camden, NJ 08101
✓	Flyers to be mailed at beginning of Marketing	Anti-Poverty Network of NJ	272 Dunns Mill Road, Acme Commons Center, #327, Bordentown, NJ 08505
✓	Flyers to be mailed at beginning of Marketing	Burlington County Board of Social Services	795 Woodlane Road Mt Holly, New Jersey 08060
✓	Flyers to be mailed at beginning of Marketing	Rancocas Valley Clergy Ass.	125 Garden St Mt Holly NJ 08060
✓	Flyers to be mailed at beginning of Marketing	Gloucester County Board of Social Services	400 Holly Dell Dr, Sewell, NJ 08080

**TOWNSHIP OF WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
 For Affordable Housing in (REGION 5)

✓	Flyers to be mailed at beginning of Marketing	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	Flyers to be mailed at beginning of Marketing	Camden County Housing Authority	1800 S 9th St, Camden, NJ 08104
✓	Flyers to be mailed at beginning of Marketing	Camden County Division of Senior and Disabled Services	512 Lakeland Rd #4, Blackwood, NJ 08012
✓	Flyers to be mailed at beginning of Marketing	Burlington County Area Agency on Aging	795 Woodlane Rd, Westampton, NJ 08060
✓	Flyers to be mailed at beginning of Marketing	Gloucester County Division of Senior Services	115 Budd Blvd, West Deptford, NJ 08096

**IV. APPLICATIONS**

<i>Applications for affordable housing for the above units will be available at the following locations:</i>																	
<b>4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that apply)</b>																	
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">BUILDING</th> <th style="width: 50%;">LOCATION</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">✓ Gloucester County Library</td> <td>389 Wolfert Station Rd. Mullica Hill, NJ 08062 (856)223-6000</td> </tr> <tr> <td style="text-align: center;">✓ Gloucester County Court House</td> <td>1 N Broad St, Woodbury, NJ 08096 (856)853-3390</td> </tr> <tr> <td style="text-align: center;">✓ Camden County Library Headquarters</td> <td>203 Laurel Road Voorhees, NJ 08043 (856)772-1636</td> </tr> <tr> <td style="text-align: center;">✓ Camden Court House Square</td> <td>520 Market St, Camden NJ 08102-1375 (856)225-5000</td> </tr> <tr> <td style="text-align: center;">✓ Burlington County Library Headquarters</td> <td>5 Pioneer Boulevard, Westampton, NJ 08060</td> </tr> <tr> <td style="text-align: center;">✓ Burlington County Human Services Building</td> <td>795 Woodlane Road, Westampton, NJ 08060</td> </tr> <tr> <td style="text-align: center;">✓ Burlington County Office Building</td> <td>49 Rancocas Rd, Mount Holly NJ 08060</td> </tr> </tbody> </table>	BUILDING	LOCATION	✓ Gloucester County Library	389 Wolfert Station Rd. Mullica Hill, NJ 08062 (856)223-6000	✓ Gloucester County Court House	1 N Broad St, Woodbury, NJ 08096 (856)853-3390	✓ Camden County Library Headquarters	203 Laurel Road Voorhees, NJ 08043 (856)772-1636	✓ Camden Court House Square	520 Market St, Camden NJ 08102-1375 (856)225-5000	✓ Burlington County Library Headquarters	5 Pioneer Boulevard, Westampton, NJ 08060	✓ Burlington County Human Services Building	795 Woodlane Road, Westampton, NJ 08060	✓ Burlington County Office Building	49 Rancocas Rd, Mount Holly NJ 08060
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<b>4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)</b>																	
Township of Woolwich 120 Village Green Drive, Woolwich Township, NJ 08085 information@woolwichtwp.org (856) 467-2666																	
Gloucester County County Public Library Greenwich Township Branch 411 Swedesboro Road Gibbstown, NJ 08027 Phone: 856-423-0684																	
<b>4c. Sales/Rental Office for units (if applicable)</b>																	

**TOWNSHIP OF WOOLWICH**  
**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
For Affordable Housing in (REGION 5)

**V. CERTIFICATIONS AND ENDORSEMENTS**

*I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Township's substantive certification.*

Susan DiBiasio  
Susan DiBiasio, Triad Associates  
Administrative Agent & Affirmative Marketing

October 3, 2025  
Date

# Exhibit 8

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WOOLWICH ADOPTING THE AFFORDABILITY ASSISTANCE MANUAL  
PREPARED BY TRIAD ASSOCIATES.**

**WHEREAS**, the Township of Woolwich is required to administer affordability controls and compliance measures in connection with its affordable housing program pursuant to N.J.S.A. 52:27D-329.2(c)(3); and

**WHEREAS**, the Township has selected Triad Associates as its administrative agent to implement its affordable housing plan inclusive of its Affordability Assistance Program; and

**WHEREAS**, Triad Associates has prepared an Affordability Assistance Manual outlining policies, procedures, and administrative guidelines to support the implementation of affordability assistance plan; and

**WHEREAS**, the Township Committee has reviewed said Manual and finds it to be in the best interest of the Township to formally adopt it; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Woolwich that the Affordability Assistance Manual prepared by Triad Associates is hereby adopted as the official policy and procedural guide for the administration of affordability assistance programs within the Township.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon passage, and the Township Administrator, Affordable Housing Liaison, and all appropriate officials are authorized to implement the provisions of the Manual as necessary.

**Certification**



# WOOLWICH TOWNSHIP



## AFFORDABILITY ASSISTANCE PROGRAM MANUAL

*In Accordance with the Uniform Housing Affordability Controls*

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## INTRODUCTION

The purpose of this Manual is to describe the policies and procedures of the Affordability Assistance Program. This Manual describes the basic content and operation of the various affordable assistance program components.

**In accordance with the Fair Housing Act Adopted New Rules: N.J.A.C. 5:99 - 2.5**, a municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5. Affordability assistance means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code. N.J.A.C. 5:99-2.5.

## I. TYPES OF AFFORDABILITY ASSISTANCE

The types of affordability assistance offered are listed below. The specifics of each type are summarized in Exhibit 1. No ongoing or monthly assistance options are currently available.

- A. EMERGENCY AND HEALTH/SAFETY REPAIRS** – Affordability Assistance funding is available to assist owners of low-and moderate-units to make emergency and/or health and safety related repairs that they do not have the financial resources to make otherwise. Funding will not be provided for standard maintenance items, work covered by the homeowner association, damage covered by homeowner insurance and/ or minor repairs such as small areas of peeling paint or other items that can be addressed easily by the homeowner. This funding will help preserve the affordable deed restricted housing stock and the residents who reside in the homes. Only units in the Municipality's Fair Share Plan (portfolio of affordable units) are eligible to apply. The maximum combined grant available to any one affordable home will be \$10,000.
- B. ENERGY EFFICIENCY PROGRAM (EEP)** - This program makes available zero interest forgivable loans to income-qualified Owners of deed restricted affordable homes in the Municipality. The following Energy Efficiency upgrades/replacements are eligible:
- HVAC or heat pump equipment;
  - Hot water heater;
  - Windows and doors

The maximum combined grant available to any one affordable home will be \$10,000. By replacing existing heating /cooling (HVAC) systems, windows, doors and/or hot water heaters with new, high

energy efficiency standards, the goal of this program is to save energy and reduce the energy-related costs for low- and moderate-income households, while maintaining a high level of comfort.

- C. CREATE ADDITIONAL VERY LOW-INCOME UNITS** – Affordability assistance may be utilized to create additional very low-income units by converting a moderate or low-income unit into a very low-income unit in new developments. The affordability assistance will result in additional very low-income units beyond what is required by state affordable housing rules. The Municipality may negotiate with developers of inclusionary developments to determine the appropriate amount of subsidy required to make the unit affordable to a very low-income household.
- D. FIRST MONTHS RENT ASSISTANCE (SECURITY DEPOSIT ASSISTANCE)** - This program makes available grants to income-qualified tenants of deed restricted affordable apartments in the Municipality in an amount equal to the amount of rent that the landlord charges for the first month of occupancy. The grant will be available to all new tenants of very low-, low- and moderate- income rental units. The Maximum grant will be \$2,500.00
- E. DOWN PAYMENT ASSISTANCE** - The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality. The maximum grant is \$10,000.00
- F. HOMEOWNERSHIP ASSISTANCE PROGRAM** - The Program is designed to help low- and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. The maximum grant is \$10,000.00.

## ELIGIBILITY

Applications submitted for affordability assistance will be provided on a first come-first-served basis according to the following criteria, as applicable:

1. There are affordability assistance funds remaining in the Housing Trust Fund for the year.
2. The applicant owns a deed restricted affordable unit in the Municipality that they maintain as their primary residence.
3. The applicant rents a deed restricted affordable unit in the Municipality.
4. The applicant has not received an affordability assistance in the past. (Only one award per household is permitted. This requirement can be waived on a case-by-case basis)
5. Applicants applying for repairs will require income certification at the time of application.

6. Applicants applying for repairs, must show proof that property taxes, municipal utilities and, if applicable, mortgage and homeowner association fee are paid current.
7. Applicants applying for repairs must show proof that the needed improvements will remediate a serious threat to the health and/or safety of the building's residents.

## REPAYMENT TERMS & REPAYMENT AGREEMENT

When required, loans for properties participating in the Affordability Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality and executed by the property owner. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file. The Administrative Agent will send the affordability assistance Mortgage requiring recording to the Municipality. Upon receipt the Municipality will file said document with the County Clerk's office.

When required, the following is the term of the mortgage:

All loans are zero interest, forgivable loans. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. Mortgages, the Control Period and five year time period for the Emergency Repair and Energy Efficiency grants begin on the date all work is completed and approved, and for the Down Payment Assistance and Homeownership Assistance Program the period begins on the date the funds are released.

## II. PROGRAM ADMINISTRATION

The Administrative Agent will be responsible for administering the program. Questions about the Program should be directed the Administrative Agent. All forms are included in the appendices

**TRIAD Associates**  
 1301 W. Forest Grove Road  
 Vineland, NJ 08360  
 Phone: (856) 690-9590  
 Fax: (856)-690-5622  
[www.triadincorporated.com](http://www.triadincorporated.com)  
[www.triadhousingprograms.com](http://www.triadhousingprograms.com)

### 1. EMERGENCY AND HEALTH/SAFETY REPAIRS PROGRAM PROCEDURES

- Homeowner submits application for assistance along with proof of work items needed. Refer to section on Requirements of Work Items.
- The Administrative Agent income certifies applicant and confirms property taxes, municipal utilities and, existing mortgage and homeowner association fee are paid current.
- Building inspector visits home to document the need for emergency repair and to prepare the work specifications to be reviewed by the appropriate code official.

- Upon eligibility determination and site visit– the Administrative Agent will send homeowner:
  - ✓ Eligibility letter (including paragraph on municipal contractor payment process to show to the contractor)
  - ✓ Work specifications
  - ✓ Instructions to obtain and provide proposal from 3 contractors (willing to be paid by municipality at job completion). Homeowner to identify contractor selected to do the job and provide that contractor’s business registration, Consumer Affairs home improvement license and certificate of insurance listing program as certificate holder. The homeowner will have to fund any amount over the program funding limit, payable directly to the contractor.
- Once homeowner provides the above items, the Administrative Agent will send the homeowner’s certificate of eligibility and contractor selection to the Municipality to pass a resolution authorizing funding assistance. Upon receipt of the approved municipal resolution, provide the homeowner the construction agreement for the homeowner and contractor to sign, as well as program mortgage & note for the homeowner to sign in front of notary and return to program.
- The Municipality is not a party to any contract between homeowner and contractor and the Municipality does not ensure that work performed by contractor is completed to satisfaction of homeowner. The construction agreement is between the homeowner and contractor; the Municipality is not a party to the agreement for purposes of any claims by the parties against one another.
- Upon construction completion, the homeowner will provide to the Program:
  - ✓ Written homeowner’s approval of satisfactory job completion.
  - ✓ Invoice from contractor identifying the work items they completed.
  - ✓ Copies of municipal permits and closed out permits via municipal Certificate of Approval for the applicable items installed.
- If the work does not require a permit, certification of work by the contractor will be accepted.
- The Administrative Agent will submit the contractor invoice to the municipality for payment and forward the mortgage to the municipality to file (record) with the county clerk.

### ***Emergency and Health/Safety Repairs Program Eligibility Certification Process***

In order to be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of the household must be fully certified as income-eligible before any assistance will be provided by the Program. The Administrative Agent will income qualify applicants in accordance with the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-

16.1 et seq., except for the regional maximum asset limit issued annually in the *Affordable Housing Regional Income Limits by Household Size*.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

#### **A. WHAT IS CONSIDERED INCOME**

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Regularly scheduled overtime
- Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
- Social Security
- Pensions
- Disability
- Alimony
- Verified regular child support (received)
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- TANF (Temporary Assistance For Needy Families)
- Net income from business or real estate
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

#### **B. WHAT IS NOT CONSIDERED INCOME**

The following income sources are not considered income and will not be included in the income eligibility determination:

- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income
- Part-time income of dependents enrolled as full-time students
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Food stamps
- Rebates or credits received under low-income energy assistance programs
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans

- Personal property such as automobiles

### C. HOW TO VERIFY INCOME

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)
- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
  1. Social Security or SSI – Current award letter or computer printout letter
  2. Unemployment – verification of Unemployment Benefits
  3. Welfare -TANF current award letter
  4. Disability - Worker’s compensation letter or
  5. Pension income (monthly or annually) – a pension letter
  6. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
- Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates). Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest-bearing checking accounts, and investments;

- Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

#### **D. ADDITIONAL INCOME VERIFICATION PROCEDURES**

##### **1. STUDENT INCOME**

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

##### **2. INCOME FROM REAL ESTATE**

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage interest, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate, other than primary residence, the Program Case Manager should determine the imputed interest from the value of the property. The Program Case Manager should deduct outstanding mortgage debt from the documented market value established by either a market value appraisal or by applying the property tax equalization market value method, as well as real estate commission if property was to be sold. Based on current money market rates, interest will be imputed on the determined value of the real estate.

#### **E. OTHER ELIGIBILITY REQUIREMENTS**

Applicant to submit the following in the application package:

- Recorded deed to the property to be assisted;
- If you are a widow or widower, copy of Death Certificate should be included;
- Receipt for property taxes paid current.
- Signed Release form to verify eligibility determination from third party sources;
- Proof that all mortgage payments are current; and
- Copy of any and all other liens recorded against the property.

- Personal identification (a copy of any of the following Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.) for each household member.

#### **F. REQUIREMENTS OF UTILITIES & TAXES PAID CURRENT**

All applicants' water/sewer and tax accounts must be paid current.

#### **G, REQUIREMENTS OF WORK ITEMS**

Homeowner has to demonstrate the existing problem has been inspected and the threat verified by one of the following:

- The appropriate local construction official;
- A local health official; or
- Systems or components that have been red tagged by utility company and/or verified non-functional by a qualified service technician.

This is done at time of submission of the program application.

#### **G. ELIGIBILITY CERTIFICATION**

After Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Emergency Repair Assistance Program will provide a maximum loan of \$10,000.00. to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

## **2. ENERGY EFFICIENCY UPGRADES**

#### **A. ELIGIBILITY CERTIFICATION**

After the Administrative Agent Program staff determines that the household is income eligible and meets all other eligible requirements, the Administrative Agent Program Manager will complete and sign the Eligibility Certification. This certification is valid for six months starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Manager must reevaluate the household's eligibility.

- The Municipality Energy Efficiency Program will provide a maximum loan of up to \$15,000 to each eligible homeowner. If property is sold prior to the fifth year, the loan becomes due upon

change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven.

### **3. CREATION OF ADDITIONAL VERY LOW-INCOME UNITS PROGRAM PROCEDURE**

- A. Terms to be negotiated between landlord/developer and the Municipality.
- B. Upon approval of terms by both parties, Municipal attorney prepares Resolution authorizing award and terms, including changes in unit designation(s) from conversion of moderate and low-income units to very low-income units; revisions to restrictive covenant language, etc. Administrative Agent shall assist attorney upon request. See Exhibit 1.
- C. Municipality adopts Resolution.
- D. Municipality sends assistance directly to landlord/developer.
- E. Administrative Agent records assistance on master reporting spreadsheet.

### **4. FIRST MONTHS RENT ASSISTANCE PROCEDURES**

The Municipality will designate a portion of all development fees collected and interest earned towards a First Months Rent Grant program. This grant will be available to an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit in one of the Municipality's deed restricted units or its Rental Housing Rehabilitation Program as per the following guidelines:

- The First Months Rent will be in the form of a grant equal to the first month's rental amount determined by the landlord and will be paid to the landlord on behalf of the tenant.
- The Municipality's First Months Rent Affordability Assistance Program will be administered by the Administrative Agent. After an applicant is income qualified by the Administrative Agent pursuant to New Jersey Fair Housing rules and UHAC, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to the Administrative Agent. The affordability assistance recipient will sign a contract with municipality which states the amount of funds granted, procedures and duration and conditions of affordability assistance. All tenants of affordable units within the Municipality will be advised of the availability of the Municipality's Affordability Assistance Program. An income eligible occupant or applicant for an affordable unit within the municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.
- If the unit is a Rental Housing Rehabilitation Program unit, and a 10-year deed restriction was recorded on the unit at the completion of rehabilitation work and the restriction is still in effect at the time of the tenant's application for First Months Rent.
- The Municipality First Months Rent Program will provide a maximum grant in the amount of the first month's rent, not to exceed \$2,500.00.

### **5. DOWN PAYMENT ASSISTANCE PROCEDURES**

The Municipality Down Payment Assistance Program is designed to help low- and moderate-income households achieve the goal of homeownership. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality to use as a principal down

payment and/or closing costs. The goal of the program is to provide financial assistance to income-qualified homebuyers moving to the Municipality.

### **ELIGIBLE PARTICIPANTS**

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be under contract to purchase a deed restricted home in the Municipality. This means that the applicant must have made application to buy a home, been income-qualified and selected to purchase an affordable home within the Municipality, and signed a contract with the seller.

### **ELIGIBLE PROPERTIES**

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines. The price of the home will be limited by the deed restriction to be affordable to either a low or moderate-income household.

### **LEVEL OF FINANCING**

The Municipality Down Payment Assistance Program will provide a maximum loan of \$10,000.

### **TERMS AND CONDITIONS**

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Down Payment Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

### **SECURITY INSTRUMENTS**

Loans for all properties participating in the Down Payment Assistance Program shall be secured through a Mortgage and Mortgage Note (see Exhibit 3) in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of the closing of title. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

## **6. HOMEOWNERSHIP ASSISTANCE PROCEDURES**

The Program is designed to help low and moderate-income homeowners retain stable finances. This program will provide a no interest, forgivable loan to homeowners of deed restricted affordable properties within the Municipality who are in arrears with mortgage payments, taxes, utility payments, special assessments, or homeowners' fees. Funds are made available through the Municipality's Affordable Housing Trust Fund. The goal of the program is to provide financial assistance to income-qualified homeowners. This program will provide a no interest, forgivable loan to homebuyers of deed restricted affordable properties within the Municipality.

## **ELIGIBLE PARTICIPANTS**

Applicants for this loan program must be income-qualified by the Administrative Agent for the Municipality and must be the owner of an affordable housing unit in the Municipality.

## **ELIGIBLE PROPERTIES**

Properties must be within the Municipality and be deed restricted in accordance with the U.H.A.C. guidelines.

## **LEVEL OF FINANCING**

The Municipality Homeownership Assistance Program will provide a maximum loan of \$10,000.

## **TERMS AND CONDITIONS**

The loan is given as a zero-interest loan. If property is sold prior to the fifth year, the loan becomes due upon change in ownership. After the fifth year, the loan shall be forgiven by 20% each year, up to year 10. After year 10, the loan will be completely forgiven. The loan will be secured by a second mortgage and note.

Recipients of Homeownership Assistance Program funds are required to maintain the unit as their principal residence for the duration of the loan period and abide by all other requirements of the deed restriction and UHAC. In the event the property is sold or disposed of during the term of the loan, the outstanding loan amount in accordance with the schedule above shall be immediately due and payable to the Municipality according to the terms of the Mortgage and Mortgage Note.

## **SECURITY INSTRUMENTS**

Loans for all properties participating in the Homeownership Assistance Program shall be secured through a Mortgage and Mortgage Note in favor of the municipality executed by the property owner. The Municipality will record said documents with the County Clerk's office upon the completion of appropriate forms. The Mortgage and Mortgage Note will be executed at closing. The original mortgage note shall be retained by the Municipality Clerk and kept in the unit file.

# Exhibit 9

**RESOLUTION NO. 26-**  
**MEETING DATE: \_\_\_\_\_-2026**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WOOLWICH OF THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY,  
STATING ITS INTENT TO BOND OR TAKE SUCH OTHER STEPS AS MAY BE  
NECESSARY TO FULLY FUND ITS HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, in June of 2025, the Joint Land Use Board (JLUB) for the Township of Woolwich adopted a housing element and fair share plan and the Township endorsed that Plan (hereinafter “the 2025 Plan”); and

**WHEREAS**, the JLUB recently adopted an amendment to the 2025 Plan and the Township endorsed that Amendment; and

**WHEREAS**, the Township seeks approval of its 2025 Plan, as amended; and

**WHEREAS**, to secure approval of its amended plan and demonstrate that the plan creates the requisite realistic opportunity for satisfaction of its fair share obligation, applicable laws require the Township to ensure that the plan is fully funded; and

**WHEREAS**, the Township projects that between how much is currently in its trust fund and what it anticipates to collect by June 30, 2035, the last day of Round 4, it will have amassed \$12,296,469 in trust fund monies through the lawful imposition of affordable housing fees on residential and nonresidential developers; and

**WHEREAS**, the Township’s plan includes a rehab program for 16 units and a 100 percent affordable project with Multani Brothers; and

**WHEREAS**, the Multani Brothers will be pursuing subsidies for its project from non-municipal sources; and

**WHEREAS**, in the event there is still a shortfall in funding despite the measures described above, the Township is committed to providing sufficient funds to address the shortfall through bonding or other lawful means.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Woolwich, Gloucester County, that the Township will ensure that its amended Housing Element and Fair Share Plan is fully funded through bonding or other legal means in the event there is a shortfall in funding after all the measures set forth above.

**BE IT FURTHER RESOLVED** that the Township may repay debt through future collections of development fees, as such funds become available.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are authorized and designated to execute any and all necessary documents in order to implement the intent of this

Resolution.

Certification

# Exhibit 10

**A BINDING RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WOOLWICH TO ADOPT ALL OUTSTANDING IMPLEMENTING ORDINANCES AND  
RESOLUTIONS  
R-2026-114A**

**WHEREAS**, the Township of Woolwich (the “Township”) is constitutionally obligated to provide a Housing Element and Fair Share Plan that addresses the Township’s responsibilities pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2 (the “FHA II”) and applicable laws; and

**WHEREAS**, FHA II establishes procedures for municipalities to obtain judicial review and compliance certification of their affordable housing plans; and

**WHEREAS**, pursuant to FHA II, the Township timely filed a declaratory judgment action in January of 2025 and a Housing Element and Fair Share Plan in June of 2025: and

**WHEREAS**, Fair Share Housing Center, Inc. (“FSHC”) raised issues with the Township’s Housing Element and Fair Share Plan that resulted in the Township making changes to its Plan in an effort to achieve an accord; and

**WHEREAS**, while the Township and FSHC have resolved almost all of their issues, one issue remains unresolved; and.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Woolwich, County of Gloucester, State of New Jersey as follows:

1. The Township of Woolwich does hereby commit, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(d), to diligently adopt all of the requisite documents, to the extent any remain outstanding, to continue voluntary compliance with the Mount Laurel doctrine.

Adopted this 16th day March, 2026

**TOWNSHIP OF WOOLWICH**

ATTEST: \_\_\_\_\_  
Jessica Mignogna, Clerk

\_\_\_\_\_  
Natalie Matthias, Mayor

**CERTIFICATION**

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 16th day of March, 2026.

\_\_\_\_\_  
Jessica Mignogna, Clerk