

2025 FOURTH ROUND HOUSING PLAN

HOUSING ELEMENT & FAIR SHARE PLAN
TOWNSHIP OF DELAWARE
HUNTERDON COUNTY
NEW JERSEY

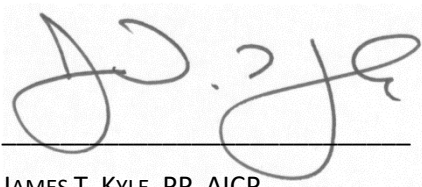
ADOPTED BY THE PLANNING BOARD

JUNE 23RD, 2025

ENDORSED BY THE TOWNSHIP COMMITTEE

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INTRODUCTION & EXECUTIVE SUMMARY

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I,” New Jersey municipalities have a constitutional obligation to provide opportunities for creation of low and moderate housing units. This 1975 decision led to a body of case law, legislative changes and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel Doctrine”. Through these actions, New Jersey municipalities have been assigned their fair share of the region’s affordable housing need for each compliance period and mechanisms must be created to address that need to have “satisfied” their constitutional obligation. The purpose of this Housing Element and Fair Share Plan (hereinafter the “Plan”) is to detail how Delaware will satisfy its constitutional obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, depending on the age and type of housing, must remain reserved for low and moderate income households for up to 40 years, a requirement enforced by deed restriction. Each affordable unit is eligible for one “credit” against the obligation and certain units are eligible for “bonus credits,” which potentially provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the unit type (at least half of the units must be available to families and the remaining may be reserved for seniors and those with special needs), diversity in the level of affordability (very low, low and moderate income units), and diversity in the size of affordable units (one, two and three bedroom units).

Participation in this process, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily, however, voluntary compliance is heavily incentivized. Municipalities that do not successfully participate may be vulnerable to exclusionary zoning litigation or a builder’s remedy, which is a litigation tool that can grant a developer the right to construct what is typically multifamily development on land that was not zoned to permit that use or density.

This Housing Plan addresses the Township of Delaware’s newly assigned fourth round affordable housing obligation consisting of a present need (rehabilitation) of 0 units and a prospective need (new construction) of 60 units. As the Township did not participate in the third round process and never received a judgment of compliance relative to that obligation, this plan addresses the third round obligation determined in accordance with the methodology established in the 2018 unpublished decision of Judge Mary C. Jacobsen, A.J.S.C., In the Matter of the Application of the Municipality of Princeton and In the Matter of West Windsor Township. Although only relevant to West Windsor and Princeton at the time of the decision, the methodology outlined in that decision has since been applied to municipal settlement agreements with Fair Share Housing Center and is the most logical method to establishing an obligation in the absence of a settlement agreement.

Although the Township has centralized water and sewer in Sergeantsville, the sewer system has a permitted capacity of 65,000 gallons per day and serves the village proper, including the Township school. Although there is technically capacity remaining as compared to the permitted flow, significant inflow and infiltration (I and I) issues plague this older plant, constructed in the 1960’s, and significant storm events, which have grown more common, bring the plant to its limit. Given this fact, the Township relies upon a durational adjustment to address a portion of the third round obligation and all of the fourth round obligation. Consistent with the regulations addressing durational adjustments, the Township is not required to adopt zoning or take other actions at this time to satisfy the obligation. In fact, the Township is unable to incorporate the most common strategies in its Housing Plan (excluding those that are small)

– 100% affordable housing developments and inclusionary development – because of the lack of available water and sewer.

This Housing Plan does not propose new zoning or other affordable housing strategies. Doing so is unnecessary given the first, second and a portion of the third round obligations are satisfied with constructed/approved or planned development, and the remainder of the third and the fourth round obligation is addressed with the durational adjustment.

This Plan supersedes all previously adopted housing plans and will serve as the foundation for the Township’s filing with the New Jersey Affordable Housing Dispute Resolution Program and a request for Compliance Certification.

As detailed in this Plan, the Township – like all New Jersey municipalities – has four components of its affordable housing obligation. Each component of the Township’s obligation is identified below and further detail is provided in a later section.

- Rehabilitation Obligation: 0 units
The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Delaware that are occupied by low- and moderate-income households. This component is also referred to as “present need”.
- First & Second Rounds Obligation: 23 units
The first and second round obligations can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. This component is often referred to as the “prior round” obligation.
- Third Round Obligation: 128 units
The third round obligation can be defined as the 1999 through 2025 new construction affordable housing obligation.
- Fourth Round Obligation: 60 units
The fourth round obligation can be defined as the 2025-2035 new construction affordable housing obligation. The current round of affordable housing, now the fourth round, is also referred to as the “prospective need”.

AFFORDABLE HOUSING IN NEW JERSEY

In its landmark 1975 decision, now referred to as “Mount Laurel I,” the NJ Supreme Court ruled that developing municipalities have a constitutional obligation to provide variety and choice of housing types affordable to low- and moderate-income households. In its 1983 “Mount Laurel II” decision, the NJ Supreme Court extended the regional fair share obligation to all municipalities with any “growth area” as designated in the State Development Guide Plan (NJDCG 1978) and determined that each municipality would have to establish its fair share obligation and provide zoning strategies to create a realistic opportunity for fulfillment of the fair share obligation. Mount Laurel II also gave developers, under appropriate circumstances, the opportunity to secure a builder’s remedy. A builder’s remedy is a litigation tool that grants a developer the right to develop what is typically a multi-family development on land that was not zoned to permit the use or the residential density desired by the developer, provided a “substantial” percentage of the units are reserved for low and moderate income households. Delaware seeks to avoid this possibility and has already taken substantial steps to do so by fully complying with its first, second and a portion of its third round obligations.

In 1985, the Legislature enacted the Fair Housing Act in response to Mount Laurel II. The Fair Housing Act created the Council on Affordable Housing (hereinafter “COAH”) as an administrative alternative to compliance in a court proceeding. The Legislature conferred “primary jurisdiction” on COAH and charged COAH with promulgating regulations to establish housing regions, to estimate the state’s low- and moderate-income housing needs, set criteria and guidelines for municipalities to determine and satisfy their affordable housing obligation, and to create a process for the review and approval of appropriate housing elements and fair share plans. Approval of a municipal housing element and fair share plan by COAH was referred to as “substantive certification” and it provided protection from builder’s remedy litigation during the period which the housing element and fair share plan addresses (i.e. the round).

COAH created the criteria and guidelines for municipalities to determine and address their respective affordable housing obligation. COAH originally established a formula for determining municipal affordable housing obligation for the six-year period between 1987 and 1993 (*N.J.A.C. 5:92-1 et seq.*), which became known as the “first round.” These rules established the first round rehabilitation obligation (also referred to as the “present need”) and the first round new construction obligation.

The first round formula was superseded by COAH regulations in 1994 (*N.J.A.C. 5:93-1.1 et seq.*). The 1994 regulations recalculated a portion of the first round 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 U.S. Census data. The regulations COAH adopted in 1994 to identify a municipality’s “cumulative” obligations for the first and second rounds are known as “the second round” regulations. Under regulations adopted for the third round, the obligation of municipalities to create new affordable housing for the first and second rounds was referred to as the “prior round” obligation.

On December 20, 2004, COAH’s first version of the third round rules became effective some five years after the end of the second round in 1999. At that time, the third round was defined as the time from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004 through January 1, 2014. The third round rules marked a significant departure from the methods utilized in COAH’s

earlier rounds by creating a “growth share” approach that linked the production of affordable housing to residential and non-residential development within a municipality.

The growth share approach and the rules under which it was created was the subject of significant litigation and ultimately overturned by the New Jersey Appellate Court. On January 25, 2007, the New Jersey Appellate Court decision, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1, invalidated key elements of the first version of the third round rules, including the growth share approach. COAH issued revised rules on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). Included in the 2008 rules was a recalculation of the cumulative first and second rounds obligation to account for updated data addressing secondary sources (filtering, demolitions, and residential conversions). Just as various parties challenged COAH’s initial third round regulations, parties challenged COAH’s 2008 revised third round rules. On October 8, 2010, the Appellate Division issued its decision, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH’s third round regulations. The Appellate Division upheld the COAH regulations that assigned rehabilitation and first and second rounds obligations to each municipality but invalidated the regulations by which the agency assigned housing obligations in the third round, finding that the Agency continued to utilize a growth share approach, albeit an amended one.

COAH sought a stay from the NJ Supreme Court of the deadline to issue new third round housing rules set forth by the Appellate Division. Additionally, there were various challenges to the Appellate Division’s 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules. Subsequent delays in COAH’s rule preparation and ensuing litigation led to the NJ Supreme Court, on March 14, 2014, setting forth a schedule for adoption.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20th meeting and failed to adopt the draft rules it had issued on April 30, 2014. In response, Fair Share Housing Center (hereinafter “FSHC”) filed a motion in aid of litigant’s rights with the NJ Supreme Court.

On March 10, 2015, the NJ Supreme Court issued a ruling on the Motion In Aid of Litigant’s Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1, aka “Mount Laurel IV”). This long-awaited decision provided a new direction for how New Jersey municipalities were to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication was that municipalities were required to apply to Superior Court with a Declaratory Judgement Action, instead of to COAH, if they wished to be protected from exclusionary zoning litigation, including builder’s remedy. These trial judges, with the assistance of an appointed Special Adjudicator to the Court, reviewed municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court’s decision set a process in motion for Townships to address their third round obligations, it did not assign those obligations. Instead, the task was completed by the trial courts. However, the NJ Supreme Court did direct that the method of determining municipal affordable housing obligations were to be “similar to” the methodologies used in the first and second round rules and municipalities should rely on COAH’s 1993 second round rules (*N.J.A.C. 5:93*) and certain components of COAH’s 2008 regulations that were specifically upheld, as well as the Fair Housing Act (*N.J.S.A. 52:27D – 301 et seq.*), in their preparation of third round housing elements and fair share plans.

FSHC, the only public interest advocacy organization in New Jersey devoted exclusively to promoting the production of housing affordable to low and moderate income households, was permitted to serve as an interested party in every municipal Declaratory Judgment Action. In this role the organization calculated municipal affordable housing obligations and offered to settle with municipalities. Such settlements addressed the municipal affordable housing obligation, compliance strategies and other terms intended to promote affordable housing production. Most municipalities that filed a Declaratory Judgment Action settled with FSHC, finding it to be in their best interest. The typical alternative to settlement with FSHC was conducting a trial in Superior Court to determine the municipal affordable housing obligation.

In addition to the State agency activity and judicial decisions through 2015, the New Jersey Legislature amended the Fair Housing Act in 2008 (P.L. 2008, c. 46, often referred to as the “Roberts Bill”, or “A500”). This amendment established a statewide 2.5% nonresidential development fee, prohibited new regional contribution agreements (hereinafter “RCAs”), required that 13% of all new affordable housing units be restricted to very low income households (30% of median income), and added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection. Additionally, the Fair Housing Act was amended in 2013 (P.L. 2013, c. 6) to permit municipalities to enter into an agreement with a developer or development owner to provide a preference for veterans who served in time of war or other emergency to occupy up to 50% of the affordable units in a particular development. The preference is applicable to the first 90 of the 120 days of initial marketing and thereafter may veterans may be placed on a special waiting list for future available affordable units in the development. These amendments to the Fair Housing Act are not promulgated in any valid COAH regulations.

On March 20, 2024, an amendment to the Fair Housing Act was adopted (P.L. 2024, c.2.). This amendment creates significant changes to the fourth round of affordable housing, and all subsequent rounds. Such changes include the process in which municipalities obtain protection from builder’s remedy litigation – including but not limited to the elimination of COAH and the creation of the Affordable Housing Dispute Resolution Program, the methodology to calculate municipal prospective need obligations, and the administration of affordable housing units. However, the Fair Housing Act does not create or direct the creation of new rules that would provide further guidance, instead it states municipalities shall rely on rules adopted by COAH, unless contradicted by statute or binding court decisions, for municipal crediting, adjustments and compliance strategies. One notable example of contradiction is the generation of and use of bonus credits. See the sections that follow for additional information regarding this amendment to the Fair Housing Act.

The Affordable Housing Dispute Resolution Program (hereinafter the “Program”) is a program within the judiciary made up of an odd number of Judges with a minimum of 3 and not more than 7. The Program, in its discretion and in accordance with Rules of Court, may consult or employ services of one or more special adjudicators or staff to assist it in rendering determinations, resolving disputes, and facilitating communication among municipalities and interested parties. The Program is responsible for reviewing municipal affordable housing obligations, housing plans, and conducting mediation. However, final determinations of compliance, disputes, and other issues, as well as Court orders may only be issued by a County-level housing judge.

In addition to changes addressing the compliance process and elimination of COAH, the amendment also revised minimum affordability controls for rental units from 30 years to 40 years and those for extension of affordability controls from 30 years to as little as 20 years, provided the total control period is not less

than 60 years. It also created new roles for the Department of Community Affairs (hereinafter “DCA”), including calculation of non-binding rehabilitation and prospective need affordable housing obligations, oversight and adoption of rules regulating municipal affordable housing trust funds, municipal housing liaisons and affordable housing administrative agents, as well as oversight of affordable unit administration. The amendment also directed the New Jersey Housing and Mortgage agency to revise the Uniform Housing Affordability Control Rules (*N.J.A.C. 5:80-26.1 et seq.*).

The Compliance Process

The first step in a municipality’s compliance process is to establish the affordable housing obligation. The first, second and third round obligations are already established by COAH or Superior Court, respectively. Only the rehabilitation obligation and current prospective need, constituting the fourth round obligation, are subject to the determination.

The methodology and formulas each municipality must rely upon to determine its rehabilitation and fourth round obligation (as well as subsequent round obligations) are set forth within *N.J.S.A. 52:27D-304.1* thru *-304.3* of the Fair Housing Act. The March 8, 2018 unpublished decision of the Superior Court, Law Division, Mercer County, *In re Application of Municipality of Princeton* (“Jacobson Decision”) is also to be referenced as to datasets and methodologies that are not explicitly addressed in *N.J.S.A. 52:27D-304.3*. Notwithstanding the methodology set forth in the Fair Housing Act, the Act also required the DCA to release a non-binding report calculating obligations for each municipality in the State.

The following provides an overview of the process and deadlines associated with fourth round compliance.

- Establishing the Affordable Housing Obligation
 - October 20, 2024: DCA Regional and Municipal Fair Share Obligation Report Issued.
 - January 31, 2025: Deadline for municipalities to adopt a binding resolution committing to the affordable housing obligation and seeking a Compliance Certification through participation in the Program.
 - February 28, 2025: Deadline for an interested party to challenge the municipality’s determination of its obligation to the Program. It shall apply “an objective assessment standard”.
 - March 1, 2025: The municipality’s determination of its obligation will be established by default if no challenge.
 - March 31, 2025: The Program must issue a decision on the obligation challenge.
- Obtaining a Compliance Certification
 - June 30, 2025: Municipality shall adopt a Housing Plan and propose drafts of ordinances and resolutions to implement the plan. If a municipality does not adopt a Housing Element and Fair Share Plan by June 30, 2025, the Rules of Court may permit the Program or County Level Judge to allow the municipality to secure a grace period. If a municipality does not adopt a Housing Plan by June 30, 2025 and does not secure a grace period, the municipality will have its immunity revoked.

- August 31, 2025: Deadline for an interested party to file a challenge to the Housing Plan with the Program. If there is no challenge by this date the Program will begin review of the Housing Plan for consistency with the FHA.
- December 31, 2025: Deadline for a municipality to settle any challenge or provide an explanation as to why it will not make all, or some of the changes brought by the challenge.
- March 15, 2026: Municipality to amend the Housing Plan and implement the agreed upon revisions resulting from a challenge and adopt all pertinent ordinances. The Housing Plan and adopted ordinances shall be immediately filed with the Program.
- Ongoing Compliance
 - Midpoint (2030): Action by municipality or interested party filed to seek a realistic opportunity review of any developments that have not moved forward.

Affordability Requirements

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent, that is within the financial means of households of low- or moderate-income, which is measured within each of the State's six housing regions. Delaware is in Region 3, which includes Hunterdon, Middlesex and Somerset counties. Moderate-income households are those with annual incomes greater than 50% but less than 80% of the regional median income while low-income households are those with annual incomes that are 50% or less of the regional median income. Very low-income households are a subset of "low-income" households and are defined as those with earning 30% or less of the regional median income.

The Uniform Housing Affordability Controls (hereinafter "UHAC") at *N.J.A.C. 5:80-26.3(d)* and (e) requires that the maximum rent for a qualified unit be affordable to households with incomes 70% or less than the median income for the region, provided the development includes 13% or more very low income units. The number of units priced at 70% of regional median income cannot exceed the number of very low income units plus one additional unit. The average rent must be affordable to households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income is defined using the federal income limits established by Department of Housing and Urban Development (hereinafter "HUD") on an annual basis. In the spring of each year, HUD releases updated regional income limits, and it is from these income limits that the rents and sale prices for affordable units are derived. The table on the following page reflects the 2024 affordable housing regional income limits for Region 3, prepared by Affordable Housing Professionals of New Jersey (AHPNJ).

2025 Income Limits for Region 3					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$102,340	\$109,650	\$131,580	\$146,200	\$157,896
Moderate	\$81,872	\$93,568	\$105,264	\$116,960	\$126,317
Low	\$51,170	\$58,480	\$65,790	\$73,100	\$78,948
Very Low	\$30,702	\$35,088	\$39,474	\$43,860	\$47,369
Source: 2025 Income Limits prepared by New Jersey Housing and Mortgage Finance Agency, effective May 16, 2025.					

Overview of Compliance Requirements

There are extensive requirements that municipalities must meet to ensure their affordable housing strategies result in a Compliance Certification. Furthermore, those requirements vary by round. The following provides a *brief and summarized* overview of the requirements.

- Rental Obligation. Not less than 25% of affordable units addressing the obligation of a round must be rental housing units.
- Family Obligation. Not less than 50% of affordable units addressing the obligation of a round must be available to families, meaning they are not restricted to a particular population. This obligation does not apply to the first and second rounds.
- Family Rental Obligation. Not less than 50% of the units meeting the rental obligation of a round must be available to families, meaning they are not restricted to a particular population. This obligation does not apply to the first and second rounds.
- Senior Maximum. Up to 30% of affordable units addressing the obligation of a round may be reserved for seniors. The maximum was 25% for the first, second and third rounds.
- Income Distribution of Affordable Units
 - Very Low Income Obligation. Not less than 13% of affordable units created or approved on or after July 1, 2008 must be reserved for very low income units (30% or less than the regional median income). Very low income units are a subset of low income units.
 - Family Very Low Income Obligation. Not less than 50% of the units meeting the very low income obligation must be available to families, meaning they are not restricted to a particular population.
 - Low Income Obligation. Not less than 50% of affordable units in any development must be reserved for low income households (50% or less than the regional median income, which includes very low income units). The remaining may be available to moderate income households (51-80% of regional median income).

- Bedroom Distribution of Affordable Units

- The total bedrooms within the affordable units in any development must be not less than twice the number of affordable units. This requirement does not apply to the first, second or third round.
- Studio and 1-bedroom Units. Not more than 20% of units in any development.
- 2-bedroom Units. Not less than 30% of units in any development.
- 3-bedroom Units. Not less than 20% of units in any development.
- The above requirements do not apply to special needs housing or senior housing.
- Senior developments are subject to a modified bedroom distribution such that the total bedrooms within the affordable units must be not less than the number of affordable units.
- Senior and supportive housing developments with 20 or more affordable units shall have not less than 5% 2-bedroom and 3-bedroom affordable units. This requirement does not apply to the first, second or third round.

- Bonus Credits

- No more than 25% of the obligation for each round.
- Only one type of bonus credit may be applied to a unit.
- Rental bonus credits (1.0) are only applicable to the first, second and third rounds.
- The following unit types are eligible for 1.0 bonus credit in the fourth round.
 - Supportive and special needs bedrooms.
 - Market to affordable (conversion of a market rate unit to an affordable unit).
 - 100% affordable developments: Units within 100% development provided the municipality supplies the land or a minimum of 3% of the development costs.
- The following unit types are eligible for 0.5 bonus credit in the fourth round.
 - Partnership with non-profit.
 - Proximity to transit: units within ½ mile of transit (rail, bus, ferry).
 - Senior: limited to 10% of the affordable age-restricted units proposed but capped at 30% of the obligation.
 - Units with at least three bedrooms above the minimum number required by the bedroom distribution.
 - Redevelopment for units on land previously utilized for retail, office or commercial use.
 - Extension of affordability controls on rental housing only, provided the municipality funds the cost for extension.
 - Very Low-Income units above the 13% required.

AFFORDABLE HOUSING IN DELAWARE

The Township adopted its first housing plan, addressing its obligation from 1987 to 1993, early in 1987 and that plan was certified by COAH on May 20, 1987. COAH granted an interim certification to extend the initial certification to March 6, 1995. In December of 1994, the Township prepared a plan addressing its obligations from 1993 to 1999, a plan granted substantive certification by COAH on January 10, 1996. That certified plan was amended on December 6, 2000 and the Township was granted extended certification on July 27, 2005. Both plans relied on small-scale mechanisms to provide affordable housing, including rehabilitation of units, accessory apartments, senior citizen housing, supportive housing and rental bonuses, consistent with the lack of centralized sewer. Efforts were focused on Sergeantsville and utilized what capacity was remaining at the sewer plant at that point in time.

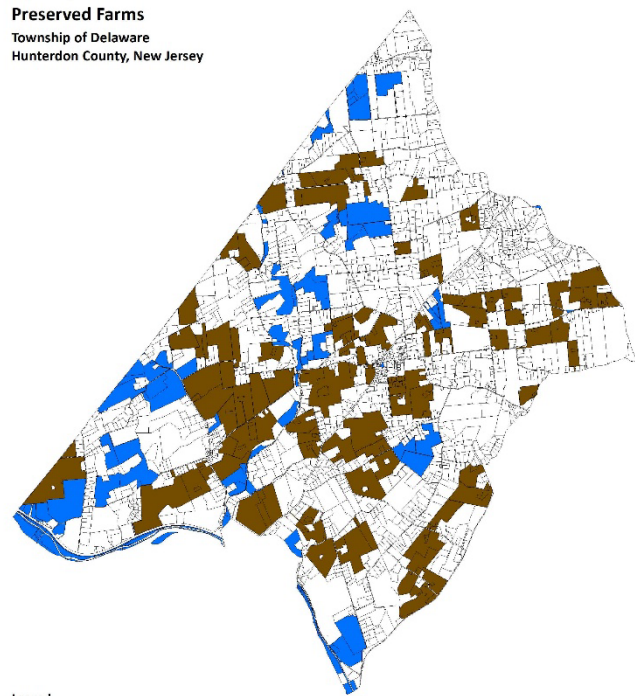
In November of 2005, a housing plan addressing the Township's third round obligation from 1987 to 2014 was adopted based on the growth share approach in COAH's rules at the time. An amended plan was subsequently prepared in December 2008 addressing the obligation from 1987 to 2018 and the Township re-petitioned for substantive certification. The amended plan was never certified by COAH and as noted previously, litigation on the third round rules delayed the process until the Supreme Court's decision in March of 2015. The Township never completed a third round plan and never received a judgment of compliance and repose from the courts.

CONSIDERATION OF LANDS MOST APPROPRIATE FOR AFFORDABLE HOUSING

Delaware Township is a rural municipality characterized by rolling farmland, high-quality Category One streams and generally low density single-family homes. This is reflected in the designation of the Township as PA-4, PA-4B and PA-5 in the NJ State Development and Redevelopment Plan, the planning areas that are the most rural and environmentally sensitive. The village of Sergeantsville and the hamlet of Rosemont are the two notable departures, and both are listed in the National and State registers of historic places. Sergeantsville is the historical center of the Township and supported the largely agrarian economy of the past. Today it remains the center of activity and is home to commercial businesses, municipal facilities and the post office as well as some of the Township's affordable housing projects.

The Township has worked with the County and SADC to preserve a significant number of farms through easement purchase, with a total of 12,909 acres preserved to date. In addition,

**Open Space and
Preserved Farms**
Township of Delaware
Hunterdon County, New Jersey



Legend
■ Open Space
■ Preserved Farmland

Map Prepared by:
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0 3,000 6,000 Feet
Map Scale: 1:72,000
1"=6,000'

KMA
KYLE MAPS & ASSOCIATES
PLANNING
CONSULTANTS
Data Sources: NDOT

2,411 acres have been permanently preserved as open space comprised of municipal, county and state parks. Altogether approximately 65% of the Township's total area of 23,703 acres has been preserved (see map on the previous page), and efforts to preserve farmland and open space will continue.

Over the last approximately 40 years, the Township's ability to provide opportunity for affordable housing has been limited and has focused on small-scale mechanisms such as supportive housing bedrooms. The sole inclusionary project was constructed in the village of Sergeantsville and resulted in 6 family rental units. Given that Delaware is entirely within PA-4, PA-4B and PA-5 as mapped in the New Jersey State Development and Redevelopment Plan, this is not surprising. Although the Township has sewer in Sergeantsville, that plant is at capacity due to inflow and infiltration issues, which limits the extent to which traditional inclusionary zoning can be used. The State Plan specifically discourages the extension of sewer infrastructure into these planning areas, further limiting available options.

The Township will continue to pursue mechanisms that are compatible with its rural nature, with the goal of locating future affordable housing in Sergeantsville, which is the most appropriate location. Should inflow and infiltration issues be resolved and peak flows managed, affordable housing can be accommodated in the future.

OPPORTUNITY FOR MULTIGENERATIONAL HOUSING

The Fair Housing Act requires "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". As of the date of this Housing Plan, there have been no recommendations by the Multigenerational Family Housing Continuity Commission on which to provide the required analysis. However, the Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. Township land use policies are not in conflict with this goal and much of the Township's housing stock is large enough to accommodate multigenerational living. Nothing in the zoning prohibits creation of additional living space consisting of a bedroom and bathroom, but inclusion of separate kitchen facilities would constitute a second dwelling unit, which is not permitted but is also not necessary to permit multigenerational living. The Zoning Board of Adjustment has approved a number of applications permitting accessory dwelling units, many of which were to accommodate multigenerational living arrangements although none were deed restricted as affordable units. The Township Committee and Planning Board should review the issue of accessory dwelling units outside of those permitted to address Delaware's affordable housing obligation and determine if they should be permitted more widely.

DEMOGRAPHIC, HOUSING & EMPLOYMENT ANALYSIS

See Appendix 1 for this analysis.

AFFORDABLE HOUSING OBLIGATION & SATISFACTION

Fourth round housing plans must address four components of a municipality's affordable housing obligation. These include the rehabilitation obligation to improve substandard housing occupied by low- and moderate-income households, the first and second round obligation of new construction from 1987 to 1999, third round obligation of new construction from 1999 to 2025, and the fourth round obligation of new construction from 2025 to 2035.

Rehabilitation Obligation: 0 units

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Delaware that are occupied by low- and moderate-income households. The Fair Housing Act, N.J.S.A. 52:27D-304.3.b., describes present need as being determined by "estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof." The DCA calculated municipal present need obligations in *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*, released on or about October 18, 2024. This DCA Report calculated a rehabilitation obligation of 0-units for the Township, which was accepted in the Township's binding resolution adopted in conformance with the requirements of the law.

As the Township has no rehabilitation obligation, it need not provide any compliance mechanisms.

First & Second Rounds Obligation: 23 units, Fully Satisfied

Delaware Township's first and second round obligation, also referred to as the prior round obligation, is 23 units. This obligation is defined as the cumulative new construction obligation from 1987 through 1999 (1987-1993 is the first round; 1993-1999 is the second round). The Township's obligation was published by COAH in 2008 and originally calculated in 1993-1994 pursuant to N.J.A.C 5:93 and was part of the Township's second round plan that was granted substantive certification on January 10, 1996, amended in 2000 and certified by COAH on December 6, 2000. This 23-unit obligation is satisfied with the projects identified in the table below, and a description of each mechanism is included below the table.

Satisfaction of the 23-unit Prior Round Obligation			
Program	Units	Bonus Credits	Total Credits
RCA – Lambertville	5	0	5
ARC Group Home	6	0	6
Raven Rock	1	1	2
Allies Group Home – Block 13, Lot 10	3	3	6

Satisfaction of the 23-unit Prior Round Obligation			
Accessory Apts.	3	0	3
Total			23

RCA - Lambertville

The Township completed a 5-unit Regional Contribution Agreement with the City of Lambertville. COAH reviewed the RCA and approved it as part of the second round plan.

ARC Group Home

Delaware received credit for a 6 bedroom group home operated by the ARC of Hunterdon County. Opened in 1982, the facility was eligible for prior cycle credits applied to the first and second round obligations. It is located in Sergeantsville at Block 23, Lot 6.01.

Raven Rock

This single family home, located at 82 Raven Rock Road, was owned by Hunterdon County and leased to the Hunterdon County Housing Corporation as a deed restricted family rental unit. It is eligible for one unit of credit plus one bonus credit.

Allies Group Home

Allies operates a 3 bedroom group home on Block 13, Lot 10, which is eligible for credit along with 3 rental bonus credits. This supportive housing facility has been operating since approximately 2009 and is currently occupied by residents with developmental disabilities.

Accessory Apartments

The Township received credit in its prior round plan for 3 proposed accessory apartments.

Third Round Obligation: 128 Units, Partially Satisfied

As noted previously, the Township did not receive court approval of a third round plan. As an obligation was never agreed to through the declaratory judgment process and settlement with Fair Share Housing Center, Delaware relies on the March 18, 2018 report prepared by Econsult Solutions, Inc. (ESI) which calculated statewide obligations based on the methodology outlined in the Jacobsen decision. As calculated by ESI, Delaware Township's third round obligation included a gap present need of 54 units and a prospective need of 74 units for a total of 128 units. The Township has provided the below mechanisms, consisting of existing and proposed affordable units and those proposed as part of the continuing accessory apartment program plus 8 bonus credits to meet 39 units of the 128 unit obligation. A durational adjustment is applied to 89 units of the third round obligation.

Satisfaction of the 128 Unit Third Round Obligation			
Program	Units	Bonus Credits	Total Credits
Allies – Block 3, Lot 4	4	0	4
Allies – Block 39, Lot 10.01	4	0	4
Perimeter	6	6	12
Locandro Subdivision	2	0	2
ARC Group Home – Extension of Controls	6	1	7
Accessory Apartments	10	0	10
Durational Adjustment	89		89
Total			128

Allies – Block 3, Lot 4

Allies operates a group home that contains 4 bedrooms, each eligible for credit. This facility has been operating since approximately 2014.

Allies – Block 39, Lot 10.01

Allies operates a group home that contains 4 bedrooms, each eligible for credit. This facility has been operating since approximately 2014.

Perimeter

This site was developed with a total of 16 units, 6 of which are family rentals deed restricted to low and moderate income households and is located in Sergeantsville. Deed restrictions of 30 years are in place and documentation was previously provided and the units are in the CTM system. These units are also eligible for 6 bonus credits, which are applied to the third round obligation.

Locandro Subdivision

This site was granted preliminary and final subdivision approval along with use variance approval by the Zoning Board to permit a single-family subdivision but includes a duplex unit that will contain 2 affordable family rental units. The developer has extended the approval and is in the process of finalizing outside agency approvals, which is expected to conclude in the near future.

ARC Group Home – Extension of Expiring Controls

This supportive housing project, operated by the ARC of Hunterdon County, was constructed and first occupied in 1982. Prior cycle credits were part of the Township's first round plan, which received substantive certification from COAH in May of 1987. As part of the third round plan that was never acted upon by COAH, an agreement was reached with ARC to extend the controls an additional 30 years, through 2038, making them eligible for 6 credits in the fourth round along with one bonus credit.

Accessory Apartments

Delaware Township will continue its accessory apartment program, and such apartments are permitted in any zone district that permits residential uses under §230-12 of the Land Use Ordinance. The ordinance will be updated consistent with the draft in Appendix 2 to note the minimum required Township subsidy to assist with creation of units. The Township will utilize development fees to fund the program as outlined in the spending plan in Appendix 3.

Durational Adjustment

The Township is entitled to a durational adjustment for a portion of the third round obligation as sewer capacity in Sergeantsville, the only area of the Township with sanitary sewer, is extremely limited at this point and substantial new development cannot be supported. While there would appear to be capacity based on average monthly flows as reported in conjunction with the NJPDES permit, the system is subject to significant inflow and infiltration (I and I), which often causes peak flows to reach the permitted capacity of 65,000 gallons per day. Were additional connections made, the plant would exceed its permitted capacity during significant rain events, which occur more often in recent years.

Delaware will comply with the applicable COAH rules regarding durational adjustments to satisfy the third round obligation. This means, as set forth in *N.J.A.C. 5:93-4.3(c)*, the requirement to address a portion of the third round obligation of 89 units is deferred until adequate water and/or sewer are made available. As such, the Township commits to complying with the following, which is stated in *N.J.A.C. 5:93-4.3*:

1. Notwithstanding the lack of adequate water and/or sewer at the time a municipality petitions for substantive certification, the municipality shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis.
2. Municipal officials shall endorse all applications to the DEP or its agent to provide water and/or sewer capacity. Such endorsements shall be simultaneously submitted to the Council.
3. Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing identified in the housing element, the municipality shall permit such development; and
4. Where a municipality has designated sites for low and moderate income housing that lack adequate water and/or sewer and where the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and

moderate income housing in the housing element, the municipality shall amend its housing element and fair share housing ordinance to permit development of such site for low and moderate income housing. The amended housing element and fair share housing ordinance shall be submitted to the Council within 90 days of the site's approval by the DEP or its agent.

Third Round Minimum Requirements

In addition to meeting the total 128 unit obligation, the Township must also meet minimum and maximum requirements related to the rental obligation, maximum number of age-restricted units, minimum family unit obligation, and the minimum very low income unit obligation of 13%. Given the durational adjustment sought for the third round, these requirements detailed below are based on the 32 units of credit provided, not the 128 unit obligation. Should additional units be realized, these requirements will be applied appropriately.

Minimum Rental Obligation = 8 units

$.25 \text{ (obligation)} = \text{Minimum \# rental units}$ or $.25 (32) = \mathbf{8 \text{ units}}$

This obligation is satisfied with the Perimeter and Allies projects.

Maximum Senior Units = 8 units

$.25 \text{ (obligation)} = \text{Maximum \# age-restricted units}$ or $.25 (32) = \mathbf{8 \text{ units}}$

None of the credits proposed are age-restricted.

Minimum Family Unit Obligation = 16 units

$.50 \text{ (obligation)} = \text{Minimum \# family units}$ or $.50 (32) = \mathbf{16 \text{ units}}$

This obligation is satisfied with the Perimeter, Locandro Subdivision and accessory apartments, totaling 18 units.

Minimum Family Rental Obligation= 8 units

$.50 \text{ (rental obligation)} = \text{Minimum \# Family Rental Units}$ or $.50 (16) = \mathbf{8 \text{ units}}$.

This obligation is satisfied with the Perimeter and Locandro Subdivision, totaling 9 units.

Minimum Very Low Income Unit Obligation = 5 units

$.13 \text{ (units created or approved on or after July 1, 2008)} = \text{Minimum \# very low income units}$ or
 $.13 (32) = 4.16$, rounded up to 5 units

This obligation is satisfied with the 2 Allies group homes, totaling 7 units.

Fourth Round Obligation

Present Need (Rehabilitation Share)

As calculated by DCA, Delaware's present need for the fourth round is zero (0) units. As such, no rehabilitation program is required.

Prospective Need

Delaware's fourth round obligation (also referred to as the prospective need) is 60 units. This obligation is defined as the new construction obligation for 2025-2035. The Fair Housing Act, N.J.S.A. 52:27D-304.3.b., describes the obligation as 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".

The methodology to calculate the obligation begins with determining the need for affordable housing in which the municipality is located. That regional need is then allocated to each municipality in the region, excluding qualified urban aid municipalities, based on an average of three factors: 1) equalized nonresidential valuation factor, which serves as a proxy for the municipal share of the region's change in employment during the previous affordable housing round, 2) income capacity factor, which is the municipal share of the region's median household income, and 3) land capacity factor, which is the municipal share of the region's developable land.

The DCA calculated municipal fourth round obligations in *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*, released on or about October 18, 2024. This DCA Report calculated a fourth round obligation of 60 units, which the Township agreed with and such obligation was set in an order signed by Judge William G. Mennen, J.S.C. on March 27, 2025.

Potential Fourth Round Strategies

While the Township's eligibility for a durational adjustment limits compliance actions required at this time, the Township nonetheless seeks opportunities to create affordable housing units where possible. The following provides a summary of potential mechanisms to be utilized:

- **Mandatory setaside ordinance:** Given that small-scale residential projects are possible in the future, the Township will adopt a mandatory setaside ordinance and require that when 5 units are approved, a 20% affordable housing setaside must be provided. The draft mandatory setaside ordinance is provided in Appendix 5.
- **Continuation of the accessory apartment program:** While this program has seen somewhat limited success in the past, the Township will increase the subsidy to entice homeowners to participate.

Durational Adjustment

The Township is entitled to a durational adjustment for a portion of the third round obligation as sewer capacity in Sergeantsville is extremely limited at this point and substantial new development cannot be supported. While there would appear to be capacity based on average monthly flows, the system is subject to significant inflow and infiltration, which often causes peak flows to rise to the permitted capacity of 65,000 gallons per day. Were additional connections made, the plant would exceed its permitted capacity during significant rain events.

Delaware will comply with the applicable COAH rules regarding durational adjustments to satisfy the fourth round obligation. This means, as set forth in N.J.A.C. 5:93-4.3(c), the requirement to address the

fourth round obligation of 60 units is deferred until adequate water and/or sewer are made available. As such, the Township commits to complying with the following, which is stated in *N.J.A.C. 5:93-4.3*:

1. Notwithstanding the lack of adequate water and/or sewer at the time a municipality petitions for substantive certification, the municipality shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis.
2. Municipal officials shall endorse all applications to the DEP or its agent to provide water and/or sewer capacity. Such endorsements shall be simultaneously submitted to the Council.
3. Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing identified in the housing element, the municipality shall permit such development; and
4. Where a municipality has designated sites for low and moderate income housing that lack adequate water and/or sewer and where the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element, the municipality shall amend its housing element and fair share housing ordinance to permit development of such site for low and moderate income housing. The amended housing element and fair share housing ordinance shall be submitted to the Council within 90 days of the site's approval by the DEP or its agent.

As reflected above, the Township is not proposing a waiver from durational adjustment provisions, such as the requirement to endorse applications to DEP or its agent to provide water and/or sewer capacity.

Distribution of Fourth Round Units

In addition to meeting the total 60 unit fourth round obligation, the Township must also meet the minimum rental obligation, maximum number of senior units, minimum family unit obligation, minimum very low income obligation, and maximum bonus credits, as set forth in the Fair Housing Act. Compliance with these requirements is noted prospectively and will be applied should development occur.

Maximum Bonus = 15 credits

- Maximum bonus credits = 25% (obligation) | 25% (60) = 15 units.
- Satisfaction is deferred, consistent with the durational adjustment.

Minimum Rental = 15 units

- Minimum rental units = 25% (of units meeting the obligation) | 25% (60) = 15 units
- Satisfaction is deferred, consistent with the durational adjustment.

Maximum Senior = 18 units

- Maximum age-restricted units = 30% (units meeting the obligation) | 30% (60) = 18 units
- Satisfaction is deferred, consistent with the durational adjustment.

Minimum Family = 22 units

- Minimum family units = 50% (units meeting the obligation) | 50% (45) = 22.5 units, rounded down to 22 units.
- Satisfaction is deferred, consistent with the durational adjustment.

Minimum Family Rental = 8 units

- Minimum family rental = 50% (rental obligation) | $50\% (15) = 7.5$ units round up to 8 units
- Satisfaction is deferred, consistent with the durational adjustment.

Minimum Very Low Income = 6 units

- Minimum very low income units = 13% (fourth round units created or approved on or after July 1, 2008) | $13\% (45) = 5.85$, rounded up to 6 units
- Satisfaction is deferred, consistent with the durational adjustment. Assumes maximum 25% bonus credits can be achieved.

Minimum Family Very Low Income = 1 unit

- Minimum family very low income units = 50% (very low income obligation) | $13\% (6) = 0.78$ units rounded up to 1 unit.
- Satisfaction is deferred, consistent with the durational adjustment.

Affordability Assistance

As required, the Township will undertake a variety of affordability assistance activities to render units more affordable. These strategies are outlined in the spending plan (Appendix 3) and the affordability assistance program manual is provided in Appendix 6.

CONSISTENCY WITH THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

While the New Jersey State Development and Redevelopment Plan is currently being amended, the cross-acceptance process has not concluded and the 2001 Plan is still in effect. This consistency analysis is based on the 2001 Plan, although amendments proposed with the new Plan don't substantially alter policy and planning areas as mapped in the Township are not expected to change.

Delaware Township is classified as Planning Areas 4 (Rural), 4B (Rural/Environmentally Sensitive), 5 (Environmentally Sensitive) and State Park. Planning Area 4 covers 5,042 acres (21.5%), 4B covers 17,302 acres (73.7%), 5 covers 852 acres (3.6%) and State Park covers 290 acres (1.2%) as shown on the map on the following page.

General housing policies in the 2001 Plan include locating more dense housing within walking distance of schools, services, transit, civic and employment opportunities, preservation of existing, sound affordable housing, promoting public/private partnerships for housing development and redevelopment, providing for nonprofit and special needs housing, utilizing development fees for affordable housing and promoting mixed-income neighborhoods. The Township's approach to affordable housing over the last 40 years is consistent with these policies as they have focused on providing supportive housing opportunities and concentrating affordable housing in the village, which is walkable, has access to services and contains the municipal building and Delaware Township School.

The State Plan sets forth general policies for the Planning Areas. For PA-4 and 4B, the plan seeks to "Maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in centers; promote a viable agricultural industry; protect the character of existing

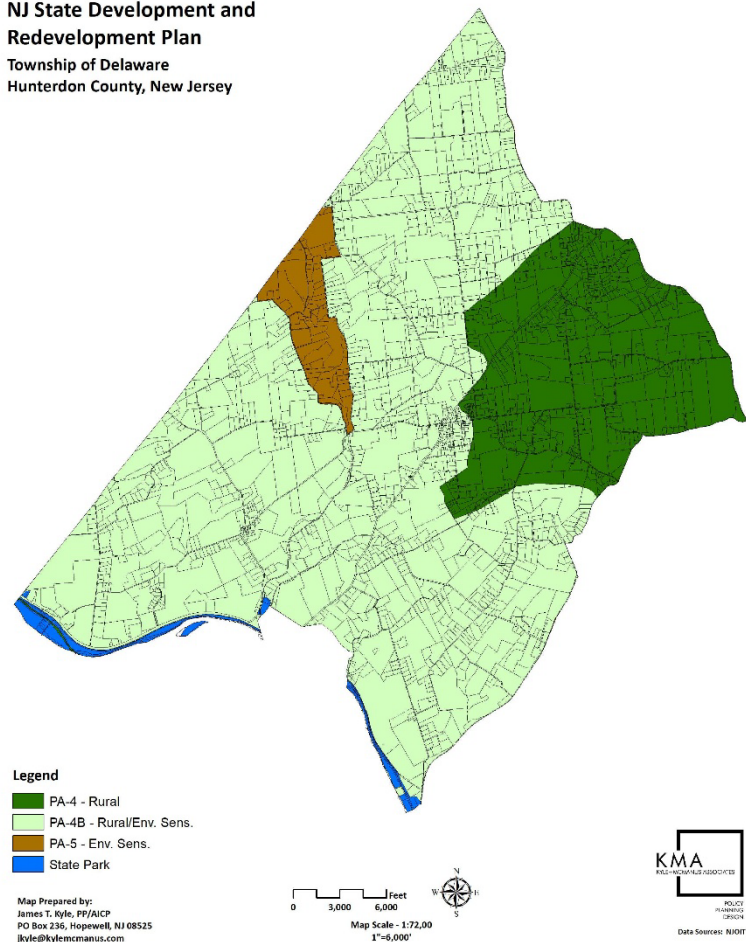
stable communities; and confine programmed sewers and public water services to centers.” For PA-5, the plan seeks to “Protect environmental resources through the protection of large contiguous areas of land; accommodate growth in center; protect the character of existing stable communities; confine programmed sewers and public water services to centers; and revitalize cities and towns.”

As indicated in the policy objectives for PA-4, PA-4B and PA-5, the goal is to preserve agriculture and open space, protect fragile natural resources and limit the extension of water and sewer infrastructure into these rural areas. The Plan notes “These areas, along with the environmentally sensitive planning area, serve as the greensward for the larger region and are not currently nor are they intended to be urban or suburban in nature.” The efforts the Township has taken to locate affordable housing opportunities in Sergeantsville is consistent with the State Plan, as while not designated as a center in the Plan, Sergeantsville is the historical hub of the Township. It is the only part of the Township with public sewer and water, although those systems are at their limits and cannot support any substantial development at this time.

The State Plan espouses the use of a number of planning and equity tools that the Township has employed in its municipal planning process over the years, including clustering, capacity-based planning, purchase of development rights and right to farm laws. It also notes that the environs of centers, which in the case of Delaware Township would be those areas outside of Sergeantsville and Rosemont, “should be protected from the impacts of center development and should be maintained as open land, either in cultivation or a natural state.”

Consistency with the policies of the State Plan, particularly those related to the planning areas covering the Township, demands that development be confined to centers. As noted previously, there is limited sewer capacity in Sergeantsville to support additional development in the Township’s center, which lends support to the Township’s durational adjustment for a portion of the third round and the fourth round obligation.

Planning Area Boundaries
NJ State Development and
Redevelopment Plan
 Township of Delaware
 Hunterdon County, New Jersey



AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Delaware Township's Affordable Housing Ordinance is consistent with the Fair Housing Act, the Uniform Housing Affordability Control Rules, *N.J.A.C. 5:80-26.1 et seq.*, and the Division of Local Planning Services Fair Housing Act Rules, *N.J.A.C. 5:99*. As of the adoption of this Housing Plan, the latter is in the process of being amended, therefore the draft ordinance will be relied upon until such time as those regulations are finalized. Ordinances adopted by March of 2026 will reflect appropriate requirements. The Township's affordable housing ordinance is provided in Appendix 7.

The Township's Affordable Housing Ordinance, Chapter 107, governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Affordable Housing Ordinance addresses the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. All newly created affordable units, with limited exceptions, will comply with the affordability control period of 30 years for sale units or 40 years for rental units, as required by the Fair Housing Act and the Uniform Housing Affordability Control Rules.

The Township has established the position of the Municipal Housing Liaison and appointed Danene Gooding to the position. However, the Township will likely rely on its affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites that will not be administered by the developers and for the rehabilitation and extension of expiring controls programs. It is expected that all developers will administer their own affordable housing units.

The Township's affirmative marketing plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region (Region 3), consisting of Hunterdon, Somerset and Middlesex counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with *N.J.A.C. 5:80-26.1 et seq.* This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. A copy of the affirmative market plan is provided in Appendix 8.

AFFORDABLE HOUSING TRUST FUND

Delaware has a development fee ordinance, which is included in Appendix 9. The Township has prepared a new Spending Plan, provided in Appendix 3, which discusses anticipated revenues, collection of revenues, and the use of revenues, and it has been prepared in accordance with currently applicable rules. It should be noted, however, that *N.J.A.C. 5:99*, the Fair Housing Act Rules, which set forth requirements related to spending plans, are not yet finalized. All collected revenues will be placed in the Township's Affordable Housing Trust fund and will be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Affordability assistance program; and
- Extension of expiring controls program; and
- Any other activity as specified in the approved spending plan.

The Township is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance. At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. The spending plan prepared reflects these requirements, but once amendments to N.J.A.C. 5:99 are finalized, the Township reserves the right to amend its spending plan related to affordability assistance requirements, which are proposed to change.

Appendix 1

2025 FOURTH ROUND HOUSING PLAN

HOUSING, DEMOGRAPHIC AND EMPLOYMENT ANALYSIS
TOWNSHIP OF DELAWARE
HUNTERDON COUNTY
NEW JERSEY

JUNE 3RD, 2025

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DEMOGRAPHIC ANALYSIS

The population of the Township of Delaware (“Delaware” or the “Township”) grew steadily during the latter half of the twentieth century (Table 1). From 1940 to 2000, the number of Delaware residents rose from 1,756 to 4,478 persons, a pace well under the comparable figures for Hunterdon County and New Jersey. The period of greatest growth occurred between 1960 and 1970, when the township’s population increased by 30.7%. People continued to come to Delaware during the rest of the twentieth century, particularly in the 1980s, when the population grew by 18.2%. If the twentieth century was marked by moderate population growth, the twenty-first century is distinguished by a minimal population increase and even negative growth during the 2010s. To be precise, the population of Delaware increased by only 1.9% in the 2000s and decreased by 0.1% in the 2010s. Population growth from 2000 through 2020 lagged Hunterdon County’s rate of growth over the same period. In the 2010s, the population of the Garden State increased at a rate of 5.7%, greatly exceeding the Township of Delaware, which was slightly negative as previously noted. It should be noted here that although the total population data in Table 1 is drawn from various U.S. Census Bureau (“Census Bureau”) decennial censuses, all subsequent Census Bureau data contained herein comes from the 2019-2023 American Community Survey (“ACS”), which is calculated as a 5-year estimate, unless otherwise noted.

Table 1: Population Trends (1940-2020)

Year	Delaware		Hunterdon County		New Jersey	
	Total Population	% Change, Decade-on-Decade	Total Population	% Change, Decade-on-Decade	Total Population	% Change, Decade-on-Decade
1940	1,756	--	36,766	--	4,160,165	--
1950	2,031	15.7%	42,736	16.2%	4,835,329	16.2%
1960	2,485	22.4%	54,107	26.6%	6,066,782	25.5%
1970	3,249	30.7%	69,718	28.9%	7,171,112	18.2%
1980	3,816	17.5%	87,361	25.3%	7,364,823	2.7%
1990	4,512	18.2%	107,776	23.4%	7,730,188	5.0%
2000	4,478	-0.8%	121,989	13.2%	8,414,350	8.9%
2010	4,563	1.9%	128,349	5.2%	8,791,894	4.5%
2020	4,560	-0.1%	128,947	0.5%	9,288,944	5.7%

Source: U.S. Census Bureau, Various Decennial Censuses; N.J. Department of Labor and Workforce Development

Table 2 shows the population cohorts in Delaware as of 2023. The distribution is relatively balanced, with an almost even split between males (50.1%) and females (49.9%) within the community. The largest age group overall is people 65 years of age or older, which makes up 27% of the population. The 55 to 64 years age group has the second-highest share of the population (22.5%) and the greatest disparity between genders as a proportion of the respective population. Strikingly, only two percent of the population is under the age of five, suggesting a birth rate that is unsubstantial. The community has a median age of

54.8, which is 18.6% higher than the median age of 46.2 for Hunterdon County and 36.7% higher than the median age of 40.1 for New Jersey.

Table 2: Population by Age and Sex

Age Group	Total Population		Male		Female	
	Number	% of Population	Number	% of Population	Number	% of Population
Under 5 years	89	2.0%	80	3.5%	9	0.4%
5 to 19 years	583	12.8%	329	14.4%	254	11.2%
20 to 34 years	635	13.9%	315	13.8%	320	14.1%
35 to 54 years	998	21.9%	510	22.3%	488	21.4%
55 to 64 years	1025	22.5%	499	21.8%	526	23.1%
65 years and over	1233	27.0%	553	24.2%	680	29.9%
Total	4,563	100.0%	2,286	100.0%	2,277	100.0%
Median Age (years)	54.8		52.6		55.7	

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

The population of Delaware is growing older, but not by much overall. Table 3 illustrates the changes among the various cohorts between 2013 and 2023. During that time, the two oldest cohorts increased by 536 persons, the “20 to 34 years” cohort gained 87 persons, and the youngest cohort added 27 persons, which is the largest increase for a cohort by percentage. At the same time, the rest of the population decreased by 638 people, resulting in a negligible increase of 12 people. While the community’s composition is certainly changing to one of retirees, it appears that the large gain in the youngest category and the moderate increase of 15.9% for the “20 to 34 years” cohort, indicate that Delaware is also positioned to become one of families.

Table 3: Population Change by Age (2013-2023)

Age Group	2013		2023		Change, 2013 to 2023	
	Number	%, Total Population	Number	%, Total Population	Total Change	% Change
Under 5 years	62	1.4%	89	2.0%	27	43.5%
5 to 19 years	826	18.1%	583	12.8%	-243	-29.4%
20 to 34 years	548	12.0%	635	13.9%	87	15.9%
35 to 54 years	1393	30.6%	998	21.9%	-395	-28.4%
55 to 64 years	793	17.4%	1025	22.5%	232	29.3%
65 years and over	929	20.4%	1233	27.0%	304	32.7%

Source: U.S. Census Bureau, 2009-2013 and 2019-2023 American Community Survey 5-Year Estimates

A household is defined by the Census Bureau as those persons who occupy a single room or group of rooms that constitute a unit of housing, and that these persons may or may not be related. A family is

identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, who live in the same household.

Table 4 shows the frequency of household size types for both family and nonfamily households. Delaware has a small population of persons living alone. One-person households account for one in ten households in the municipality. This rate is approximately half that of the rest of the county where 22.3% of households consist of only one person. Despite the drop in the school-age population shown above in Table 3, Delaware still has several larger households. Of all households in the community, 7.4% consist of five or more persons. Two-person households are the most common household size in Delaware, representing 47% of households in all. The second most common is the four-person household at 19.8%.

Table 4: Household Size

Household Size	Delaware		Hunterdon County		New Jersey	
	Total	%	Total	%	Total	%
1-person	177	10.5%	11,214	22.3%	918,897	26.4%
2-person	795	47.0%	19,316	38.4%	1,081,842	31.1%
3-person	335	19.8%	8,559	17.0%	594,946	17.1%
4-person	260	15.4%	7,323	14.6%	530,520	15.3%
5-person	31	1.8%	2,842	5.6%	218,492	6.3%
6-person	47	2.8%	721	1.4%	79,678	2.3%
7-or-more person	47	2.8%	347	0.7%	53,980	1.6%
Households, Total	1,692	100.0%	50,322	100.0%	3,478,355	100.0%
Average Household Size	2.93		2.52		2.61	
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates						

Census Bureau data on families and household types contain insights into the community's household trends. As shown in Table 5, married couples live in 70.3% of households, a number slightly above Hunterdon County (61.9%) and significantly more than the rest of the state, where only one in two households includes a married couple. Delaware maintains its status as a locale for families, with a quarter of households having at least one member under the age of 18. At the opposite end of the age spectrum, 47.3% of households have at least one person over the age of 65 years old. This figure substantially outpaces the county and state figures of 35.8% and 32.5%, respectively. Given the number of larger households, it is possible that a sizable number of aging residents live with adult children who can take care of them and help maintain their properties. The aging of the population should be kept in mind as future housing needs and senior services are planned.

Table 5: Household and Family Types

Household Type	Delaware	Hunterdon County	New Jersey
Married couple	70.3%	61.9%	50.0%
Cohabiting couple	3.6%	5.6%	6.6%
Male householder, no spouse/partner present	8.4%	13.0%	16.1%
Female householder, no spouse/partner present	17.7%	19.5%	27.3%
Household with at least one person under 18	24.9%	28.7%	31.4%
Household with at least one person over 65	47.3%	35.8%	32.5%
Average Household Size	2.69	2.52	2.61
Average Family Size	2.93	2.98	3.19
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Regarding race and ethnicity, persons considered by the Census Bureau as “Not Hispanic or Latino, White alone” make up an overwhelming share of Delaware residents, or 90.6% (Table 7). This racial and ethnic group represents 81.1% of the Hunterdon County population and just over one-half of all New Jerseyans. Six percent of the community is Hispanic or Latino, a relatively small amount considering the statewide figure is 21.9%. Of other minorities, Asian is 0.5%, which is well below the county figure of 4.4% and the state figure of 9.8%, while the “Black or African American alone” population in either ethnic grouping is recorded as zero percent.

Table 6: Race and Ethnicity

Race and Ethnicity	Delaware	Hunterdon County	New Jersey
Not Hispanic or Latino	93.9%	91.2%	78.1%
White alone	90.6%	81.1%	51.9%
Black or African American alone	0.0%	2.4%	12.3%
Asian alone	0.5%	4.4%	9.8%
Other races alone	1.7%	0.5%	0.8%
Two or more races	1.1%	2.8%	3.2%
Hispanic or Latino:	6.1%	8.8%	21.9%
White alone	1.8%	2.6%	5.0%
Black or African American alone	0.0%	0.2%	0.7%
Other races alone	0.8%	1.9%	8.9%
Two or more races	3.6%	4.1%	7.4%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

ANALYSIS OF SOCIOECONOMIC CHARACTERISTICS

Delaware is a moderately wealthy community. According to the most recent ACS data reproduced in Table 7, 40.2% of households have an income of at least \$200,000. The median household income is well below that demarcation at \$160,735. Looking at a different metric, the mean income for Delaware households is \$250,499. Given the upward skew of the mean, it is reasonable to conclude that Delaware is home to a small number of high-earning households. In all, 77.0% of Delaware households have an income of \$100,000 or higher. As for those with fewer means, just nine percent of households have an income of less than \$50,000. This is less than Hunterdon County's rate of 14.9%, and is substantially less than New Jersey as a whole, where 25.2% of households have an income under \$50,000.

Table 7: Household Income

Household Income	Delaware	Hunterdon County	New Jersey
Less than \$25,000	2.8%	6.3%	11.9%
\$25,000-\$50,000	6.2%	8.6%	13.3%
\$50,000-\$100,000	14.0%	19.8%	24.3%
\$100,000-\$200,000	36.8%	33.8%	29.7%
More than \$200,000	40.2%	31.4%	20.7%
Median Household Income	\$160,735	\$139,453	\$101,050
Mean Household Income	\$250,499	\$182,668	\$140,299
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Even though the community is wealthy, it is necessary to note the presence of people with limited resources. To that end, the overall poverty rate in Delaware is 2.3%, as shown in Table 8. That is just under half the rate for Hunterdon County, or 3.8%. The statewide figure, however, is more than four times higher, or 9.8%. The poverty rate for seniors is 3.9%, about one percent lower than the rate for the rest of the county. This rate stands in stark contrast to the poverty rate for seniors in New Jersey overall, which is 9.5%. Poverty is nonexistent for children according to the most recent ACS.

Table 8: Poverty Rate

Poverty Status	Delaware	Hunterdon County	New Jersey
Percent below poverty level, overall	2.3%	3.8%	9.8%
Percent below poverty level, under 18 years old	0.0%	3.2%	13.3%
Percent below poverty level, 65 years old and over	3.9%	4.9%	9.5%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Over the past decade, Delaware workers have fared slightly better than those in the county and moderately better than those in the state when analyzing the unemployment data shown in Table 9.

Annualized, the township's unemployment rate during that period stayed almost entirely below 5%, reaching a low of 2.5% in 2018 and again in 2019. The exception was the COVID pandemic year of 2020, when the unemployment rate shot up to 6.2% before tapering back down to 4.6% in 2021. Even then, the township absorbed COVID's economic shock better than the rest of Hunterdon County and New Jersey, where the unemployment rate increased to 7.1% and 9.5%, respectively.

Table 9: Unemployment Rate

Year	Delaware	Hunterdon County	New Jersey
2013	5.1%	6.0%	8.4%
2014	4.0%	4.8%	6.7%
2015	3.4%	4.2%	5.7%
2016	3.6%	3.8%	4.9%
2017	2.9%	3.5%	4.5%
2018	2.5%	3.1%	4.0%
2019	2.5%	2.7%	3.5%
2020	6.2%	7.1%	9.5%
2021	4.6%	5.0%	6.7%
2022	2.7%	3.0%	3.9%
2023	3.0%	3.4%	4.3%
Source: N.J. Department of Labor and Workforce Development			

Delaware's labor force tends to mirror Hunterdon County and New Jersey, particularly those employed by for-profit businesses. Approximately 62.8% of the township's workforce is in this category per Table 10, which is just below the shares for both the county and state. The portion of the local labor force for not-for-profit employees and the portion for self-employed contractors are unremarkable when compared regionally and statewide. Government workers make up a slightly smaller share of the labor force (11.5%) when compared to the county and state, which are 14.7% and 14.2%, respectively. Self-employed business owners make up 10.6% of the local labor force. This labor class is higher than the county (6.1%) and much higher than the state (3.9%).

Table 10: Class of Worker

Class of Worker	Delaware	Hunterdon County	New Jersey
For-profit company employee	62.8%	64.6%	69.2%
Not-for-profit employee	9.7%	8.5%	7.6%
Government worker	11.5%	14.7%	14.2%
Self-employed, business owner	10.6%	6.1%	3.9%
Self-employed, contractor	5.3%	6.2%	5.1%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates			

Delaware has a highly skilled workforce. This is supported in the occupation data listed in Table 11. Fully 56.3% of the employed population works in management, business, science, and arts. These are individuals who work in occupations that demand a singular set of skills and knowledge. Relatively small numbers of people who work in more menial occupations live in the township. While 5.4% and 11.3% of Hunterdon County and New Jersey workers work in production, transportation, and moving, only 1.5% of Delaware workers do. Likewise, only 5.3% of employed residents work in natural resources, construction, and maintenance, compared to 6.8% and 6.9% in the county and state, respectively. The story differs for service occupations, which is how 13.6% of Delaware residents earn their pay. This exceeds Hunterdon County by almost 40%, but not New Jersey, where the rate is 14.8%. These data underline how advantageously placed the labor force is compared to those in other municipalities.

Table 11 Occupation

Occupation	Delaware	Hunterdon County	New Jersey
Management, business, science, and arts	56.3%	58.3%	46.9%
Service occupations	13.6%	9.8%	14.8%
Sales and office occupations	23.3%	19.6%	20.0%
Natural resources, construction, and maintenance occupations	5.3%	6.8%	6.9%
Production, transportation, and material moving	1.5%	5.4%	11.3%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Township residents are employed in all the major industrial sectors listed in Table 12 and are especially well-represented in the sector encompassing professional, scientific, and management, and administrative and waste management services. Manufacturing is the next largest category, and it employs a higher percentage of Delaware residents than those in the rest of the state and county. The educational services sector, the finance, insurance, and real estate sector, and the health care and social assistance sector also employ an ample share of workers. Many residents also work in the retail trade sector and the arts and entertainment sector in roughly the same percentage. Fewer residents work in construction, public administration, and wholesale trade. A small number work in the information or agriculture sectors and none work in the transportation sector.

Table 12: Industry

Industry	Delaware	Hunterdon County	New Jersey
Agriculture, forestry, fishing and hunting, and mining	1.1%	1.3%	0.3%
Construction	4.3%	6.6%	6.1%
Manufacturing	13.6%	12.6%	8.2%
Wholesale trade	2.4%	2.6%	2.9%
Retail trade	8.4%	10.3%	10.5%
Transportation and warehousing, and utilities	0.0%	3.2%	6.6%
Information	1.5%	3.0%	2.6%

Industry	Delaware	Hunterdon County	New Jersey
Finance and insurance, and real estate and rental and leasing	9.6%	8.8%	8.6%
Professional, scientific, and management, and administrative and waste management services	25.9%	15.9%	14.3%
Educational services	10.6%	12.1%	10.5%
Health care and social assistance	9.4%	10.6%	13.7%
Arts, entertainment, and recreation, and accommodation and food services	7.6%	5.1%	7.2%
Other services, except public administration	1.5%	3.9%	4.2%
Public administration	4.0%	4.1%	4.4%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

The industry data included in the ACS is sometimes mirrored by the data tabulated in the Quarterly Census of Employment and Wages (QCEW) found in Table 13, but the latter is based on data from surveys administered by the U.S. Department of Labor’s Bureau of Labor Statistics that is analyzed by the N.J. Department of Labor and Workforce Development. In addition, the surveys used to obtain the data in each table have different methodologies. This accounts for the variation in the measurement of the employed population percentage by industry sector. The wage data sheds light on Delaware workers by showing, for example, that while the “Professional/Technical” sector has the highest average annual income for private employment, aggregate wages comprise just 5.8% of total wages in township and it only employs 5.7% of the workers. Conversely, the “Health/Social” sector accounts for 9.1% of wages and 10.3% of the workers, but the average annual income is lower at \$57,739. The wage data also shows a significant percentage of the population employed in government and that government employment is a source of most wages in the township.

Table 13: Quarterly Census of Employment and Wages, 2023

Sector	%, Employed Population	%, Aggregate Wages	Average Annual Income
FEDERAL GOVT TOTALS	0.7%	0.7%	\$69,569
STATE GOVT TOTALS	1.0%	1.1%	\$71,260
LOCAL GOVT TOTALS	40.2%	41.4%	\$67,194
LOCAL GOVT EDUCATION	28.2%	30.4%	\$70,583
Construction	9.5%	8.8%	\$60,260
Professional/Technical	5.7%	5.8%	\$66,124
Admin/Waste Remediation	4.4%	2.7%	\$39,807
Health/Social	10.3%	9.1%	\$57,739
<i>Source: N.J. Department of Labor and Workforce Development, QCEW</i>			

ANALYSIS OF HOUSING STOCK

Delaware is mainly a community of homeowners, with 91.7% of housing units owner-occupied, and rentals accounting for the remaining 8.3% of units (Table 14). This breakdown varies from the tenure data for the county and state. In Hunterdon County, 84.8% of homes are owner-occupied, while 15.2% are renter-occupied. Statewide, 63.7% of housing units are owner-occupied, while 36.3% are renter-occupied.

Table 14: Tenure

Tenure	Delaware	Hunterdon County	New Jersey
Owner-Occupied	91.7%	84.8%	63.7%
Renter-Occupied	8.3%	15.2%	36.3%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

The housing stock includes comparatively few vacancies (Table 15). The township has a vacancy rate of 8.7%, which is more than double the 3.1% rate in Hunterdon County, and slightly above the 7.9% rate for New Jersey.

Table 15: Occupancy Status

Occupancy Status	Delaware	Hunterdon County	New Jersey
Occupied	91.3%	96.9%	92.1%
Vacant	8.7%	3.1%	7.9%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

The strength of the housing market is evident when considering the housing unit count for a township the size of Delaware. While 11.8% of the vacant units in Delaware are for seasonal, recreational, or occasional use, compared to 13.6% for Hunterdon County and 43.7% for New Jersey, as shown in Table 16, the breakdown of units tells a different story. Delaware only has 161 unoccupied units out of 1,853, or 8.7% as shown in Table 15 above. Of them, just 19 are for seasonal use. Likewise, the breakdown of units explains the seemingly large percentage of units for rent (34.8%), which greatly exceeds the figures for the county (14.6%) and state (16%). Just 56 unoccupied units are for rent. Homes vacant for other reasons, which can reflect economic distress, are behind over half of vacancies. Since the vacancy rate is low to begin with, this is not a sign of widespread economic anguish. ACS data are estimates, so fluctuations occur, and this can be especially true when the sample is small, as illustrated above.

Table 16: Vacancy Status

Vacancy Status	Delaware	Hunterdon County	New Jersey
For rent	34.8%	14.6%	16.0%
Rented, not occupied	0.0%	2.3%	2.7%
For sale only	0.0%	21.5%	6.4%
Sold, not occupied	0.0%	10.4%	4.1%
For seasonal, recreational, or occasional use	11.8%	13.6%	43.7%
Other vacant	53.4%	37.5%	27.1%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Housing in Delaware Township is comprised almost entirely of single-family residences. To be precise, 89.9% of homes are detached one-family residences, with an additional 2.2% attached. The combined figure of 92.1% for single-family houses slightly exceeds the 86.1% figure for Hunterdon County and substantially eclipses the 62.7% figure for the Garden State. Those looking for homes that are not one-family have few options. Two-family residences account for just 4.3% of homes while 2.9% are in buildings with 3 or 4 dwelling units. As shown in Table 17, a mere 0.8% of housing is in buildings with 5 to 9 units, which is the equivalent of 14 structures, and zero units are in any buildings with higher unit per structure densities. To put these numbers in context, 21.7% of the housing stock statewide is in multifamily buildings, which are typically defined as containing five units or more. While the rate for Hunterdon is much lower at 7.8%, that statistic is also well above the rate for the Township. Mobile homes and boats, RVs, vans, etc., are non-existent in the township according to the ACS.

Table 17: Units in Structure

Housing Type	Delaware	Hunterdon County	New Jersey
1-unit, detached	89.9%	73.9%	52.7%
1-unit, attached	2.2%	12.2%	10.0%
2 units	4.3%	2.8%	8.6%
3 or 4 units	2.9%	3.0%	6.1%
5 to 9 units	0.8%	2.7%	4.7%
10 to 19 units	0.0%	2.8%	4.9%
20 to 49 units	0.0%	1.2%	4.2%
50 or more units	0.0%	1.1%	7.9%
Mobile home	0.0%	0.2%	0.9%
Boat, RV, van, etc.	0.0%	0.1%	0.0%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Renting in structures other than single-family detached homes does not occur in Delaware according to the most recent Census data. Table 18 indicates that this 100% rate is fourfold the 25% rate for Hunterdon

County and seven and a half times greater than the 11.7% rate for New Jersey. It also demonstrates that the township is an outlier compared to both the county and state as each region reports renters in different kinds of structures.

Table 18: Tenure by Units in Structure

Housing Type	Delaware		Hunterdon County		New Jersey	
	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied
1-unit, detached	91.6%	100.0%	83.1%	24.4%	77.1%	11.7%
1-unit, attached	2.6%	0.0%	11.7%	14.8%	10.2%	8.4%
2 units	1.5%	0.0%	0.9%	13.0%	4.6%	15.5%
3 or 4 units	3.4%	0.0%	0.9%	14.2%	1.7%	13.8%
5 to 9 units	0.9%	0.0%	1.7%	8.4%	1.4%	10.6%
10 to 19 units	0.0%	0.0%	0.9%	13.8%	1.2%	11.4%
20 to 49 units	0.0%	0.0%	0.3%	4.8%	1.0%	9.7%
50 or more units	0.0%	0.0%	0.2%	6.5%	1.8%	18.4%
Mobile home	0.0%	0.0%	0.2%	0.3%	1.1%	0.4%
Boat, RV, van, etc.	0.0%	0.0%	0.1%	0.0%	0.0%	0.1%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates						

As mentioned above, most of Delaware's population growth came in the second half of the twentieth century, particularly from 1960 to 1970 and again in the 1980s. This history is reflected in Census Bureau data reproduced in Table 19. Residential development began prior to 1940 but cooled off in the three decades that followed. Pace picked up in the 1970s, when 9.2% of residences were erected. The township experienced a surge in the 1980s, when 21.2% of the housing stock was developed. Growth continued at a strong pace in the 1990s and 2000s, when 15.8% and 13.3% of residences were built, respectively. Relative to those decades, housing construction has moderated in the twenty-first century. Homes built between 2000 and 2009 form 13.3% of the housing stock, but homes built between 2010 and 2019 form a miniscule 0.4% of the housing stock, and there was zero residential development in the 2020s. The narrative is different at the county and state levels, where 13.5% and 15.5% of the housing stock was built in the twenty-first century.

Table 19: Year Structure Built

Year Structure Built	Delaware	Hunterdon County	New Jersey
Built 2020 or later	0.0%	0.3%	0.6%
Built 2010 to 2019	0.4%	3.1%	5.8%
Built 2000 to 2009	13.3%	10.0%	9.1%
Built 1990 to 1999	15.8%	15.0%	9.1%
Built 1980 to 1989	21.2%	20.0%	11.9%
Built 1970 to 1979	9.2%	14.0%	12.4%
Built 1960 to 1969	6.5%	9.0%	13.0%
Built 1950 to 1959	7.3%	7.7%	14.1%
Built 1940 to 1949	4.1%	3.6%	6.7%
Built 1939 or earlier	22.2%	17.3%	17.5%

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

The housing stock is suited for a variety of households according to the data in Table 20. Homes with three or more bedrooms account for most of Delaware's housing. Units with four bedrooms are the most numerous in Delaware and make up 38.9% of the housing stock. These unit types are less plentiful than the county (34.1%), but greater than the state (19.7%). Units with three bedrooms are also plentiful in the township at 33.1% of the stock, which nearly matches the figures for the county (32.9%) and state (31.8%). Approximately 6.6% of housing units in the township have at least five bedrooms, which is slightly above the county and state rates of 5.5% and 5.9%, respectively. Of the smaller homes, those with two bedrooms account for 13.4% of the housing stock, which is lower than the countywide figure of 18.6% and statewide figure of 25.5%. One-bedroom homes account for just 6.9% of inventory, which is less than the 8.1% rate for the county and substantially lower than the 14.2% rate for the state.

Table 20: Number of Bedrooms, Housing Stock

Total Bedrooms	Delaware	Hunterdon County	New Jersey
No bedroom	1.0%	0.9%	3.0%
1 bedroom	6.9%	8.1%	14.2%
2 bedrooms	13.4%	18.6%	25.5%
3 bedrooms	33.1%	32.9%	31.8%
4 bedrooms	38.9%	34.1%	19.7%
5 or more bedrooms	6.6%	5.5%	5.9%

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

When accounting for the total number of rooms per unit, Table 21 illustrates that homes in Delaware have a variety of offerings above the threshold of four rooms, which accounts for 97.4% of Delaware's housing stock. This is about the same value for Hunterdon County (93.7%) and substantially higher than New Jersey

(84%). Taking a closer look, nearly half of the stock is comprised of 5-, 6-, 7-, and 8-bedroom thresholds, with each level having nearly the same share of units. Examining the largest category reveals a stark contrast with the rest of the county and state as 41% of homes in Delaware have 9 rooms or more, compared to 28.7% for the county and 15.2% for the state. The data also reveal that the median number of rooms per unit aligns more closely when comparing the township to the county. The median number of rooms per unit is 7.9 for Delaware Township, 7.1 for Hunterdon County, and 5.7 for New Jersey.

Table 21: Total Rooms

Total Number of Rooms per Housing Unit	Delaware	Hunterdon County	New Jersey
1 room	1.0%	0.7%	2.7%
2 rooms	0.8%	1.7%	3.0%
3 rooms	0.8%	3.7%	10.5%
4 rooms	6.3%	8.8%	15.2%
5 rooms	11.9%	12.0%	15.8%
6 rooms	11.9%	14.4%	15.4%
7 rooms	12.1%	13.7%	12.0%
8 rooms	14.2%	16.1%	10.4%
9 rooms or more	41.0%	28.7%	15.2%
Median Number of Rooms	7.9	7.1	5.7
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Delaware's prosperity can also be discerned in the housing quality data from the ACS (Table 22). This is most apparent in the metric for overcrowding. The survey found that all housing units had an occupants per room ratio of one or less. Given the bedroom and total rooms data, this is not surprising. No homes in Delaware lack essential facilities. Most homes used fuel oil or kerosene for heating, while just 18.5% are supplied with natural gas, which is in stark contrast with the county (45.2%) and state (73.3%). Bottled, tank, or liquid petroleum gas comprised the third most popular heating source at 15.1%. A modest number of homes, 6.5%, are heated through electricity, while 5.9% use wood.

Table 22: Housing Quality Indicators

Home Heating Fuel	Delaware	Hunterdon County	New Jersey
Utility gas	18.5%	45.2%	73.3%
Bottled, tank, or LP gas	15.1%	8.9%	2.5%
Electricity	6.5%	10.1%	15.6%
Fuel oil, kerosene, etc.	55.0%	31.5%	6.8%
Coal or coke	0.0%	0.1%	0.0%
Wood	4.9%	2.6%	0.3%
Solar energy	0.0%	0.3%	0.2%
Other fuel	0.0%	1.0%	0.5%
No fuel used	0.0%	0.2%	0.8%
Lacking Facilities			
Lacking complete plumbing facilities	0.0%	0.3%	0.3%
Lacking complete kitchen facilities	0.0%	0.4%	0.8%
No telephone service available	0.0%	0.6%	0.9%
Occupants Per Room			
1.00 or less	100.0%	99.2%	96.3%
1.01 to 1.50	0.0%	0.5%	2.4%
1.51 or more	0.0%	0.3%	1.3%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

ANALYSIS OF HOUSING AFFORDABILITY

As shown in Table 23, 67.5% of Delaware homeowners have a mortgage while 32.5% do not. These data align with county and statewide data. Around 65% of homeowners in the county and state have a mortgage.

Table 23: Mortgage Status

Mortgage Status	Delaware	Hunterdon County	New Jersey
With a mortgage	67.5%	65.9%	64.4%
Without a mortgage	32.5%	34.1%	35.6%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Delaware homes carry high values (Table 24). Approximately 30.7% of the homes in Delaware are in the range of \$300,000 to \$499,999, which puts it on par with the rest of the county (35.2%) and state (33.8%). Delaware lags Hunterdon by less than two percent for the share of homes valued between \$500,000 and

\$749,999 but exceeds the state by just over ten percent. At the wealthiest end of the table, Delaware reports a sizable number of homes above \$750,000. In the range between \$750,000 and \$999,999 it is 14%, and 15.4% for over \$1,000,000. At this end of the scale, Delaware eclipses its peers in the county and the rest of the state. Looking at the share for the wider range of all homes valued above \$500,000, Delaware is around 63%, while the county is at 50% and the state is around 40%. Delaware also differs from the county and state at the lower end of the scale. For the range of \$299,000 or less, Delaware is around 6%, while the county is at 15% and the state is at 28%. Looking at median home values, Delaware measures \$598,100 compared to \$498,000 for the county and \$427,600 for the state.

Table 24: Home Values

Home Value	Delaware	Hunterdon County	New Jersey
Less than \$100,000	1.2%	1.6%	4.4%
\$100,000 to \$299,999	4.9%	13.4%	23.6%
\$300,000 to \$499,999	30.7%	35.2%	33.8%
\$500,000 to \$749,999	33.8%	35.4%	23.0%
\$750,000 to \$999,999	14.0%	9.8%	8.6%
\$1,000,000 or more	15.4%	4.6%	6.6%
Median Home Value	\$598,100	\$498,800	\$427,600
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Data from the Division of Taxation of the New Jersey Department of Treasury in Table 25 generally supports the home values reported to the Census. In the last two years, the sales price has outstripped the median value of \$598,100, as reported in Table 24 above. If anything, the price of homes sold has steadily increased in the last four years, fueled in part by pandemic-related changes to the housing market.

Table 25: Home Sales

Year	Delaware		Hunterdon County	
	Total Sales	Average Sales Price	Total Sales	Average Sales Price
2015	26	\$515,596	1,198	\$402,049
2016	22	\$393,436	1,099	\$395,437
2017	31	\$493,887	1,206	\$410,196
2018	40	\$450,707	1,308	\$406,396
2019	35	\$397,704	1,193	\$401,576
2020	40	\$468,346	1,279	\$404,419
2021	63	\$532,659	1,742	\$465,665
2022	43	\$576,646	1,654	\$504,068
2023	26	\$595,169	1,038	\$549,325

Year	Delaware		Hunterdon County	
	Total Sales	Average Sales Price	Total Sales	Average Sales Price
2024	25	\$641,480	885	\$563,914
Source: N.J. Department of Treasury, Division of Taxation				

The spike in home values has not caused residential tax assessments to increase as shown in Table 26. Since 2020, the average assessment has decreased from \$418,262, in the first year of the pandemic, to \$401,962. This diverges from Hunterdon County as a whole, where the average residential assessment increased to \$404,835.

Table 26: Residential Tax Assessments

Year	Delaware		Hunterdon County	
	Total Lots	Average Assessment	Total Lots	Average Assessment
2016	1,807	\$418,262	45,278	\$364,805
2020	1,822	\$420,524	45,724	\$377,629
2024	1,391	\$401,962	42,943	\$404,835
N.J. Department of Treasury, Division of Taxation				

Given the rise in home values, the cost of housing may become of increasing concern in the years to come. Housing is generally considered to be affordable if the amount of rent, mortgage, and other essential costs consume less than 30% of a household's income. If a household spends more than 30% of its income on housing, it is considered cost burdened. ACS data in Table 27 show that 15.2% of all Delaware households spend 30% or more of their income on housing. This is substantially less than the figure of 26.8% for the county and 35.8% for the state. No households report zero or negative income or no cash rent.

Table 27: Burden of Housing Costs, All Households

Housing Costs as % of Household Income	Delaware	Hunterdon County	New Jersey
Less than 20% of Household Income	57.5%	46.8%	39.4%
20 to 29% of Household Income	27.3%	24.2%	22.9%
30% or more of Household Income	15.2%	26.8%	35.8%
Zero or negative income	0.0%	0.9%	1.1%
No cash rent	0.0%	1.3%	1.1%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates			

The high income earned by Delaware's owner-occupied households likely provides a buffer when bearing the cost of housing, as only 14.5% must set aside at least 30% of their income to pay for housing, which is below the respective percentages for the county and state, 24.2% and 28.6%. That said, Table 28 also shows that 62.7% of homeowners spend less than 20% of their household income on housing, which is

slightly higher than homeowners elsewhere across the county and state. Around 22.9% of homeowners allot between 20% and 29% of their household income on housing, which is consistent with data for the county and state.

Table 28: Burden of Housing Costs, Owner-Occupied Housing

Housing Costs as % of Household Income	Delaware	Hunterdon County	New Jersey
Less than 20% of Household Income	62.7%	50.9%	48.1%
20 to 29% of Household Income	22.9%	24.1%	22.7%
30% or more of Household Income	14.5%	24.2%	28.6%
Zero or negative income	0.0%	0.8%	0.6%

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

In terms of monthly costs, 51% of households with a mortgage pay \$3,000 or more on housing according to Table 29. This is in line with the comparable rate for Hunterdon County, 51.6%, and above the rate of 42.7% for New Jersey. This is indeed the tradeoff of living in a desired location. In Delaware, the median monthly cost is \$3,027. Steep housing costs are a deeply concerning issue for the entire state of New Jersey, where the median monthly cost for homeowners with a mortgage is \$2,787. More locally, the median monthly cost in Hunterdon County is negligibly higher at \$3,055.

Table 29: Monthly Costs, Homeowners with a Mortgage

Monthly Owner Costs	Delaware	Hunterdon County	New Jersey
Less than \$500	1.7%	0.3%	0.4%
\$500 to \$999	0.0%	1.0%	1.8%
\$1,000 to \$1,499	3.9%	4.3%	6.6%
\$1,500 to \$1,999	5.2%	9.8%	13.7%
\$2,000 to \$2,499	25.9%	15.4%	17.7%
\$2,500 to \$2,999	12.4%	17.6%	17.0%
\$3,000 or more	51.0%	51.6%	42.7%
Median Monthly Housing Cost	\$3,027	\$3,055	\$2,787

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

Table 30 supports the premise that monthly housing costs are necessarily lower for those households without a mortgage. In total, 61.3% of households without a mortgage spend \$1,000 or more on housing. These expenditures go towards taxes, insurance payments, utilities, and other fees. In comparison, 77% of households without a mortgage in Hunterdon County spend more than \$1,000. Approximately 30% of said Delaware households spend between \$800 and \$999 on housing while 8.4% spend under \$800. The latter figure lines up with the county, where 8.2% of households without a mortgage spend less than \$800 a month on housing.

Table 30: Monthly Costs, Homeowners without a Mortgage

Monthly Housing Costs	Delaware	Hunterdon County	New Jersey
Less than \$250	4.6%	1.4%	1.9%
\$250 to \$399	0.0%	0.6%	2.6%
\$400 to \$599	0.0%	1.9%	5.0%
\$600 to \$799	3.8%	4.3%	8.8%
\$800 to \$999	30.4%	14.7%	14.6%
\$1,000 or more	61.3%	77.0%	67.1%
Median Monthly Housing Costs	\$1,359	\$1,356	\$1,205
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Housing costs put an even greater strain on renters in New Jersey, where 48.3% of renting households are cost-burdened according to Table 31. Of the renting households in Delaware Township, 22.9% spend more than 30% of their income on housing, which is almost half of Hunterdon County's rate of 41%. No renters spend less than 20% of their household income on housing costs, which contrasts with both the county and state, as each has a share around 25%. Instead, the number of renters spending between 20 and 29% of household income on housing costs is 77.1%, which greatly exceeds the county and state, with both having shares around 25%.

Table 31: Burden of Housing Costs, Renter-Occupied Housing

Housing Costs as % of Household Income	Delaware	Hunterdon County	New Jersey
Less than 20% of Household Income	0.0%	24.8%	23.8%
20 to 29% of Household Income	77.1%	24.8%	23.1%
30% or more of Household Income	22.9%	41.0%	48.3%
Zero or negative income	0.0%	1.1%	1.9%
No cash rent	0.0%	8.5%	2.9%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Per Table 32, Delaware's median rent of \$2,073 exceeds Hunterdon County by \$366 and New Jersey by \$420. Gross rent, however, does not exceed \$2,500. This stands in contrast to the county and state, where 14.4% and 14.3% of rental units exceed \$2,500 in gross rent, respectively. A significant number of renting households, 58.6%, spends between \$2,000 to \$2,499 a month on housing, compared to 17.6% for the county, and 15.9% statewide. At the lower end of the scale, 41.5% of households have a gross rent of less than \$2,000. In contrast, 63% of renting households in Hunterdon County and 63.5% in New Jersey have a gross rent under \$2,000.

Table 32: Gross Rent

Gross Rent	Delaware	Hunterdon County	New Jersey
Less than \$500	0.0%	4.9%	6.3%
\$500 to \$999	0.0%	4.9%	8.7%
\$1,000 to \$1,499	12.9%	27.4%	26.3%
\$1,500 to \$1,999	28.6%	30.7%	28.5%
\$2,000 to \$2,499	58.6%	17.6%	15.9%
\$2,500 to \$2,999	0.0%	7.6%	6.7%
\$3,000 or more	0.0%	6.8%	7.6%
Median Rent	\$2,073	\$1,707	\$1,653
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

ANALYSIS OF CONSTRUCTION ACTIVITY & TRENDS

Delaware officials have issued few permits for new housing over the last decade. In fact, the number of issued permits only reached five once in that span, during 2016, and in 2023, none were issued at all. This lack of residential development means that approximately three homes are built per year on average. Meanwhile, Hunterdon County municipalities have permitted 276 homes a year over the same period. Housing production statewide, however, appears to be accelerating. Since 2018, the number of new homes permitted annually in New Jersey has exceeded the 2013-2023 yearly average in five of six years, reaching a peak in 2022, when 31,792 homes were permitted. It is important to note, though, that permits slowed in 2023, when only 21,682 permits were issued.

Table 33: Housing Permits Issued Annually, 2013-2023

Year	Delaware	Hunterdon County	New Jersey
2013	4	76	18,795
2014	2	223	22,896
2015	1	164	19,503
2016	5	230	24,170
2017	3	121	25,961
2018	4	316	26,048
2019	1	439	30,770
2020	1	133	26,680
2021	4	844	30,044
2022	3	368	31,792
2023	0	121	21,682

Year	Delaware	Hunterdon County	New Jersey
Annual Average	3	276	25,304

Source: N.J. Department of Community Affairs, Division of Codes and Standards

Except for 2023, a year in which Delaware did not issue any residential permits, Delaware has only issued permits for 1-family and 2-family residences since 2013. This means that the township has not issued permits for multifamily dwellings or mixed-use development during that time. This deviates sharply from regional and state-level building patterns, where development of all kinds occurs nearly every year, as demonstrated in Table 34.

Table 34: Share of Housing Permits Issued by Type, 2013-2023

Year	Delaware			Hunterdon County			New Jersey		
	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use
2013	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	51.4%	47.9%	0.7%
2014	100.0%	0.0%	0.0%	65.0%	35.0%	0.0%	46.6%	52.0%	1.3%
2015	100.0%	0.0%	0.0%	85.4%	14.6%	0.0%	48.6%	51.2%	0.2%
2016	100.0%	0.0%	0.0%	41.7%	57.4%	0.9%	36.8%	63.0%	0.3%
2017	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	35.4%	62.2%	2.4%
2018	100.0%	0.0%	0.0%	52.2%	47.8%	0.0%	34.7%	64.5%	0.8%
2019	100.0%	0.0%	0.0%	36.0%	64.0%	0.0%	29.1%	70.7%	0.2%
2020	100.0%	0.0%	0.0%	71.4%	28.6%	0.0%	32.5%	67.3%	0.2%
2021	100.0%	0.0%	0.0%	15.4%	84.6%	0.0%	34.9%	64.8%	0.3%
2022	100.0%	0.0%	0.0%	24.5%	75.5%	0.0%	28.8%	68.9%	2.3%
2023	0.0%	0.0%	0.0%	99.2%	0.0%	0.8%	44.1%	53.2%	2.7%
Annual Avg.	100.0%	0.0%	0.0%	44.0%	55.9%	0.1%	37.3%	61.7%	1.0%

Source: N.J. Department of Community Affairs, Division of Codes and Standards

A similar pattern can be seen in the certificate of occupancy data found in Table 35. As with building permits, certificates of occupancy were issued for 1- and 2-family homes at a rate of 100% in nearly every year in which a residential certificate of occupancy was issued. The lone exception was 2013, when the township issued a single certificate of occupancy for a mixed-use unit. No new multifamily dwellings were occupied in that span. This computes to an annual average of 94.7% for 1- and 2-family homes, 5.3% for mixed-use units, and zero percent for multifamily dwellings. Countywide, 56.8% of certificates of occupancy for homes were for 1- and 2-family homes while 42.5% were issued for 1- and 2-family at the state level. Multifamily housing accounted for 42.8% and 56.8% of the residential certificates of occupancy for the county and state, respectively. Mixed-use development accounts for less than one percent of residential units for both the county and state.

Table 35: Certificates of Occupancy, Residential, 2013-2023

Year	Delaware			Hunterdon County			New Jersey		
	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use
2013	83.3%	0.0%	16.7%	74.5%	24.5%	1.0%	57.4%	42.3%	0.3%
2014	100.0%	0.0%	0.0%	97.9%	2.1%	0.0%	61.5%	38.0%	0.4%
2015	100.0%	0.0%	0.0%	91.6%	5.9%	2.5%	54.0%	45.5%	0.5%
2016	100.0%	0.0%	0.0%	68.7%	30.7%	0.6%	52.7%	47.1%	0.3%
2017	100.0%	0.0%	0.0%	34.3%	65.7%	0.0%	44.9%	53.5%	1.5%
2018	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	41.4%	56.9%	1.7%
2019	100.0%	0.0%	0.0%	88.4%	11.0%	0.6%	31.6%	66.1%	2.3%
2020	100.0%	0.0%	0.0%	35.8%	63.9%	0.3%	36.8%	62.8%	0.3%
2021	0.0%	0.0%	0.0%	81.8%	18.2%	0.0%	27.3%	72.6%	0.1%
2022	0.0%	0.0%	0.0%	25.6%	74.4%	0.0%	32.7%	66.8%	0.4%
2023	100.0%	0.0%	0.0%	24.5%	75.5%	0.0%	37.6%	62.3%	0.1%
Annual Average	94.7%	0.0%	5.3%	56.8%	42.8%	0.4%	42.5%	56.8%	0.7%

Source: N.J. Department of Community Affairs, Division of Codes and Standards

Table 36 contains the data for demolition permits issued since 2013. Delaware approves an average of 0.3 demolition permits for houses annually. Countywide, an average of 29 homes are demolished every year while 4,679 homes are demolished on average across the entire state.

Table 36: Demolition Permits, 2013-2023

Year	Delaware	Hunterdon County	New Jersey
2013	0	27	7,295
2014	0	39	5,232
2015	0	22	5,651
2016	0	21	5,457
2017	1	45	4,715
2018	1	41	4,252
2019	0	23	4,090
2020	1	14	3,599
2021	0	39	4,002
2022	0	18	3,837
2023	0	30	3,335
Annual Average	0.3	29	4,679

Year	Delaware	Hunterdon County	New Jersey
<i>Source: N.J. Department of Community Affairs, Division of Codes and Standards</i>			

Compared to Hunterdon County and the rest of the state, a paltry amount of office space, which is classified as either “new” or “addition,” has been constructed in Delaware since 2004. As shown in Table 37, 2006 is the only year to have office growth, when the township issued construction permits for 798 square feet of additional space. No new office space retail space of any kind has been constructed during the period of 2004 through 2023. This is unlike Hunterdon County, which has experienced office and retail growth over the same period.

Table 37: Nonresidential Construction, Office and Retail, 2004-2023

Year	Delaware		Hunterdon County		New Jersey	
	Office	Retail	Office	Retail	Office	Retail
2004	0	0	389,526	40,101	12,219,068	4,911,257
2005	0	0	190,327	22,412	11,038,132	5,965,258
2006	798	0	234,858	32,859	11,113,555	5,186,662
2007	0	0	131,214	212,865	9,569,501	5,423,889
2008	0	0	166,270	369,186	7,962,998	5,557,101
2009	0	0	58,286	0	4,253,888	2,248,935
2010	0	0	43,106	0	5,496,579	2,192,231
2011	0	0	93,592	12,000	4,915,544	1,680,445
2012	0	0	52,399	14,838	7,395,704	2,088,658
2013	0	0	59,760	92,793	5,830,508	2,240,758
2014	0	0	50,140	7,526	5,426,729	3,536,522
2015	0	0	30,119	25,324	5,751,737	3,544,141
2016	0	0	8,205	128,245	7,183,084	2,913,461
2017	0	0	11,724	15,433	6,826,372	2,153,638
2018	0	0	202,177	0	5,316,607	3,122,448
2019	0	0	27,225	47,021	5,724,671	1,286,733
2020	0	0	20,065	11,840	5,525,377	2,023,918
2021	0	0	20,079	5,497	5,074,155	786,303
2022	0	0	3,351	10,152	7,716,195	622,440
2023	0	0	170,242	2,401	6,406,348	1,257,019
20-Year Avg.	40	0	98,133	52,525	7,037,338	2,937,091
<i>Source: N.J. Department of Community Affairs, Division of Codes and Standards</i>						

PLANNING PROJECTIONS

Hunterdon County is served by the North Jersey Transportation Planning Authority (NJTPA), one of New Jersey's three metropolitan planning organizations. NJTPA forecasts population and employment projections to help anticipate the long-range planning needs of the North Jersey portion of the New York metropolitan area.

The organization forecasts that Delaware will have higher population and household growth than Hunterdon County for the period of 2015 through 2050. Specifically, Delaware is projected to have an annualized growth of 0.3% for population and 0.5% for households, compared to respective rates of 0.1% and 0.2% for the county. As projected by NJTPA, Delaware would have 4,993 residents and 2,123 households in 2050. Any realized population increase would mark a shift away from the population declines that Delaware has experienced in the twenty-first century thus far. The forecast growth for population and households is similar to what is projected for the state as a whole.

Table 38: Long-term Population, Household and Employment Forecasts

	Delaware	Hunterdon County	New Jersey
Population, 2015	4,479	126,250	6,688,013
Population, 2050	4,993	132,858	7,743,120
<i>Annualized % Population Change 2015-2050</i>	<i>0.3%</i>	<i>0.1%</i>	<i>0.4%</i>
Households, 2015	1,802	47,714	2,444,799
Households, 2050	2,123	51,416	2,868,943
<i>Annualized % Household Change 2015-2050</i>	<i>0.5%</i>	<i>0.2%</i>	<i>0.5%</i>
Employment, 2015	714	53,115	2,910,458
Employment, 2050	958	56,243	3,375,651
<i>Annualized % Employment Change 2015-2050</i>	<i>0.8%</i>	<i>0.2%</i>	<i>0.4%</i>

Appendix 2

*Township of Delaware, NJ
Wednesday, October 5, 2022*

Chapter 230. Land Use

Article III. Zone Regulations

§ 230-12. All zones.

- A. Prohibited uses. All uses not specifically permitted in a zone are specifically prohibited in that zone.
- B. Use compliance. Except as hereinafter provided, no building or structure, or part thereof, and no lot of land, or part thereof, shall be used except in conformity with the regulations herein prescribed. Any lawfully established use that does not conform to the use regulations of this chapter shall be deemed a nonconforming use.
- C. Structure or building compliance. Except as hereinafter provided, no building or structure, or part thereof, shall hereinafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard, coverage, height and spacing regulations herein prescribed. Any lawfully established building or structure that does not conform to the building regulations of this chapter shall be deemed a nonconforming structure.
- D. Preexisting nonconforming use. Any lawfully established use of a building or structure, lot of land, or part thereof, or subdivision, existing at the time of adoption of this chapter, which use is nonconforming to the provisions of this chapter, may be continued, and shall be subject to the provisions of § **230-26** of this article.
- E. Lot area and yard required. The lot area and yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use. The required lot or area for maximum permitted dwelling unit calculation shall not include the area of any lot that has been deed restricted from future residential development.
- F. Minimum lot size. Where a minimum lot size is specified, no primary building or use shall be erected or established on any lot of lesser size than as specified within this chapter, except as specified in Subsection **G** below.
- G. Exceptions to minimum lot size and yard requirements.
 - (1) All residential lots of: 30,000 square feet or less shall not include any resource protection areas within the required minimum lot area; and more than 30,000 square feet shall include a minimum contiguous area of 30,000 square feet of lot area exclusive of resource protection areas. The minimum lot area or minimum contiguous non-resource protection area shall permit a circle with a diameter of 100 feet to be inscribed within it. The building envelope shall be drawn to include the area within the applicable building setbacks and to exclude resource protection

areas. All buildings and septic disposal fields, except as otherwise provided for single-family detached cluster development, shall be located within the building envelope. Areas with trees on wooded lots [§ 230-116G(7)] shall not be treated as "resource protection areas" for the purposes of applying this subsection only.

[Amended 9-26-2011 by Ord. No. 2011-11LU]

- (2) The provisions of this chapter shall not prevent the construction of a structure for a permitted use on any lot that was lawful when created, that has been duly recorded by plan or deed, and that, prior to the effective date of this chapter, was in separate ownership, provided that:
 - (a) Within the A-1 Zone, those lots not served by public water and sewers shall meet all requirements of the applicable regulatory agency, provided that there is a minimum lot area of 1 1/2 acres. Within the A-2 Zone, those lots not served by public water and sewers shall meet all requirements of the applicable regulatory agency, provided that there is a minimum lot area of three acres.
 - (b) In no case shall any front yard or rear yard setback be less than 25 feet.
 - (c) Where side yard setbacks are required, the side yards shall aggregate at least 40% of the total lot width or meet the normal requirements of the district in which the lot is located, but in no case shall any side yard be less than 25 feet.
 - (d) In the case of an irregularly shaped lot, the required minimum lot width for the applicable zoning district shall be provided along the front yard building setback line, but the lot width at the street line may be reduced to not less than 75% of the required minimum lot width.
- (3) Where two or more contiguous lots are in common ownership as of or subsequent to the effective date of this chapter and a consolidation or resubdivision could create one or more lots that would conform to the chapter, the provisions of this Subsection **G** shall not apply.

H. Trailers, trailer coaches, or automobile trailers.

- (1) Except as hereinafter provided, all trailers, trailer coaches, or automobile trailers or any vehicle or structure: designed to be mounted on wheels or used as a conveyance or propelled or drawn by its own or other motive power even if its wheels or other means of locomotion have been removed; and designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade, shall be prohibited in the Township. The Construction Official of the Township shall not issue a construction permit, certificate of occupancy or other permits or certificates which will permit said trailers, trailer coaches, automobile trailers or other such vehicles to be located within the territorial limitations of the Township. Nothing herein shall prohibit the use of manufactured homes as permitted by N.J.S.A. 40:55D-100 et seq.
- (2) A building permit and a temporary certificate of occupancy may be issued for a period not to exceed 12 months for the use of a trailer designed for occupancy by one or more persons on a residential lot whereon the dwelling has been rendered uninhabitable by fire or natural disaster, provided that proper connections to water, sewer and electricity have been made and the necessary construction permits obtained. The trailer must be removed within 30 days of the issuance of a certificate of occupancy for the primary dwelling.

- (3) Recreational vehicles, recreational trailers, utility trailers, horse trailers, and boat trailers shall be permitted to be parked on a lot if located thereon in such a manner as to be unobtrusive under normal conditions.
- (4) One temporary construction trailer for office use and storage shall be permitted on a construction site, provided that the Construction Code Official has issued a temporary permit therefor. Any temporary construction trailer shall comply with all setback requirements for the lot on which it is sited. Any temporary construction trailer shall be removed not later than 12 months after the start of construction or two weeks after issuance of the last certificate of occupancy for the construction project, whichever comes first.
- (5) Business trailers shall be permitted to be parked on a lot if located thereon in such a manner as to be unobtrusive under normal conditions, provided that:
[Added 2-25-2019 by Ord. No. 2019-01]
 - (a) For properties up to three acres, there shall be permitted no more than one business trailer.
 - (b) For properties up to six acres, there shall be permitted not more than two business trailers.
 - (c) For properties over six acres, there shall be no more than five business trailers.
 - (d) Under no circumstances shall any business trailer be permitted to park in the front yard of any property other than in the driveway. No parking shall be permitted in the side yard setback of any property.
- I. Tractor-trailers. All tractor-trailers, whose prime purpose is to sell, store, transport, maintain, and/or repair goods, shall be prohibited from being parked or sited in the Township except for a period of not more than 48 hours to permit making deliveries. The Construction Code Official of the Township shall not issue permits or certificates that will permit said tractor-trailers to be located within the Township. However, one tractor-trailer vehicle, being both fully owned and operated by the resident as part of his business prior to January 1, 1987, may be parked on a lot of no less than three acres, if located in such a manner as to be unobtrusive under normal conditions.
- J. Agricultural vehicles. Nothing in this chapter shall be construed as a limitation upon the reasonable number, size or type of vehicles that may be used as accessory to an agricultural use on a farm as defined in this chapter.
- K. Frontage. No building or use will be permitted on a lot unless that lot has frontage on a public street, a street for which improvements satisfactory to the Township Engineer have been guaranteed by either cash or bond, or a private accessway that has been suitably improved in accordance with Township standards.
- L. Street frontage. All lots must have frontage on a public street or a private accessway conforming to the standards and requirements set forth in § **230-135** of this chapter for at least the minimum lot width requirement for their zones, except that lots on curved streets, culs-de-sac or dead-end turnarounds must abut said right-of-way for at least 75% of the required minimum lot width for the zone.
- M. Setbacks on streets that may be widened. Where a lot has frontage upon a street which in the Master Plan or on the Official Map of Delaware Township is contemplated for

right-of-way widening, the required front yard setback or area shall be measured from such proposed future right-of-way lines.

- N. Frontage on through lots. On any through lot, the front of such lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front. If there has been no clearly defined building frontage established, the owner, when applying for a building permit, shall specify the lot line to be considered the front lot line.
- O. Existing buildings on new lots. Where a lot is formed from part of another lot, and occupied by a building, such division shall be effected in such a manner as to meet all of the requirements of this chapter with respect to the existing building or yards and open spaces in connection therewith. No permit shall be issued for the erection of a new building on a new lot thus created, unless the lot complies with all the provisions of this chapter.
- P. Setbacks and easement lines. Setbacks shall conform to easement lines when said easements extend further into the lot than the minimum setbacks required for the zone.
- Q. Sewage disposal within setback. All sewage disposal facilities shall be located within the building envelope of a lot, subject to the following exceptions:
[Amended 4-28-2008 by Ord. No. 2008-08LU]
 - (1) In a single-family detached cluster development, sewage disposal facilities shall be permitted as regulated by ordinance.
 - (2) If a sewage disposal system has failed, and the Board of Health has determined that soil test results preclude locating the replacement system within the building envelope, then the system shall be located at least 10 feet from the property line.
- R. Displays in front yard. No outside display of wares for sale, vending machines, or products manufactured on the site shall be permitted in the front yard of any lot, except as otherwise permitted by this chapter.
- S. Roof structures. Roof structures such as mechanical equipment, water towers, etc. shall be screened from public view or designed in such a fashion as to complement the architecture of the building.
- T. Obstructions to vision at street intersections. At the intersection of two or more streets other than county roads, or at the intersection of a private accessway or driveway with a street, no wall, fence, hedge, or other structure shall be erected to a height in excess of 30 inches above curb level or center line grade, whichever is higher, nor shall any other obstruction to vision be permitted within the triangular area formed by the intersecting street or street and driveway or private accessway lines at points which are 25 feet distant from the point of intersection, measured along the edge of the cartway. Trees whose branches are trimmed away to a height of at least 10 feet above curb level or center-line grade, whichever is higher, shall be permitted.
- U. Abandoned vehicles. The abandonment or storage out-of-doors of any motor vehicle not currently in use for transportation and not currently licensed or registered is prohibited. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any motor vehicle, junk automobile or junk automobile body in a totally enclosed garage, barn or other outbuilding.
- V. Personal wireless communications service facilities.

- (1) Purpose. The purpose of this subsection is to provide sound land use policies for the siting of personal wireless telecommunications facilities and their appurtenant equipment within the municipal boundaries of the Township of Delaware for the benefit of the public in accordance with the Federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7). The goals and objectives of these policies are:
 - (a) To protect the public health, safety and general welfare of the citizens of Delaware Township.
 - (b) To ensure that such development occurs in a manner to minimize adverse effect to surrounding properties.
 - (c) To encourage the location of such facilities in nonresidential areas.
 - (d) To encourage providers of personal wireless communication services to locate such facilities in areas where the adverse visual impact to the community will be minimal.
 - (e) To encourage providers of personal wireless communication services to design their facilities in ways that minimize adverse visual impacts through the careful use of siting, screening, and camouflaging techniques.
 - (f) To minimize the number of such facilities throughout the community.
 - (g) To promote the joint use of new and existing facilities.
 - (h) To avoid damage to adjacent properties from structural failure of any facility.
- (2) Applicability. No PWSF shall be erected in the Township of Delaware unless permitted herein or permitted as a conditional use subject to the regulations of Article IV, § **230-43**, or approved by grant of a variance therefor by the Zoning Board of Adjustment. All new PWSFs shall be subject to this section and, where applicable, to the regulations of § **230-43**, with the following exceptions:
 - (a) Amateur radio station antennas. This section shall not apply to any structure up to 35 feet in total height that is either owned and operated by an amateur radio station operator or supports a receive-only antenna.
 - (b) Towers or antennas used solely for public safety purposes by governmental agencies. This section shall not apply to towers or antennas used solely for public safety purposes by governmental agencies.
 - (c) Preexisting PWSFs. Preexisting PWSFs shall meet the requirements of Subsection **V(3)(f), (g) and (h)**, below, but all other requirements of this section shall not apply to preexisting PWSFs unless an enlargement or structural modification or the addition of antennas or structural members thereto is proposed.
 - (d) Guyed antenna support structures. Guyed antenna support structures are not permitted.
 - (e) Satellite dish antennas. This section shall not govern parabolic satellite antenna dishes not used for personal wireless communications.
- (3) General requirements for PWSFs.

- (a) Construction or installation of a PWSF shall require a construction permit. The Township shall condition the issuance of any construction permit for a new or relocated PWSF or for the installation of antenna(s) on an existing antenna support structure on the posting of a bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, as determined by the Township Engineer, of removal of all facilities associated with the installation covered by the construction permit and restoration of the property to a predevelopment condition.
- (b) Presence of other uses and structures on a lot. Notwithstanding any other provisions of this Land Use Ordinance or any other ordinance of the Township of Delaware, the presence of another use or structure on a lot shall not preclude the installation of a PWSF on the same lot.
- (c) Lot area and dimensions. For purposes of determining whether the installation of a PWSF complies with the zoning regulations, including, but not limited to, setback requirements, impervious coverage limitations, and other bulk requirements, the area and dimensions of the entire lot shall control, even though the PWSF may be located on a leased portion of the lot.
- (d) Antenna support structures. Any new or replacement antenna support structure shall be designed as a stealth structure using or simulating a type of man-made or natural element normally found within the context of the site. A support structure, not designed as a stealth structure, may be approved by the municipal agency only after having determined that it will have minimal visual obtrusiveness.
- (e) Aesthetics. To reduce negative visual impacts, all new PWSFs shall comply with the following:
 - [1] For any site at which one or more antenna(s) are to be erected, whether on a new antenna support structure or on an existing building or other structure, the design of all related equipment building(s), structure(s) or cabinet(s) on a facilities site shall use materials, colors, textures, screening and landscaping that will blend them into the natural setting and/or surrounding buildings. Landscaping and screening shall be provided in accordance with Subsection **V(3)(I)** below.
 - [2] The antenna(s) and exterior electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the antenna support structure on which such facilities are mounted so as to reduce their visual obtrusiveness.
- (f) Lighting.
 - [1] Except for emergency lighting, PWSFs shall not be artificially lit, unless required by the FAA. PWSFs shall not be located where they would exceed FAA height standards that require lighting.
 - [2] In the event the lighting of a PWSF becomes required by applicable FAA and FCC standards and regulations, the lighting method, design, and intensity must be selected to minimize the disturbance to surrounding properties and views and shall be approved by the municipal agency.
- (g) State and federal requirements.

- [1] All facilities must continuously comply with all applicable standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate PWSFs. If such standards and regulations are changed, the PWSF(s) to which such standards and regulations apply shall be brought into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring a PWSF into compliance with such revised standards and regulations within the specified time shall constitute grounds for removal of the noncompliant facilities.
- [2] All transmission facilities shall comply continuously with the "Radio Frequency Protection Guides" in the American National Standards Institute "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300K to 100 GHz" (ANSI C95.1-1992). As a condition of approval by the municipal agency and/or prior to the issuance of a construction permit for any transmission facility, the service provider shall consent, in writing, to document, at any time, upon receipt of a written request therefor from the Township, the facility's continuing compliance with ANSI C95.1-1992 standards.
- [3] No certificate of occupancy shall be granted for any PWSF with transmission capability without documentation from the applicant's engineer to the Construction Official that all FCC regulations regarding nonionizing electromagnetic radiation (NIER) will be satisfied and that radio frequency levels will not exceed ANSI C95.1-1992 guidelines for public safety.
- [4] The responsibility for continuous compliance with this Subsection **V(3)(g)** shall reside with each service provider using a PWSF. However, in the event of noncompliance, the responsibility for removal of the noncompliant PWSF related equipment shall reside with the owner of the property on which such facilities are located, the terms of any lease or other private agreement notwithstanding. If removal is not effected by the property owner within 30 days of notification by the Construction Official to the property owner, the municipality shall cause the removal of the non-compliant facilities and the cost thereof shall be assessed against the property owner and shall become a lien against the property.

(h) Construction codes; safety standards.

- [1] To ensure their structural integrity, all PWSFs shall be constructed in accordance with the manufacturer's specifications, and plans for their installation shall be certified by an engineer licensed in the State of New Jersey. The antenna support structure shall meet the requirements of the Uniform Construction Code, as may be amended from time to time,^[1] with respect to wind loads, and shall be engineered and positioned so that in the event it falls, it will collapse entirely within the area to be owned or leased by the service provider.

[1] *Editor's Note: See Ch. 158, Construction Codes, Uniform.*

- [2] All new support structures shall also meet the standards contained in the American National Standards Institute's "Steel Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1991). Each owner and/or operator of a PWSF shall ensure that the antenna support structure is maintained in compliance with the foregoing standards. If, upon inspection, the Township of Delaware concludes that an antenna support structure fails to comply with such standard and constitutes a danger to persons or property, then, upon notice being provided to the facility operator, the operator shall have 30 calendar days to bring such antenna support structure into compliance with such standards. Failure to bring such antenna support structure into compliance within said 30 calendar days shall constitute grounds for the removal of the PWSF, as provided in Subsection **V(3)(g)[4]**, above.
- (i) Franchises. Owners and/or operators of PWSFs shall certify that all licenses and/or franchises required by law for the construction and/or operation of a communications system within the Township of Delaware have been obtained and shall file copies of such licenses and/or franchises with the Zoning Officer.
 - (j) Signs. Permitted signs at PWSF sites shall be limited to necessary safety warnings and emergency contact signs not intended to be visible from off-premises. No other advertising or identification signs shall be permitted on the PWSF.
 - (k) Co-location. Any newly proposed support structure shall be designed to accommodate not only the applicant's antenna(s) and ground equipment and connections, but also comparable antennas and ground equipment and connections for at least two additional providers of personal wireless communications services. The support structure shall be designed to allow for the future rearrangement of antennas, if necessary, and to accept antennas mounted at varying heights.
 - (l) Landscaping and screening. The following requirements shall govern the landscaping and screening of PWSFs:
 - [1] A landscaped buffer shall be provided around all new PWSF installations and shall consist of a variety of native, drought-resistant evergreen plants that will effectively screen the view at ground level of the PWSF-related equipment from public view and from any property used or zoned for residential purposes. The minimum landscaped buffer shall consist of a landscaped strip at least 10 feet wide located outside the fenced perimeter of the compound. Such screening shall have a height at time of planting of at least 10 feet and an ultimate height of at least 12 feet. For a list of preferred plantings, refer to § **230-111A(4)(c)[5]**. For a list of plantings not to be considered, refer to § **230-106G**.
 - [2] In locations where the visual impact of the PWSF would be minimal due to existing topography, vegetation or structures, the landscaped buffer requirement may be reduced or modified with the approval of the municipal agency.
 - [3] Existing mature tree growth, hedgerows and natural landforms on the PWSF site shall be preserved to the maximum extent possible. In certain cases, such as where support structures are sited on large, wooded lots,

the natural growth around the perimeter of the property may be deemed by the municipal agency to be a sufficient buffer. The municipal agency may require a conservation easement to be placed on existing wooded areas that are needed to provide screening.

(m) Equipment buildings, structures, and cabinets.

- [1] Related equipment including equipment buildings, structures and cabinets, shall neither contain more than 200 square feet of gross floor area nor be more than 10 feet high, regardless of where placed.
- [2] No equipment shall be operated so as to produce noise in excess of the limits set by the local noise ordinance, except when an emergency situation requires the use of a backup generator.
- [3] All equipment buildings, structures, and cabinets shall be unmanned except for regular and emergency service and repairs visits.
- [4] Equipment storage buildings or cabinets shall comply with applicable Construction Code requirements.
- [5] Ground-mounted equipment buildings, structures and cabinets shall be sited no more than 50 feet from the base of the support structure of a PWSF and in no case less than 50 feet from any adjoining property line.
- [6] Emergency exterior lighting. Exterior lighting may be provided for and used during emergencies only. Any exterior lighting shall be directed downward and shielded to minimize undesirable off-premises effects. Emergency lighting shall be limited to a maximum of 15 hours by use of a timer switch.

(n) Security fencing. All PWSFs, including related equipment building(s), structure(s) or cabinet(s), shall be enclosed by security fencing not less than eight feet in height, which shall also be equipped with appropriate anti-climbing measures. Such fencing and anti-climbing measures shall be maintained in good condition by the owner and/or operator of the PWSF for the life of the PWSF. Electrified fence, barbed, or razor wire shall not be permitted. "No trespassing" signs shall be posted on the security fencing.

- [1] The Township shall condition the issuance of any construction permit for security fencing on the posting of a maintenance bond or other suitable guarantee in a face amount to be determined by the Township Engineer for the maintenance of the fencing and related anti-climbing measures.

(o) Removal of abandoned PWSFs.

- [1] The owner of a PWSF or related equipment shall provide notice to the Township within 30 days of the cessation of operations of any PWSF or related structure(s) and shall provide for the removal of the unused equipment within 90 days of notification to the Township.
- [2] Any PWSF not providing or supporting wireless communications and transmission services to the public for a continuous period of six months shall be declared by the Township to be abandoned by posting of a public notice. The owner of the abandoned PWSF shall remove same within 90 calendar days of notice from the Township of Delaware of such

abandonment. Failure of the owner of the abandoned PWSF to remove same within said 90 calendar days shall be grounds for the Township to cause the immediate removal of the same. The requirement for removal of a PWSF antenna support structure shall not become effective until all providers using the PWSF cease operations of facilities on the antenna support structure.

- [3] The Township shall condition the issuance of any construction permit for a new or relocated PWSF or for the installation of antenna(s) on an existing antenna support structure on the posting of a bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, as determined by the Township Engineer, of removal of all facilities associated with the installation covered by the construction permit and restoration of the property to a predevelopment condition.
 - [4] To facilitate compliance with this section, each provider shall, by January 31 of each year, notify the Construction Official in writing of the following:
 - [a] The name, address, and telephone number of the current contact person for the provider.
 - [b] Any change in the ownership of the facilities in question since the last report.
 - [c] That the PWSF(s) erected or installed by the provider is/are still in use by the provider.
 - [d] Failure to report such information to the Construction Official shall be deemed prima facie evidence of the onset of abandonment.
 - [5] In the event the original bond is insufficient to cover the full cost of removal and restoration by the Township, the property owner shall bear the responsibility of any additional costs incurred by the Township and such additional costs shall become a lien against the property.
- (p) Rebuilding damaged or destroyed preexisting antenna support structures.
- [1] A preexisting nonconforming antenna support structure that is damaged or destroyed by any means shall not be rebuilt without first obtaining approval from the applicable municipal agency and without meeting the separation requirements specified in § **230-43**, if applicable.
 - [2] The type, height, and location of any such rebuilt antenna support structure shall be the same as the original unless an alternative is approved by the municipal agency.
 - [3] The rebuilt facility shall comply with all currently applicable Construction Code requirements.
 - [4] The permit for the rebuilt facility shall be obtained within 180 days from the date the facility is damaged or destroyed, and if no permit is obtained or if said permit expires, the PWSF and all supporting equipment shall be deemed to have been abandoned, and the removal and restoration provisions specified in Subsection **V(3)(o)** above shall apply.

(4) Permitted uses.

- (a) Preexisting PWSFs shall be deemed to be permitted uses in their current locations, regardless of the zoning district in which they are located, subject only to the requirements of Subsection **V(3)(f)**, **(g)** and **(h)**, above, unless an enlargement, relocation, structural modification or the addition of antennas or structural members thereto is proposed, in which case all other requirements of this Subsection **V** and applicable conditional use requirements of § **230-43** shall be met.
 - (b) An antenna may be attached to any existing agricultural, business, industrial, office or institutional structure located in any zone, except the V-1, V-2, and V-3 Zones, provided:
 - [1] The total height of the antenna support structure and antenna(s) does not exceed 10 feet more than the maximum building height permitted for the zone in which these facilities are located.
 - [2] The antenna(s) shall comply with all of the provisions of Subsection **V(3)(f)**, **(g)** and **(h)**, above.
 - [3] The antenna(s) and related equipment building(s), structure(s) and cabinet(s) shall comply with the requirements of Subsection **V(3)(e)** above regarding their design, materials, and placement.
 - [4] Site plan review shall be required to ensure compliance with the above-cited provisions and all other applicable provisions of this Subsection **V**.^[2]
- [2] *Editor's Note: Original Section 3:1.23, Required growth share affordable housing production, added 6-13-2005 by Ord. No. 2005-08, as amended 11-14-2005 by Ord. No. 2005-27 and 9-8-2008 by Ord. No. 208-17, was repealed 5-11-2009 by Ord. No. 2009-10. See § 230-135, Affordable housing development fees, of this chapter.*

W. Accessory apartments.

[Added 9-14-2009 by Ord. No. 2009-20LU]

- (1) Purpose. Accessory apartments are permitted in conjunction with Delaware Township's affordable housing program and the rules and regulations established herein shall be designed to ensure that each accessory apartment established hereunder shall be and shall remain creditworthy under the rules and regulations of the New Jersey Council on Affordable Housing (COAH) for a period of at least 10 years.
- (2) Permitted use. Accessory apartments shall be a permitted use in all zones in Delaware Township that permit single-family residential uses.
- (3) Term defined. As used in this section, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT

A second dwelling unit located on a lot containing a single-family dwelling which has been specifically authorized under the terms of this section and is established and maintained in a manner consistent with this section and the Rules of the New Jersey Council on Affordable Housing. Such a dwelling may be located within the principal structure, added to a principal structure, or located in a detached accessory building, provided all other requirements of

this section are met. Such a dwelling may be newly created or may be an existing accessory or secondary dwelling that is designated as an affordable housing unit pursuant to this section. Any dwelling unit created or designated as an accessory apartment pursuant to this section shall be and shall remain permanently accessory to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place the accessory dwelling on a separate lot from the principal dwelling.

(4) Minimum standards.

- (a) Lot area. An accessory apartment shall be permitted on any lot meeting the minimum lot area requirements of the zone in which the lot is located. An accessory apartment shall be permitted on a lot of less than the minimum lot area required in the zone if the lot is at least 20,000 square feet in size and if the accessory apartment will be wholly within an existing structure that is being modified to create the accessory apartment and if the other requirements of this section are met. No more than one accessory apartment shall be established on any lot that is less than twice the minimum lot area required for the zone (or less, if applicable). Lots that are twice the minimum lot area required for the zone or more may be permitted a second accessory apartment if all other requirements of this section are met for each accessory apartment.
- (b) Unit size and description. Accessory apartments shall contain at least 500 square feet of gross floor area each and no more than 1,200 square feet each, excluding garage space. Each unit shall contain a minimum of two rooms, one of which shall be a bedroom and one of which shall not be a bedroom, plus a bathroom and kitchen facilities. An accessory apartment unit attached to or located within the principal dwelling must have a separate entrance that is not used for the principal residence.
- (c) Deed restriction. A deed restriction shall be recorded for any property containing an accessory apartment created pursuant to this section specifying that such unit(s) shall remain permanently accessory to the principal dwelling and shall not in the future be subdivided and placed on a separate lot from the principal dwelling.
- (d) Parking. A minimum of one off-street parking space shall be provided for each accessory apartment. In no case shall the parking provided for an accessory apartment result in a reduction of the existing parking available for the principal dwelling below two spaces.
- (e) Building setbacks. An accessory apartment shall not be created within any accessory building located in the front yard of the principal structure. Applicable side and rear yard setbacks shall be the same as those for all other accessory buildings within the zoning district.
- (f) Driveways and parking. Where a new paved or gravel driveway or parking area is proposed, a minimum five-foot setback from any side or rear property line shall be maintained. Landscaping and/or solid fencing shall be provided to screen such driveways or parking areas from adjacent properties and same shall be depicted on the proposed plot plan.

(5) Maximum regulations.

- (a) Building height. Notwithstanding the building height limitations applicable to accessory structures elsewhere in this chapter, structures containing an accessory apartment authorized pursuant to this section shall be permitted to have a height of up to 2 1/2 stories and 35 feet.
- (6) Submission requirements and affordable housing regulations.
- (a) Prior to the issuance of a construction permit for an accessory apartment, a plot plan and architectural plans shall be submitted to the Zoning Officer for review. Plans shall accurately depict the location, size, and appearance of the proposed or existing structure that will contain the accessory apartment. Any construction relative to the creation of an accessory apartment shall be architecturally consistent with the appearance of other structures on the same site.
 - (b) Before a construction permit shall be issued, the applicant shall have entered into and recorded an agreement with the Township of Delaware specifying that the proposed accessory apartment shall be constructed, occupied, and maintained in a manner that complies with all of the requirements of the New Jersey Council on Affordable Housing, including the minimum ten-year length of the affordable housing deed restriction, the necessity of affirmatively marketing the unit, the basis for calculating the maximum permitted rent and all incremental increases in the permissible rent; the method and timing of payments/subsidies by the Township and any other relevant matters consistent with the intent and purpose of this section and the affordable housing program in general.
 - (c) Before a certificate of occupancy shall be issued, a separate permanent deed restriction shall be recorded establishing the accessory status of the accessory apartment and precluding any subdivision that would place the accessory apartment on a separate lot from the principal dwelling.
 - (d) Accessory apartments created pursuant to this section shall be created for the sole purpose of providing a supply of housing for moderate-income households and shall conform to all requirements of the New Jersey Council on Affordable Housing and the Township of Delaware. Before any rental or rerental of an accessory apartment, the unit shall be affirmatively marketed by the Township's Affordable Housing Administrative Agent to households throughout the housing region (consisting of Hunterdon, Somerset and Middlesex Counties) in a manner consistent with the affirmative marketing requirements of the New Jersey Council on Affordable Housing. All leases shall be executed in the presence of and witnessed by the Affordable Housing Administrative Agent to ensure that all terms are in full compliance with this section, the Chapter **107**, Affordable Housing, and the Rules of the New Jersey Council on Affordable Housing.
 - (e) Each accessory apartment shall be created in full compliance with all applicable Health and Construction Code requirements, including approval from the Hunterdon County Health Department of the adequacy of the septic system and well to serve the additional unit. The property owner shall submit a copy of the Hunterdon County Health Department approval(s) to both the Construction Official and the Municipal Housing Liaison.

- (f) If the accessory apartment will be connected to the Delaware Township Municipal Utilities Authority or other public utility for either sewage treatment or water supply, the property owner shall submit proof of the availability of such service(s) to both the Construction Official and the Municipal Housing Liaison.
 - (g) The property owner shall submit an annual affidavit of continuing use and COAH compliance to the Municipal Housing Liaison by February 1 of each year.
 - (h) The rent for an accessory apartment shall be established in compliance with COAH's rules for moderate income rental units and shall be consistent with COAH rules.
- X. Minor solar or photovoltaic energy facilities and structures.
[Added 8-8-2011 by Ord. No. 2011-06LU]
- (1) Roof-mounted.
- (a) No roof-mounted minor solar or photovoltaic energy facilities or structures shall be installed on a nonconforming structure.
 - (b) A roof-mounted minor solar or photovoltaic energy facility or structure shall be mounted parallel to the roof angle and shall not exceed a height of 12 inches above the edge of the roof line or above the highest point of the roof surface or structure.
 - (c) A roof-mounted minor solar or photovoltaic energy facility or structure that is to be mounted on a flat roof may be angled to achieve maximum sun exposure, but shall not exceed five feet above the roof.
 - (d) In no instance shall any part of a roof-mounted minor solar or photovoltaic energy facility or structure extend beyond the roof edge.
 - (e) All exterior electrical or plumbing lines must be painted a color scheme that matches as closely as reasonably possible the color of the structure and adjacent materials.
 - (f) An external disconnect switch shall be provided, and the owner must file a map with the Fire and Police Departments clearly showing where the disconnect switch is located.
- (2) Ground-mounted.
- (a) A ground-mounted minor solar or photovoltaic energy facility or structure shall be located on lots of one acre gross or more and shall not exceed 20% of lot coverage.
 - (b) A ground-mounted minor solar or photovoltaic energy facility or structure shall comply with all principal building setbacks in the applicable zone.
 - (c) A ground-mounted minor solar or photovoltaic energy facility or structure shall not exceed 12 feet in height.
 - (d) All power transmission lines from a ground-mounted minor solar or photovoltaic energy facility or structure to any building, structure or utility connection shall be located underground.

- (e) Inverter noise shall not exceed 40 dBA at the property line.
- (f) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- (g) An external disconnect switch shall be provided, and the owner must file a map with the Fire and Police Departments clearly showing where the disconnect switch is located.

Township of Delaware Township
Hunterdon County, New Jersey

Accessory Apartment Program Handbook

Prepared by:

Delaware Township Affordable Housing

MARCH 2015

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DELAWARE TOWNSHIP, HUNTERDON COUNTY
ACCESSORY APARTMENT PROGRAM HANDBOOK
March 2015

1.0 INTRODUCTION

The Fair Housing Act (N.J.S.A. 52:270-301 et seq.), enacted by the New Jersey State Legislature in 1985, created the Council on Affordable Housing (COAH) within the Department of Community Affairs. COAH is responsible for determining each municipality's allocation of low and moderate income housing, establishing guidelines for implementing the Fair Housing Act and evaluating proposed municipal compliance strategies.

COAH divided the state into six housing regions and established a methodology for municipalities to address a fair share obligation. Delaware Township is located within the West Central region which includes the counties of Hunterdon, Middlesex and Somerset.

NOTE: On June 29, 2011 Governor Christie issued Reorganization Plan No. 001-2001 that abolished the Council on Affordable Housing and transferred its functions, powers and duties to the Office of the Commissioner of the Department of Community Affairs. Delaware Township continues to work toward providing low and moderate income housing opportunities. All references to COAH revert to the DCA.

Delaware Township's Accessory Apartment Ordinance

The Township adopted an accessory apartment ordinance that is amended to reflect the COAH regulations (see Appendix 1). The ordinance provisions meet all COAH requirements. Property owners can create an affordable housing accessory apartment and/or convert an existing accessory apartment into an affordable housing accessory apartment.

2.0 FINANCIAL ASSISTANCE OFFERED

The Township will provide home improvement grants to owners of properties in which accessory apartments are to be created. The subsidy must be utilized to create the accessory apartment. Grants of \$20,000 are available to subsidize the cost of creating an accessory apartment. In order to receive financial assistance from the Township, the owner of the unit must submit the Financial Assistance Application (Appendix 5) and certify the following:

- a. Rent on the family and moderate accessory apartment will be consistent with COAH regulations;
- b. The tenant(s) to occupy the moderate accessory apartment will meet the established income limitations for a moderate income household(s) for Delaware Township's housing region; and

- c. A 10-year affordability control will be imposed via a deed restriction. (Appendix 6)

The grant money for renovation costs and permits will be provided to the accessory apartment owner as follows:

1. Twenty percent (\$4,000.00) will be provided once the deed restriction is recorded (Appendix 6).
2. Twenty percent (\$4,000.00) will be provided at the issuance of the building permit.
3. Twenty percent (\$4,000.00) will be provided after the project passes the framing inspection.
4. Twenty percent (\$4,000.00) will be provided at the issuance of the Certificate of Occupancy or the Certificate of Approval.
5. Twenty percent (\$4,000.00) will be provided when the lease is executed with the prospective tenant.

NOTE: Any accessory apartment owner who fails to complete construction of the unit and obtain a Certificate of Occupancy or Certificate of Approval shall be required to reimburse the Township for all funds paid to the owner.

Delaware Township reserves the right to phase approval of subsidized affordable housing accessory apartments according to the following schedule:

2012 – up to three units;
 2013 – up to two units;
 2014 – up to two units;
 2015 – up to two units; and
 2016 – up to one unit.

Applications will be accepted on a first come, first served basis. The Township Administrative Agent shall determine the completeness of each application.

3.0 TENANT INCOME CRITERIA

For a household to be eligible to lease an accessory apartment unit, combined current household income from all sources, including assets, must not exceed the amount established under COAH's regional income limits. The current income limits are in Appendix 2.

4.0 ELIGIBLE ACCESSORY APARTMENT IMPROVEMENTS

Pursuant to the Township's ordinance, accessory apartments will have a minimum of two rooms and provide living, sleeping, cooking and bathroom facilities. Direct access to the outside or to a hall with direct access to the outside must be provided. The egress door must not detract from the character of the exterior facades of the house. All improvements must be in full compliance with

applicable health codes as per the Hunterdon County Health Department and all construction codes per the Delaware Township Construction Official.

5.0 APPLICATION AND PROCEDURES

An owner should first obtain a copy of the Township's accessory apartment Ordinance #2009-20LU (Appendix 1) and review its requirements.

The owner should then schedule a meeting with the Delaware Township Zoning Officer and Construction Official to review the construction aspects of the proposed accessory apartment unit and to identify any permits that will be needed to complete the work. The owner should also meet with the Township's Municipal Housing Liaison and Administrative Agent to register the unit and review all requirements relating to rent levels and income eligibility of prospective tenants.

The application must include the following:

1. All information required by the Township's Application Checklist #4 (Appendix 3)
2. Homeowner's Application Form (Appendix 4);
3. Existing floor plans to scale, with rooms labeled as to use, i.e. kitchen, bedroom, etc. Plans must be prepared or sealed by a NJ licensed architect or engineer.
4. Current property survey showing existing conditions, including the location and condition of the septic system and the well location subject to review and approval by the Township Zoning Officer. An applicant may submit an Affidavit of No Change if there have been no improvements without permits and no improvements that violate the lot lines.

The next step for the interested owner is to apply to the Delaware Township Construction Official for a construction permit to begin the required work on the accessory apartment.

6.0 CODE ENFORCEMENT STANDARDS

Once all work on the accessory unit has been completed and inspected by the Township Construction Office, and the owner has satisfied all prior approvals, including, but not limited to septic approval from the Hunterdon County Health Department, the Delaware Township Construction Official then issues a Certificate of Occupancy or a Certificate of Approval.

7.0 SELECTION OF TENANT

The final step in the process is the selection of a tenant to occupy the accessory apartment. Tenants will be selected from the waiting list established by the Township. Owners shall not select tenants who are not approved by the Delaware Township Administrative Agent.

Applications for accessory apartment occupancy are known as Tenant Application and Income Verification Forms (Appendix 7).

If no current waiting list is available, Delaware Township's Administrative Agent will place advertisements in the newspapers designated in the Affirmative Marketing Plan as well as conduct community outreach as per the Affirmative Marketing Plan. As applications are received by the Administrative Agent, each application will be date stamped and checked preliminarily to see if the prospective household is moderate income based on household size. If the household is not eligible, a letter of ineligibility will be sent notifying the applicant. If the household appears to be income eligible, a letter of preliminary eligibility is sent. Once there are sufficient applications for a lottery, a random drawing will take place at the Delaware Township Municipal Building. In attendance will be the Administrative Agent, Municipal Housing Liaison and one other public official of the Township.

When the Administrative Agent receives notice that an accessory apartment will become available, the Administrative Agent will contact the applicants matching the household size and income category to the unit size and income category in the order randomly selected to submit a final application with appropriate documentation within 10 days of receipt of the letter.

When an accessory apartment is ready for occupancy, the Administrative Agent will provide the owner with the name of the first prospective household randomly selected and determined eligible and the owner may accept or reject the household. The owner may not discriminate in renter selection based on the Affirmative Marketing Plan but consideration may be given to owner prohibition of smoking, pets, loud music, etc.

If the owner rejects the first prospective household, then the Administrative Agent forwards the next name on the qualified applicant list and continues to do so until the accessory apartment is rented. A prospective household may reject up to two units before losing its original position in the list. The prospective household that is not selected due to owner discretion is returned to the list in the original order.

It is understood that the first prospective household must be able to occupy the unit upon selection. If that is not possible, then the next prospective household in line is offered the unit.

It is recommended that the owner check references and request a credit report. Finally, the tenant will execute a Form of Certificate for Applicants Certified To Rental Unit (Appendix 8) and the owner and tenant will execute a lease agreement (Appendix 9). Then, the selected household occupies the accessory apartment.

8.0 CONTINUED OCCUPANCY

The owner of the accessory apartment must submit a copy of the initial lease and annual lease renewals within ten days of execution.

9.0 VACANCY

As soon as the owner of the accessory apartment learns that the tenant intends to vacate the accessory apartment, he must immediately notify the Administrative Agent who will then follow Township procedures outlined in this Handbook to fill the vacancy.

10. UNIT AFFORDABILITY GUIDELINES

COAH regulations require that rents on accessory apartments be set at 60 percent of median income, including utilities, and that rents be based on the number of bedrooms. In accordance with COAH regulations, rents on accessory apartments are affordable as follows:

1. One bedroom units are affordable to 1.5 person households;
2. Two bedroom units are affordable to three person households.

COAH regulations require controls on affordability for any accessory apartment created within the Township addressing a growth share obligation to remain in effect for 10 years. The rent may be adjusted annually based on the COAH percentage increase.

11.0 AFFIRMATIVE MARKETING

The accessory apartment program is governed by COAH's rules. However, the Uniform Housing Affordability Controls (UHAC) sets forth a procedure for affirmative marketing of the accessory apartments. The Township's Affirmative Marketing Plan is attached as Appendix 10 to this document. As part of the Affirmative Marketing Plan, the Township has created an advertisement for the accessory apartment program (Appendix 11).

Appendix 1 Accessory Apartment Ordinance

ORDINANCE #2009-20LU AN ORDINANCE TO PROVIDE FOR THE CREATION OF ACCESSORY APARTMENTS IN CONJUNCTION WITH THE DELAWARE TOWNSHIP AFFORDABLE HOUSING PROGRAM.

See Ordinance.

Appendix 2 COAH's Regional Income Limits

Updated Annually – see attached

Appendix 3

Accessory Apartment Application Checklist

Accessory Apartment Application Checklist

A zoning permit and a construction are required to create an accessory apartment.

1. To obtain a zoning permit the following must be submitted to the Township Zoning Officer for his review and approval:

- Completed zoning permit application.
- Two (2) copies of the property survey showing the improvements.
- Two (2) sets of building plans signed and sealed by a NJ licensed architect or engineer.
- A copy of homeowner's association approval (if applicable)
- When a new structure is proposed, a letter of interpretation (LOI) from NJDEP may be required.
- Verification whether the lot is served by public sewer, on-site septic, public water or well. Their locations must be shown on the survey.
- Plot plan showing any new LP or oil tanks, or underground storm drainage being installed.
- Hunterdon County Health Department approvals for well and septic.
- Hunterdon County Soil Conservation District approval, if required.
- D&R Canal Commission approval, if required.

2. To obtain a construction permit the following must be submitted to the Township Construction Official for his review and approval:

- Proof of prior approvals listed in Ordinance 2009-20LU accessory apartments.
- Two copies of building plans signed and sealed by a NJ licensed architect or engineer (same two copies presented to Zoning Officer).
- Completed permit applications indicating that all work is to be conducted by NJ licensed contractors for all subcodes.
- Calculations indicating that the existing or proposed utilities are properly sized, including electric, water, sewer, gas and HVAC systems.
- Homeowner Warranty, where applicable.

3. The home owner shall pay all required permit fees.

Appendix 4

Homeowner's Accessory Apartment Application Form

**DELAWARE TOWNSHIP ACCESSORY APARTMENT PROGRAM
HOMEOWNER'S APPLICATION**

Homeowner:

Address:

Block: Lot:

I am the owner of the property described above. I wish to construct an accessory apartment in my house or renovate an existing apartment into an affordable housing accessory apartment. I understand and agree that:

A. I shall comply with all applicable ordinances, rules and regulations.

B. My accessory unit may be occupied only by a moderate income household which has been deemed qualified by the Township's designated Administrative Agent.

C. My property is located in a single family residential zone district. If I do not comply with the applicable ordinances, rules and regulations, the accessory apartment will have to be removed.

D. I cannot start construction on the accessory apartment until a deed restriction is recorded in the Hunterdon County Clerk's Office and proof of recording is submitted. (Appendix 6)

E. I cannot start construction on the accessory apartment until a construction permit is issued.

F. No one can occupy the accessory apartment until a Certificate of Occupancy is issued and the Delaware Township Administrative Agent has approved the prospective tenant.

G These restrictions are binding upon me, my successors, heirs and assigns.

H. I agree to provide a copy of the annual lease to Delaware Township within ten days of execution.

I certify that all the information contained in my application is true.

Signature

Sworn to and subscribed before me

This _____ day of _____, 20____.

Notary Public

Appendix 5 Homeowner's Accessory Apartment Financial Assistance Application

**DELAWARE TOWNSHIP ACCESSORY APARTMENT PROGRAM
FINANCIAL ASSISTANCE APPLICATION**

Applicant: _____

Address: _____

I/We hereby apply for a grant in the amount of \$_____ for the creation of an accessory apartment within my/our property in Delaware Township, New Jersey. I/We have approved the specifications and understand the scope of work to be performed by the contractor, _____ . I/We further request that Delaware Township manage the grant under the terms of the AGREEMENT.

The Township of Delaware Township, or its agents or representatives, shall have the right to enter the accessory apartment property at any time within one (1) year of completion for the purpose of reviewing the completed work.

Any applicant making a false claim shall be required to reimburse the Township of Delaware Township for any benefits received.

NOTE: Any accessory apartment owner who fails to complete construction of the unit and obtain a Certificate of Occupancy or Certificate of Approval shall be required to reimburse the Township for all funds paid to the owner.

Property owner signature: _____ Date: _____

Property owner signature: _____ Date: _____

Delaware Township Approval: _____

Date: _____

OR

I have read the above application and do not intend to accept any grant money from Delaware Township to assist in the creation of an accessory apartment.

Property owner signature: _____ Date: _____

Witnessed by: _____ Date: _____

Title: _____

Appendix 6 Deed Restriction and Lien (Affordability Controls)

Deed Restriction

DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY WITH RESTRICTIONS ON RESALE AND REFINANCING

To Rental Property With Covenants Restricting Rentals, Conveyance and Improvements And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ____ day of _____, 20____, by and between the Danene Gooding ("Administrative Agent"), or its successor, acting on behalf of Delaware Township (Municipality)], with offices at _____, and _____ a New Jersey [Individual / Corporation / Partnership / Limited Partnership] having offices at _____ the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of Delaware Township, County of Hunterdon, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

More specifically designated as:

(List specific affordable units by address or apartment number.)

Article 3. Affordable Housing Covenants

The following covenants (the “Covenants”) shall run with the land for the period of time (the “Control Period”), determined separately with respect for each dwelling unit, commencing upon the earlier of the date hereof or the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the “Control Period,” until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal release, a restricted unit must remain subject to the requirements of this subchapter for a period of at least ten (10) years.

- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the “Uniform Controls”).
- B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
- C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
- D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
- E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent

further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

ADMINISTRATIVE AGENT DANENE GOODING

BY: _____
Danene Gooding
Delaware Township Administrative Agent

OWNER

BY: _____

Title

APPROVED BY DELAWARE TOWNSHIP

BY: _____
Roger Locandro, Mayor

ACKNOWLEDGEMENTS

On this the _____ day of _____, 20____ before me came Danene Gooding, to me known and known to me to be the Administrative Agent for Delaware Township, who states that (s)he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

NOTARY PUBLIC

On this the _____ day of _____, 20____ before me came _____, to me known and known to me to be _____, the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the day of , 20 before me came Roger Locandro known to me to be Mayor of Delaware Township, the Municipality identified as such in the foregoing Agreement, who states that he is duly authorized to execute said Agreement on behalf of said Municipality, and that he has so executed the foregoing Agreement for the purposes stated therein

NOTARY PUBLIC

Appendix 7 Tenant Application and Income Verification Forms

Dear Affordable Housing Applicant:

Thank you for inquiring about affordable housing with Delaware Township.

In order to be eligible for an affordable housing unit, you must meet certain income limits as determined by the New Jersey Council on Affordable Housing. Income limits are determined by region. Our housing units are located in Region 3, which includes the following counties: Hunterdon, Middlesex and Somerset. Income limits can vary from year to year and depend upon the number of persons in the household. The income limits for 2014 are:

Number of persons in household	Maximum Annual Income Very Low-Income Units	Maximum Annual Income Low – Income Units	Maximum Annual Income Moderate – Income Units
1	\$22,050	\$36,750	\$58,800
2	\$25,200	\$42,000	\$67,200
3	\$28,350	\$47,250	\$75,600
4	\$31,500	\$52,500	\$84,000

If you believe your gross income falls within these income limits, fill out and submit this application for preliminary certification to our office. If preliminarily certified, you will be placed in our applicant pool of eligible renters. Based on a random selection lottery your name will be placed on the service list. When a unit comes available we will start at the top of the service list to try and match an appropriate household based on size and income with the available unit. If the first household on the list is not an appropriate match it will be skipped and the next applicant household evaluated for a match. This process will continue until a properly sized household with sufficient income for the rent is reached. Please note that regional preference will be given to applicant households that currently live or work in Region 3. Prior to rental of the unit a final application with supporting documentation will be required for final determination of eligibility.

Please remember that all applications and documents are held in the strictest confidence. If you have any further questions please contact us at 609-397-3240 ext. 202.

Danene L. Gooding
Delaware Township Administrative Agent

Delaware Township
 570 Rosemont Ringoes Road
 PO Box 500
 Sergeantsville, NJ 08557
 (609) 397-3240 Fax (609) 397-4893

CONFIDENTIAL Preliminary Application for Affordable Housing

Applicant Name (head of household)			
Current Address	Street: City: County:	State:	Zip:
Telephone #	Home: Work:	Cell:	
E-mail Address:			
<i>Optional:</i> Do you or any members of your household work in Hunterdon, Somerset or Middlesex County?			
Number of individuals in household	Adults:	Children:	
Desired number of bedrooms	<input type="checkbox"/> One Bedroom <input type="checkbox"/> Two Bedroom <input type="checkbox"/> Three Bedroom		

People who will be part of my household in the housing for which I am applying:					
Name	Relationship to Applicant	Sex	Age	Gross Annual Income	Source(s) of income
Applicant	Self				

Total Income:_____

Signed _____ Date _____

We Do Business in Accordance With the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). It is Illegal to Discriminate Against Any Person Because of Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin.



DELAWARE TOWNSHIP FINAL APPLICATION FOR AFFORDABLE HOUSING

APPLICANT NAME: _____

CURRENT ADDRESS: _____

CITY, STATE, ZIP CODE: _____

HOME PHONE: _____ WORK PHONE: _____ OTHER: _____

EMAIL: _____

HOUSEHOLD COMPOSITION AND CHARACTERISTICS

1. List the Head of Household and all other members who will be living in the unit.
Give the relationship of each family member to the head.

#	MEMBERS FULL NAME	RELATION	BIRTH DATE	SEX	SOCIAL SECURITY #
1		Applicant			
2					
3					
4					

2. Does anyone live with you now who is not listed above: Yes No

3. Do you expect a change in your household composition? Yes No

Explain if you answered yes to either questions: _____

4. Please identify any special housing needs. _____

5. Number of bedrooms requested based on family
composition: _____

INCOME AND ASSET INFORMATION

Please answer each of the following questions. For each “yes”, provide details in the charts below.

Does any member of your household:

Yes	No	1.	Work full-time, part-time or seasonally?
Yes	No	2.	Expect to work for any period during the next year?
Yes	No	3.	Work for someone who pays you cash?
Yes	No	4.	Expect a leave of absence from work due to lay-off, medical, maternity or military leave?
Yes	No	5.	Now receive or expect to receive unemployment benefits?
Yes	No	6.	Now receive or expect to receive child support?
Yes	No	7.	Entitled to child support that he/she is not now receiving?
Yes	No	8.	Now receive or expect to receive alimony?
Yes	No	9.	Have an entitlement to receive alimony that is not currently being received?
Yes	No	10.	Now receive or expect to receive public assistance (welfare)?
Yes	No	11.	Now receive or expect to receive Social Security or disability benefits?
Yes	No	12.	Now receive or expect to receive income from a pension or annuity?
Yes	No	13.	Now receive or expect to receive regular contributions from organizations or from individuals not living in the unit?
Yes	No	14.	Receive income from assets including interest on checking or savings accounts, interest and dividends from certificates of deposit, stocks or bonds or income from rental property?
Yes	No	15.	Own real estate or any assets for which you receive no income (checking account, cash)?
Yes	No	16.	If you own a home, do you maintain a mortgage on the property?
Yes	No	17.	Have you sold or given away real property or other assets (including cash) in the past two years?
Yes	No	18.	Are you responsible for paying child support or alimony? This amount will be deducted from your total annual income. Amount Paid Monthly: \$_____

MEMBER NO.	SOURCE OF INCOME / TYPE OF INCOME	TOTAL GROSS ANNUAL INCOME

ASSETS

1. List all checking and savings accounts (including IRAs, Keogh accounts, and Certificate of Deposit) of all household members.

MEMBER NO.	BANK NAME	TYPE OF ACCOUNT	ACCOUNT NUMBER	BALANCE

2. List all stocks, bonds, trusts, pensions, or other assets, including a house, and their value, owned by any household member:

3. List any assets disposed of for less than their fair market value during the past two years:

PREVIOUS RENTAL HISTORY OR OWNERSHIP HISTORY

Name and address of your Present Landlord or Current Address:

Telephone: _____
 How long have you lived re? _____
 Reason for leaving? _____

Name and address of your Former Landlord or Previous Address:

Telephone: _____
 How long did you live there? _____
 Reason for leaving? _____

EMPLOYMENT HISTORY

Name and address of Head of Household's present employment:

Telephone: _____
Supervisor's Name? _____
How long have you worked there? _____

Name and address of spouse's or co-head employer:

Telephone: _____
Supervisor's Name? _____
How long have you worked there? _____

APPLICANT CERTIFICATION

I/we certify that if selected to receive assistance, the unit I/we occupy will be my/our only residence. I/we understand that the above information is being collected to determine my/our eligibility. I/we authorize the owner/manager to verify all information provided on this application and to contact previous or current landlords or other sources of credit and verification information which may be released to appropriate Federal, State, or local agencies. I/we certify that the statements made in this application are true and complete to the best of my/our knowledge and belief. I/we understand that false statements or information are punishable under Federal Law.

Signature of Head of Household _____ Date: _____

Signature of Spouse/Co-Head _____ Date: _____

Signature of Administrative Agent _____ Date: _____

We Do Business in Accordance With the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). It is Illegal to Discriminate Against Any Person Because of Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin.



The following documentation (if it applies) must be provided so we can verify your income and household size.

- Personal identification (Driver's License, passport, birth certificate, social security card, etc.)
- Checking - 6 months of statements
- Savings Account (CD's, IRA's, etc) statements and current interest rates
- Bonds
- Stocks
- Real Estate (total value minus any outstanding mortgage balance, closing costs, broker's fees, etc) and income from real estate or businesses.
- (4) most recent consecutive pay stubs for all employed household members
- Social Security: S.S. Computer Printout or Award Letter
- Pension Letter received from pension fund
- Verification of Temporary Assistance for Needy Families (TANF)
- Verification of Support (Child Support and/or Alimony)
- Verification of Military Pay
- Workers' Compensation - Letter from Workmen's Compensation.
- Verification of Unemployment Benefits
- 1040 Federal Tax Return (Both front and back) (last 3 years)
- State Tax Return (last 3 years)

Appendix 8 Form of Certificate for Applicants Certified to Rental Unit

DELAWARE TOWNSHIP ACCESSORY APARTMENT PROGRAM
FORM OF CERTIFICATE FOR APPLICANTS CERTIFIED TO
RENTAL UNIT, REQUIRED BY SECTION 5:80-26.18(c)(2)

CERTIFICATE FOR APPLICANT
CERTIFIED TO A RENTAL UNIT SUBJECT TO
AFFORDABLE HOUSING RESTRICTIONS

**My name is _____ and I am making this
certificate in connection with my certification to rent the Affordable
Housing unit located at**

_____.

I am aware, as the renter of an Affordable unit, that from this date until _____,
20__ as long as I am renting the unit described above, my renting the apartment is subject
to the requirements that are listed below:

1. I am required to pay all rent set forth in my lease on time and in the manner provided for in my lease.
2. I know that I am required to live in my apartment, and that I cannot sublease it or rent it out to any other person, not even to members of my family.
3. I know that the maximum rent I am supposed to pay to my landlord is limited by law, that it is announced each year by _____, and that I can call _____ at any time if I have any questions about what rent I am supposed to be paying.

4. I know that I am not allowed to make any improvements to my apartment unless they have been approved in writing by

_____.

BE IT REMEMBERED, that on this the _____ day of _____, 20____ the signer of this Certificate _____ appeared personally before me and who, being duly sworn by me, deposed and made proof to my satisfaction (i) that he/she is the renter of the Affordable unit that is identified as said renter in the foregoing Certificate, and (ii) and that he/she has executed said Certificate with respect to the lease of the property described in the Certificate and for the purposes described and set forth therein.

Applicant Signature

Date

Sworn to and subscribed before me, _____ on the date set forth above.

NOTARY PUBLIC

Appendix 9 Sample Lease Agreement

DELAWARE TOWNSHIP LEASE RENTAL AGREEMENT

This Rental Agreement or Residential Lease shall evidence the complete terms and conditions under which the parties whose signatures appear below have agreed. Landlord/Lessor/Agent, _____, shall be referred to as "OWNER" and Tenant(s)/Lessee,

_____, shall be referred to as "RESIDENT." As consideration for this agreement, OWNER agrees to rent/lease to RESIDENT and RESIDENT agrees to rent/lease from OWNER for use solely as a private residence, the premises located at

_____ in the Township of
Delaware Township.

1. TERMS: RESIDENT agrees to pay in advance \$_____ per month on the ____ day of each month. This agreement shall commence on _____, and continue until _____, as a leasehold. If RESIDENT should move from the premises prior to the expiration of this time period, he shall be liable for all rent due until the expiration of said time period, or the residence is re-occupied by a RESIDENT approved under the guidelines of COAH, whichever is shorter.

2. PAYMENTS: Rent and/or other charges are to be paid at such place or method designated by the owner as follows

_____. All payments are to be made by check, or money order or cash shall be acceptable. OWNER acknowledges receipt of the First Month's rent of \$_____, and a Security Deposit of \$_____, and additional charges/fees in the amount of \$_____ for _____, for a total payment of \$_____. All payments are to be made payable to _____.

3. SECURITY DEPOSITS: The total of the above deposits shall secure compliance with the terms and conditions of this agreement and shall be refunded to RESIDENT within _____ days after the premises have been completely vacated less any amount necessary to pay OWNER; a) any unpaid rent, b) cleaning costs, c) key replacement costs, d) cost for repair of damages to premises and/or common areas above ordinary wear and tear, and e) any other amount legally allowable under the terms of this agreement. A written accounting of said charges shall be presented to RESIDENT within _____ days of move-out. If deposits do not cover such costs and damages, the RESIDENT shall immediately pay said additional costs for damages to OWNER.

4. LATE CHARGE: A late fee of \$_____, (not to exceed ____% of the monthly rent), shall be added and due for any payment of rent made after the _____ of the month. Any bounced check shall be treated as unpaid rent, and subject to an additional fee of \$_____.

5. UTILITIES: The owner will pay all utilities.

6. OCCUPANTS: Guest(s) staying over 15 days without the written consent of OWNER shall be considered a breach of this agreement. ONLY the following

individuals and/or animals, AND NO OTHERS shall occupy the subject residence for more than 15 days unless the expressed written consent of OWNER is obtained in advance

7. **PETS:** No animal, fowl, fish, reptile, and/or pet of any kind shall be kept on or about the premises, for any amount of time, without obtaining the prior written consent and meeting the requirements of the OWNER. Such consent if granted, shall be revocable at OWNER'S option upon giving a 30 day written notice. In the event laws are passed or permission is granted to have a pet and/or animal of any kind, an additional deposit in the amount of \$_____ shall be required along with additional monthly rent of \$_____ along with the signing of OWNER'S Pet Agreement. RESIDENT also agrees to carry insurance deemed appropriate by OWNER to cover possible liability and damages that may be caused by such animals.

8. **LIQUID FILLED FURNISHINGS:** No liquid filled furniture, receptacle containing more than ten gallons of liquid is permitted without prior written consent and meeting the requirements of the OWNER. RESIDENT also agrees to carry insurance deemed appropriate by OWNER to cover possible losses that may be caused by such items.

9. **PARKING:** When the RESIDENT is assigned a parking area/space on OWNER'S property, the parking area/space shall be used exclusively for parking of passenger automobiles. RESIDENT is hereby assigned or permitted to park only in the following area or space _____. Said space shall not be used for the washing, painting, or repair of vehicles. No other parking space shall be used by RESIDENT or RESIDENT'S guest(s). RESIDENT is responsible for oil leaks and other vehicle discharges for which RESIDENT shall be charged for cleaning if deemed necessary by OWNER.

10. **NOISE:** RESIDENT agrees not to cause or allow any noise or activity on the premises which might disturb the peace and quiet of another RESIDENT and/or neighbor. Said noise and/or activity shall be a breach of this agreement.

11. **DESTRUCTION OF PREMISES:** If the premises become totally or partially destroyed during the term of this Agreement so that RESIDENT'S use is seriously impaired, OWNER or RESIDENT may terminate this Agreement immediately upon three day written notice to the other.

12. **CONDITION OF PREMISES:** RESIDENT acknowledges that he has examined the premises and that said premises, fixtures, plumbing, heating, electrical facilities, all items listed on the attached property condition checklist, if any, and/or all other items provided by OWNER are all clean, and in good satisfactory condition except as may be indicated elsewhere in this Agreement. RESIDENT agrees to keep the premises and all items in good order and good condition and to immediately pay for costs to repair and/or replace any portion of the above damaged by RESIDENT, his guests and/or invitees, except as provided by law. At the termination of this Agreement, all of above items in this provision shall be returned to OWNER in clean and good condition except for

reasonable wear and tear and the premises shall be free of all personal property and trash not belonging to OWNER. It is agreed that all dirt, holes, tears, burns, and stains of any size or amount in the carpets, drapes, walls, fixtures, and/or any other part of the premises, do not constitute reasonable wear and tear.

13. ALTERATIONS: RESIDENT shall not paint, wallpaper, alter or redecorate, change or install locks, install antenna or other equipment, screws, fastening devices, large nails, or adhesive materials, place signs, displays, or other exhibits, on or in any portion of the premises without the written consent of the OWNER except as may be provided by law.

14. PROPERTY MAINTENANCE: RESIDENT shall deposit all garbage and waste in a clean and sanitary manner into the proper receptacles and shall cooperate in keeping the garbage area neat and clean. RESIDENT shall be responsible for disposing of items of such size and nature as are not normally acceptable by the garbage hauler. RESIDENT shall be responsible for keeping the kitchen and bathroom drains free of things that may tend to cause clogging of the drains. RESIDENT shall pay for the cleaning out of any plumbing fixture that may need to be cleared of stoppage and for the expense or damage caused by stopping of waste pipes or overflow from bathtubs, wash basins, or sinks.

15. HOUSE RULES: RESIDENT shall comply with all house rules as stated on separate addendum, but which are deemed part of this rental agreement, and a violation of any of the house rules is considered a breach of this agreement.

16. CHANGE OF TERMS: The terms and conditions of this agreement are subject to future change by OWNER after the expiration of the agreed lease period upon 60-day written notice setting forth such change and delivered to RESIDENT. Any changes are subject to laws in existence at the time of the Notice of Change Of Terms.

17. TERMINATION: After expiration of the leasing period, this agreement is automatically renewed from month to month for another year, but may be terminated by either party giving to the other a 30-day written notice of intention to terminate. Where laws require "just cause", such just cause shall be so stated on said notice. The premises shall be considered vacated only after all areas including storage areas are clear of all RESIDENT'S belongings, and keys and other property furnished for RESIDENT'S use are returned to OWNER. Should the RESIDENT hold over beyond the termination date or fail to vacate all possessions on or before the termination date, RESIDENT shall be liable for additional rent and damages which may include damages due to OWNER'S loss of prospective new renters.

18. POSSESSION: If OWNER is unable to deliver possession of the residence to RESIDENTS on the agreed date, because of the loss or destruction of the residence or because of the failure of the prior residents to vacate or for any other reason, the RESIDENT and/or OWNER may immediately cancel and terminate this agreement upon written notice to the other party at their last known address, whereupon neither party shall have liability to the other, and any sums paid under this Agreement shall be refunded in full. If neither party

cancels, this Agreement shall be prorated and begin on the date of actual possession.

19. INSURANCE: RESIDENT acknowledges that OWNERS insurance does not cover personal property damage caused by fire, theft, rain, war, acts of God, acts of others, and/or any other causes, nor shall OWNER be held liable for such losses. RESIDENT is hereby advised to obtain his own insurance policy to cover any personal losses.

20. RIGHT OF ENTRY AND INSPECTION: OWNER may enter, inspect, and/or repair the premises at any time in case of emergency or suspected abandonment. OWNER shall give 24 hours advance notice and may enter for the purpose of showing the premises during normal business hours to prospective renters, buyers, lenders, for smoke alarm inspections, and/or for normal inspections and repairs. OWNER is permitted to make all alterations, repairs and maintenance that in OWNER'S judgment is necessary to perform.

21. ASSIGNMENT: RESIDENT agrees not to transfer, assign or sublet the premises or any part thereof.

22. PARTIAL INVALIDITY: Nothing contained in this Agreement shall be construed as waiving any of the OWNER'S or RESIDENT'S rights under the law. If any part of this Agreement shall be in conflict with the law, that part shall be void to the extent that it is in conflict, but shall not invalidate this Agreement nor shall it affect the validity or enforceability of any other provision of this Agreement.

23. NO WAIVER: OWNER'S acceptance of rent with knowledge of any default by RESIDENT or waiver by OWNER of any breach of any term of this Agreement shall not constitute a waiver of subsequent breaches. Failure to require compliance or to exercise any right shall not be constituted as a waiver by OWNER of said term, condition, and/or right, and shall not affect the validity or enforceability of any provision of this Agreement.

24. ATTORNEY FEES: If any legal action or proceedings be brought by either party of this Agreement, the prevailing party shall be reimbursed for all reasonable attorney's fees and costs in addition to other damages awarded.

25. JOINTLY AND SEVERALLY: The undersigned RESIDENTS are jointly and severally responsible and liable for all obligations under this agreement.

26. REPORT TO CREDIT/TENANT AGENCIES: You are hereby notified that a nonpayment, late payment or breach of any of the terms of this rental agreement may be submitted/reported to a credit and/or tenant reporting agency, and may create a negative credit record on your credit report.

27. ADDITIONS AND/OR EXCEPTIONS

28. **NOTICES:** All notices to RESIDENT shall be served at RESIDENT'S premises and all notices to OWNER shall be served at _____.

29. **INVENTORY:** The premise contains the following items, that the RESIDENT may use. _____.

30. **KEYS AND ADDENDUMS:** RESIDENT acknowledges receipt of the following which shall be deemed part of this Agreement: (Please check)

___ Keys #of keys and purposes

___ House Rules ___ Pet Agreement ___ Other

31. **ENTIRE AGREEMENT:** This Agreement along with the House Rules constitutes the entire Agreement between OWNER and RESIDENT. No oral agreements have been entered into, and all modifications or notices shall be in writing to be valid.

32. **RECEIPT OF AGREEMENT:** The undersigned RESIDENTS have read and understand this Agreement and hereby acknowledge receipt of a copy of this Rental Agreement.

RESIDENT'S Signature

Date_____

RESIDENT'S Signature

Date_____

OWNER'S or Agent's Signature

Date_____

Appendix 10 Affirmative Marketing Plan

AFFIRMATIVE FAIR HOUSING MARKETING PLAN For Affordable Housing in **(REGION 3)**

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number 1b. Development or Program Name, Address

Danene Gooding, AA for Delaware Township
Delaware Township Municipal Building
570 Rosemont Ringoes Rd. PO Box 500
Sergeantsville, NJ 08557
(609) 397-3240

Delaware Township Accessory Apartments

1c.
Number of Affordable Units: 10
additional in Round 3 Plan

1d. Price or Rental Range

From \$500

1e. State and Federal Funding
Sources (if any)

Not Applicable

Number of Rental Units: All

To \$1000

Number of For-Sale Units:

1f.

☐ Age Restricted

☒ Non-Age Restricted

1g. Approximate Starting Dates

Existing Accessory Apartments, initial advertising and occupancy was completed many years ago. The list has remained open with continued marketing and out reach.

Advertising:

Occupancy:

1h. County

Hunterdon, Middlesex, Somerset

1i. Census Tract(s):

118

1j. Managing/Sales Agent's Name, Address, Phone Number

Accessory Apartments -
10 proposed

1k. Application Fees (if any): None

(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

2. Describe the random selection process that will be used once applications are received.

Advertisements will be placed in the appropriate newspapers with a deadline for filing applications. Each application will be date stamped and checked preliminarily to see if the prospective household is income eligible based on household income and household size. If the household is not eligible, a letter of ineligibility will be sent notifying the applicant. If the household appears to be income eligible, a letter of preliminary eligibility is sent. Thirty days after publication a random drawing will take place at the Delaware Township Municipal Building. In attendance will be the Municipal Housing Liaison/Administrative Agent and one other public official from the Township. The applications will be placed on the service list in the order in which they are drawn in the lottery.

The applicant pool may be kept open after the initial lottery for re-rentals. If kept open monthly advertising will take place. Additional applications can be added to the bottom of the service list based on the date and time of the submission.

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. Commercial Media (required) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 3		
<input checked="" type="checkbox"/>	Continuous ad for initial occupancy of project and as needed when list has less than two year wait for units, and when specific units are coming available. If list is kept open a permanent ad will be kept on this site.	NJ Housing Resource Center WWW.njhousing.gov
TARGETS PARTIAL COAH REGION 3		
Daily Newspaper		
<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units.	Home News Tribune Middlesex, Somerset, Union
<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units.	Courier News Somerset and Hunterdon
Weekly Newspaper		
<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units	Lambertville Beacon Hunterdon
<input type="checkbox"/>		Delaware Valley News Hunterdon
<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units	Hunterdon County Democrat / Hunterdon Observer Hunterdon
<input type="checkbox"/>		Hunterdon Review Hunterdon
<input type="checkbox"/>		Amboy Beacon Middlesex
<input type="checkbox"/>		Colonia Corner Middlesex
<input type="checkbox"/>		Cranbury Press Middlesex
<input type="checkbox"/>		East Brunswick Sentinel Middlesex
<input type="checkbox"/>		Edison Sentinel Middlesex
<input type="checkbox"/>		South Brunswick Post Middlesex
<input type="checkbox"/>		South Plainfield Observer Middlesex
<input type="checkbox"/>		Suburban, The Middlesex

<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units	Princeton Packet	Middlesex, Somerset																																				
<input type="checkbox"/>		Sentinel, The	Middlesex, Somerset																																				
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union																																				
<input type="checkbox"/>		Parsippany Life	Morris																																				
<input type="checkbox"/>		Echoes Sentinel	Morris, Somerset																																				
<input type="checkbox"/>		Bernardsville News	Somerset																																				
<input type="checkbox"/>		Branchburg News	Somerset																																				
<input type="checkbox"/>		Chronicle	Somerset																																				
<input type="checkbox"/>		Hills-Bedminster Press	Somerset																																				
<input type="checkbox"/>		Hillsborough Beacon	Somerset																																				
<input type="checkbox"/>		Manville News	Somerset																																				
<input type="checkbox"/>		Messenger-Gazette	Somerset																																				
<input type="checkbox"/>		Reporter	Somerset																																				
<input type="checkbox"/>		Somerset Spectator	Somerset																																				
Monthly Newspaper																																							
<input type="checkbox"/>		About Our Town/Community News	Middlesex, Somerset																																				
<table border="1"> <thead> <tr> <th>DURATION & FREQUENCY OF OUTREACH</th> <th>NAMES OF REGIONAL TV STATION(S)</th> <th>CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</th> </tr> </thead> <tbody> <tr> <td colspan="3">TARGETS ENTIRE COAH REGION 3</td> </tr> <tr> <td><input type="checkbox"/></td> <td>2 WCBS-TV CBS Broadcasting Inc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>3 KYW-TV CBS Broadcasting Inc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>4 WNBC NBC Telemundo License Co. (General Electric)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>5 WNYW Fox Television Stations, Inc. (News Corp.)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9 WWOR-TV Fox Television Stations, Inc. (News Corp.)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>10 WCAU NBC Telemundo License Co. (General Electric)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>11 WPIX Wpix, Inc. (Tribune)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>12 WHYY-TV Why, Inc.</td> <td></td> </tr> </tbody> </table>				DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE	TARGETS ENTIRE COAH REGION 3			<input type="checkbox"/>	2 WCBS-TV CBS Broadcasting Inc.		<input type="checkbox"/>	3 KYW-TV CBS Broadcasting Inc.		<input type="checkbox"/>	4 WNBC NBC Telemundo License Co. (General Electric)		<input type="checkbox"/>	5 WNYW Fox Television Stations, Inc. (News Corp.)		<input type="checkbox"/>	6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)		<input type="checkbox"/>	7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)		<input type="checkbox"/>	9 WWOR-TV Fox Television Stations, Inc. (News Corp.)		<input type="checkbox"/>	10 WCAU NBC Telemundo License Co. (General Electric)		<input type="checkbox"/>	11 WPIX Wpix, Inc. (Tribune)		<input type="checkbox"/>	12 WHYY-TV Why, Inc.	
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<input type="checkbox"/>	12 WHYY-TV Why, Inc.																																						

<input type="checkbox"/>	13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>	17 WPHL-TV Tribune Company	
<input type="checkbox"/>	31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>	35 WYBE Independence Public Media Of Philadelphia, Inc.	
<input type="checkbox"/>	39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	
<input type="checkbox"/>	41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>	48 WGTW-TV Trinity Broadcasting Network	
<input type="checkbox"/>	50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>	52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>	57 WPSG Cbs Broadcasting Inc.	
<input type="checkbox"/>	58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>	61 WPPX Paxson Communications License Company, Llc	
<input type="checkbox"/>	63 WMBC-TV Mountain Broadcating Corporation	
<input type="checkbox"/>	65 WUVP-TV Univision Communications, Inc.	
<input type="checkbox"/>	68 WFUT-TV Univision New York Llc	Spanish
TARGETS PARTIAL COAH REGION 3		
<input type="checkbox"/>	16 WNEP-TV New York Times Co.	Hunterdon
<input type="checkbox"/>	46 W46BL Maranatha Broadcasting Company, Inc.	Hunterdon
<input type="checkbox"/>	51 WTVE Reading Broadcasting, Inc	Hunterdon (Christian)
<input type="checkbox"/>	25 W25BB New Jersey Public Broadcasting Authority	Hunterdon, Middlesex
<input type="checkbox"/>	22 WYOU Nexstar Broadcasting, Inc	Hunterdon, Somerset
<input type="checkbox"/>	28 WBRE-TV Nexstar Broadcasting, Inc.	Hunterdon, Somerset
<input type="checkbox"/>	44 WVIA-TV Ne Pa Ed Tv Association	Hunterdon, Somerset
<input type="checkbox"/>	56 WOLF-TV Wolf License Corp	Hunterdon, Somerset
<input type="checkbox"/>	60 WBPH-TV Sonshine Family Television Corp	Hunterdon, Somerset
<input type="checkbox"/>	69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Hunterdon, Somerset
<input type="checkbox"/>	29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Middlesex, Somerset

<input type="checkbox"/>	47 WNJU NBC Telemundo License Co. (General Electric)	Middlesex, Somerset
<input type="checkbox"/>	66 WFME-TV Family Stations of New Jersey, Inc.	Middlesex, Somerset (Christian)
<input type="checkbox"/>	25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Somerset

DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 3		
<input type="checkbox"/>	Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
<input checked="" type="checkbox"/>	Patriot Media & Communications	Partial Hunterdon, Somerset
One time for initial occupancy and as needed when list has less than two year wait for units.		
<input type="checkbox"/>	Service Electric Cable TV of Hunterdon	Partial Hunterdon
<input type="checkbox"/>	Cablevision of Raritan Valley	Partial Middlesex, Somerset
<input type="checkbox"/>	Comcast of Central NJ, NJ (Union System)	Partial Middlesex
<input checked="" type="checkbox"/>	Comcast of Plainfield	Partial Middlesex, Somerset
One time for initial occupancy and as needed when list has less than two year wait for units		

DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3 AM		
<input type="checkbox"/>	WFAN 660	
<input type="checkbox"/>	WOR 710	
<input type="checkbox"/>	WABC 770	
<input type="checkbox"/>	WCBS 880	
<input type="checkbox"/>	WBBR 1130	
<input type="checkbox"/>	WWTR 1170	
<input checked="" type="checkbox"/>	Public Service Announcement at least 4 times a year as part of monthly advertising rotation when the list remains open.	Spanish, Asian, etc.
FM		
<input type="checkbox"/>	WFNY-FM 92.3	
<input checked="" type="checkbox"/>	Public Service Announcement at least 4 times a year as part of monthly advertising rotation when the list remains open.	Spanish
<input type="checkbox"/>	WPAT-FM 93.1	
<input type="checkbox"/>	WNYC-FM 93.9	
<input type="checkbox"/>	WPST 94.5	

<input type="checkbox"/>		WFME 94.7	
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input checked="" type="checkbox"/>	Public Service Announcement at least 4 times a year as part of monthly advertising rotation when the list remains open.	WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WPRB 103.3	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WDAS-FM 105.3	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 3			
AM			
<input type="checkbox"/>		WFIL 560	Hunterdon
<input type="checkbox"/>		WIP 610	Hunterdon
<input type="checkbox"/>		WAEB 790	Hunterdon
<input type="checkbox"/>		WCHR 1040	Hunterdon
<input type="checkbox"/>		WGPA 1100	Hunterdon
<input type="checkbox"/>		WEEX 1230	Hunterdon
<input type="checkbox"/>		WKAP 1470	Hunterdon
<input type="checkbox"/>		WRNJ 1510	Hunterdon
<input type="checkbox"/>		WWJZ 640	Hunterdon, Middlesex
<input type="checkbox"/>		WPHY 920	Hunterdon, Middlesex
<input type="checkbox"/>		WPHT 1210	Hunterdon, Middlesex
<input type="checkbox"/>		WBUD 1260	Hunterdon, Middlesex

<input type="checkbox"/>	WMCA 570	Middlesex (Christian)
<input type="checkbox"/>	WIMG 1300	Middlesex
<input type="checkbox"/>	WCTC 1450	Middlesex, Somerset
FM <input type="checkbox"/>	WRTI 90.1	Hunterdon
<input type="checkbox"/>	WCVH 90.5	Hunterdon
<input type="checkbox"/>	WHYY-FM 90.9	Hunterdon
<input type="checkbox"/>	WXTU 92.5	Hunterdon
<input type="checkbox"/>	WAEB-FM 104.1	Hunterdon
<input type="checkbox"/>	WFKB 107.5	Hunterdon
<input type="checkbox"/>	WMMR 93.3	Hunterdon, Middlesex
<input type="checkbox"/>	WYSP 94.1	Hunterdon, Middlesex
<input type="checkbox"/>	WBEN-FM 95.7	Hunterdon, Middlesex
<input type="checkbox"/>	WRDW-FM 96.5	Hunterdon, Middlesex
<input type="checkbox"/>	WOGL 98.1	Hunterdon, Middlesex
<input type="checkbox"/>	WUSL 98.9	Hunterdon, Middlesex
<input type="checkbox"/>	WIOQ 102.1	Hunterdon, Middlesex
<input type="checkbox"/>	WMGK 102.9	Hunterdon, Middlesex
<input type="checkbox"/>	WJJZ 106.1	Hunterdon, Middlesex
<input type="checkbox"/>	WKDN 106.9	Hunterdon, Middlesex (Christian)
<input type="checkbox"/>	WAXQ 104.3	Hunterdon, Middlesex, Somerset
<input type="checkbox"/>	WNTI 91.9	Hunterdon, Somerset
<input type="checkbox"/>	WZZO 95.1	Hunterdon, Somerset
<input type="checkbox"/>	WCTO 96.1	Hunterdon, Somerset
<input type="checkbox"/>	WLEV 100.7	Hunterdon, Somerset
<input type="checkbox"/>	WNJT-FM 88.1	Middlesex
<input type="checkbox"/>	WRSU-FM 88.7	Middlesex
<input type="checkbox"/>	WWFM 89.1	Middlesex
<input type="checkbox"/>	WWPH 107.9	Middlesex
<input type="checkbox"/>	WDVR 89.7	Middlesex, Somerset
<input type="checkbox"/>	WVPH 90.3	Middlesex, Somerset
<input type="checkbox"/>	WMGQ 98.3	Middlesex, Somerset
<input type="checkbox"/>	WBLS 107.5	Middlesex, Somerset

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)

(Check all that applies)

		NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE	
TARGETS ENTIRE COAH REGION 3					
Weekly	<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units	Nuestra Comunidad	Central/South Jersey	Spanish-Language
Monthly	<input checked="" type="checkbox"/>	One time for initial occupancy and as needed when list has less than two year wait for units	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 3					
Daily	<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language	
Weekly	<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American	
	<input type="checkbox"/>	Catholic Advocate, The	Essex County area	Catholic	
	<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community	
	<input type="checkbox"/>	Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	Central/North Jersey	Hungarian-Language	
	<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish	
	<input checked="" type="checkbox"/>	Public Service Announcement at least 4 times a year as part of the monthly advertising rotation when the list remains open.	Nuestra Comunidad	Central/South Jersey	Spanish-Language
	<input type="checkbox"/>	Desi NJ	Central Jersey	South Asian	
	<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian Community	

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH **NAME OF EMPLOYER/COMPANY** **LOCATION**

Hunterdon County			
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy.	Merck & Co	1 Merck Dr, Whitehouse Station
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy	Hunterdon Medical Center	2100 Wescott Drive Flemington, NJ 08822
<input type="checkbox"/>		Foster Wheeler	Perryville Corporate Park Clinton, NJ , 08809-4000
<input type="checkbox"/>		ChubbInsurance co.	202 Halls Mill Rd Whitehouse Station, NJ 08889

<input type="checkbox"/>	Exxonmobil Research & Engineering	1545 US Highway 22 E Annandale, NJ 08801
<input type="checkbox"/>	New York Life	110 Cokesbury Rd, Lebanon

Middlesex County

<input type="checkbox"/>		Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, NJ 08901
<input type="checkbox"/>		Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro
<input type="checkbox"/>		Johnson & Johnson	1 Johnson & Johnson Plaza
<input type="checkbox"/>		Prudential Insurance Company	44 Stelton Rd # 130, Piscataway
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy	Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl, New Brunswick, NJ 08901 207 Pond Ave Middlesex, NJ 08846
<input type="checkbox"/>		Silverline Building Products	
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy	St. Peter's University Hospital	254 Easton Ave, New Brunswick
<input type="checkbox"/>		Telcordia Technology	444 Hoes Ln, Piscataway
<input type="checkbox"/>		J.F.K. Medical Center	65 James Street Edison, NJ 08818 530 New Brunswick Av Perth Amboy, NJ 08861
<input type="checkbox"/>		Raritan Bay Medical Center	405 Main St, Woodbridge and 679 Convery Blvd, Perth Amboy
<input type="checkbox"/>		Amerada Hess Corporation	
<input type="checkbox"/>		Dow Jones & Company	54 Eddington LN, Monroe Twp
<input type="checkbox"/>		Siemens AG	755 College Rd E, Princeton
<input type="checkbox"/>		AT&T	1 Highway Ter, Edison
<input type="checkbox"/>		Engelhard Corporation	101 Wood Ave S, Metuchen

Somerset County

<input type="checkbox"/>		AT&T	1414 Campbell St Rahway
<input type="checkbox"/>		ABC Limousine	574 Ferry St Newark
<input type="checkbox"/>		Bloomberg LP	1350 Liverty Ave Hillside 1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>		Courier News	
<input type="checkbox"/>		Emcore Corp	800 Rahway Ave Union, NJ
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy	Ethicon Inc	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
<input type="checkbox"/>		Fedders Corp	27 Commerce Drive Cranford, NJ
<input type="checkbox"/>		ICI Americas Inc.	450 West First Ave Rossellini
<input type="checkbox"/>		ITW Electronic Componenet Packaging	600 Mountain Ave Murray Hill, NJ
<input checked="" type="checkbox"/>	Mailings at least twice a year when list remains open and during initial occupancy	Johnson & Johnson	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Tekni-Plex Inc.	865 Stone Street Rahway, NJ
		Ortho-Clinical Diagnostics Inc	1401 Park Ave South Linden

<input type="checkbox"/>	Hooper Holmes Inc	170 Mount Airy Rd. Basking Ridge, NJ 07920
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3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fisherman's Mark Delaware Township Public Assistance Director	Hunterdon County		Twice a year or as needed to keep list current.
Delaware Valley Council of Churches	Hunterdon County		Twice a year or as needed to keep list current
Hunterdon Co. Board of Realtors			
Somerset Co. Board of Realtors	Somerset County		Twice a year or as needed to keep list current
Middlesex Co. Board of Realtors	Middlesex County		
Hunterdon Co. Social Services, Office on Aging and DCA Office	Hunterdon County		
Somerset Co. Social Services, Office on Aging and DCA Office	Somerset County		
Middlesex Co. Social Services, Office on Aging and DCA Office	Middlesex County		
Easter Seals	Region 3		
Catholic Charities	Region 3		
SCCOAH	Region 3		

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

BUILDING	LOCATION
<input checked="" type="checkbox"/> Middlesex County Administration Bldg	75 Bayard, New Brunswick, NJ 08903
<input checked="" type="checkbox"/> Somerset County Admin. Bldg	20 Grove Street, Somerville, NJ 08876
<input checked="" type="checkbox"/> Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
<input checked="" type="checkbox"/> Hunterdon County Library Headquarters	314 State Highway 12, Flemington, NJ 08822

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Delaware Township Municipal Building, 570 Rosemont Ringoes Road, PO Box 500, Sergeantsville, NJ 08557
Contact Person Danene Gooding, AA

4c. Sales/Rental Office for units (if applicable)

Not Applicable

V. CERTIFICATIONS AND ENDORSEMENTS

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

Danene Gooding

Name (Type or Print)

Administrative Agent for Delaware Township

Title/Municipality

Signature

Date

Appendix 11 Advertisement

DRAFT Sample Advertisement

The Township of Delaware, located in the southern portion of Hunterdon County, adjacent to Stockton and Flemington will have up to 10 privately owned accessory apartments for rent to moderate income households. These units will be scattered throughout the township. Also there are 6 existing affordable rental units offered for lease to persons of low or moderate income levels.

The affordable housing available includes rents from \$ to \$ /month and includes one and two bedroom units. Utilities are included. Interested households will be required to submit an application and income documentation, and pass a credit check in order to qualify. The maximum household incomes permitted are \$54,152 for a one person household, \$61,888 for a two person household, \$69,624 for a three person household and \$77,350 for a four person household. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (one and one half months rent) and first month's rent and agree to maintain the units as the family's primary residence.

Existing Affordable Housing units consist of 1, 2 or 3 bedroom units with utilities included.

Applications are available at the Delaware Township Municipal Building, Hunterdon County Library Headquarters, Somerset County Library Headquarters, Somerset County Administration Building and the Middlesex County Administration Building. Applications can also be found on the Delaware Township website www.delawaretwpnj.org. Applications will be accepted until December 31, 2011.

Visit www.njhousing.gov or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, residents and workers of Hunterdon, Somerset and Middlesex Counties will be selected before residents of other counties or states.

Appendix 3

Township of Delaware
Hunterdon County, NJ

Fourth Round Spending Plan

June 10, 2025

James T. Kyle, PP, AICP
New Jersey Professional Planning License No. 5667
Kyle McManus Associates
PO Box 236, Hopewell, NJ 08525

The original copy has been signed and sealed in accordance with N.J.A.C. 13:41-1.3

Township of Delaware

County of Hunterdon

Spending Plan

June 2025

INTRODUCTION

The Township of Delaware has prepared a Housing Element and Fair Share plan that addresses its regional fair share of affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.).

Delaware has collected development fees since its first development fee ordinance was approved by COAH. As of May 9, 2025, the Township had a balance of \$348,037.90 in its affordable housing trust fund account.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period the Fourth Round, Delaware 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 Land Use Board for development approvals that may apply for building permits and certificates of occupancy; and
3. Anticipated future development.

(b) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current annual percentage yield earned of 0.76% .

The Township has averaged residential development fees of \$35,000 for the last four years, so projections for the next 10 years are based on this average. It is not anticipated that nonresidential development fees will contribute substantially to the trust fund, if at all.

Township of Delaware
County of Hunterdon
Spending Plan
June 2025

Table I

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND – 2025 THROUGH 2035							
	2025	2026	2027	2028	2029	2030	2031-35	Total
(a) Development fees:								
1. Development Approved								
2. Projected Development	\$30k	\$30k	\$30k	\$30k	\$30k	\$30k	\$125k	\$305k
(b) Interest	\$2,645	\$2,645	\$2,645	\$2,645	\$2,645	\$2,645	\$13,225	\$29,095
Total	\$32,645	\$32,645	\$32,645	\$32,645	\$32,645	\$32,645	\$138,225	\$334,095

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 the Township of Delaware:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Delaware's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules, P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7) and P.L. 2009, c. 90 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The Mayor and Council will review all requests/proposals for funding from the Township's Housing Trust Fund to determine consistency with the approved Housing Element / Fair Share Plan and approved Spending Plan. All distributions from the Housing Trust Fund shall be authorized by a Resolution adopted by the governing body.

Township of Delaware
 County of Hunterdon
 Spending Plan
 June 2025

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

- Affordability assistance: \$437,124 (includes the “very low” assistance requirement of \$145,708).

The projected minimum affordability assistance requirement is as follows:

Table II

Actual development fees through May 7, 2025		\$348,097.90
Development fees projected 2025 through 2035	+	\$305,000
Interest projected 2025-2035	+	\$29,095
Total	=	\$682,192.90
Less Money Collected for Specific Mechanisms	-	\$300,000
Total for Affordability Assistance Calculation	=	\$382,192.90
PROJECTED MINIMUM Affordability Assistance Requirement 7/1/2025 through 6/30/2035 (30% of Total collected plus interest)	=	\$114,658
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 7/1/2025 through 6/30/2035 (1/3 of affordability assistance requirement)	=	\$37,837
Total Remaining		\$267,543

The Township will dedicate a total of \$114,658 from the affordable housing trust fund to render units more affordable, including a minimum of \$37,837 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- i. Down payment assistance
- ii. Payment of closing costs
- iii. Payment of lender fees
- iv. Security deposit assistance
- v. First month’s rent assistance

Township of Delaware
County of Hunterdon
Spending Plan
June 2025

(b) Administrative Expenses (N.J.A.C. 5:97-8.9)

Table III

Actual development fees, payments in lieu, and interest through May 2025	\$348,037.90
Projected development fees and interest anticipated through December 31, 2035	\$334,095
Sub-Total	\$682,192.90
\$682,192.90 x 20 percent	\$136,438.58
Actual expenditures from inception of Housing Trust Fund through May 2025	-----
Remaining balance available for administrative purposes	\$136,438.58

4. EXPENDITURE SCHEDULE

Delaware intends to use affordable housing trust fund revenues to support its accessory apartment program, to render units more affordable through offering of affordability assistance and administrative costs associated with these programs. The Township proposes to allocate its Housing Trust Funds to projects in Table IV within the required time period subsequent to the Program's approval of this Spending Plan.

The projected revenues of \$334,095 from anticipated developer fees and interest (Table I) combined with the present balance of \$348,037.90 in the Township's Housing Trust Fund will, if development projections are reasonably accurate, provide an estimated total of \$682,192.90 over the course of the fourth round period through June of 2035. Table IV presents an estimated schedule for expenditure of the projected revenues.

Township of Delaware

County of Hunterdon

Spending Plan

June 2025

Table IV

Program	# of Unit s	2025	2026	2027	2028	2029	2030-35	Total
Accessory Apartments	10	\$25k	\$25k	\$25k	\$25k	\$25k	\$150,000	\$300,000
Affordability assistance	N/A	\$11.5k	\$11.5k	\$11.5k	\$11.5k	\$11.5k	\$57.5k	\$115,000
Administration	N/A	\$20k	\$11.6k	\$11.6k	\$11.6k	\$11.6k	\$58k	\$124,400
TOTAL	10	\$56.5K	\$48.1k	\$48.1k	\$48.1k	\$48.1k	\$265.5k	\$539,400

Appendix 4

INTRODUCTION

This Housing Rehabilitation Program Operating Manual has been prepared to assist in the administration of the *Township of Delaware* 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 Delaware and Community Grants, Planning & Housing (CGP&H), the Township's Administrative Agent.

The following represents the procedures developed to offer an applicant the opportunity to apply to 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 with regard to 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

Operating Manual for Housing Rehabilitation Program | Township of Delaware

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 Township's 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 Region 3, including Hunterdon, Middlesex and Somerset Counties. These limits are revised annually as figures become available and can be found in **Appendix B**. Units that are vacant at the time of rehabilitation must be rented through the Township's Administrative Agent, CGP&H, to a qualified applicant.

C. Program Area

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

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 any 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 hazard reduction
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 licensed inspector.

SECTION II. AVAILABLE BENEFITS

A. Program Financing

Up to \$25,000 per unit may be available for improvements to eligible owner-occupied and renter-occupied units; 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 \$15,000, the Township will approve on a case-by-case basis, keeping with the requirement dictate that the minimum average per unit rehabilitation hard cost shall be \$10,000.

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 interest-free and due when title to the property is transferred.

Should an owner-occupant die before repayment of the loan, the balance of the loan 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 loan 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 Delaware 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 Township to approve the request, the Township 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 for 3) additional home improvement funds to maintain the Township of Delaware 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 include one of the following:

Operating Manual for Housing Rehabilitation Program | Township of Delaware

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint hazard reduction
- 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 sub-section C above upon issuance of a certificate of completion or occupancy. The licensed inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal 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, sub-section A.

SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at Township's website: www.delawaretownshipnj.org. 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 will be asked to provide various source documents to establish their income eligibility ownership of the property. 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

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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 review of 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.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, 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 of 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 a qualified, licensed, housing/building code inspector to inspect the entire residential property.

The licensed 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 a 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 ineligible for any one of the following reasons:

- Property does not need sufficient repairs to meet eligibility requirements.

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- 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 Delaware 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 review of 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.

E. Cost Estimate

The program staff will prepare or cause to be prepared 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 specifics 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. If the property owner desires work not fundable through the program, including work on an owner-occupied unit of a rental rehabilitation project, work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to *(110 percent or a higher percentage)* of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding

After the unit and the unit occupant have been certified as eligible, the program staff will provide a list of approved, pre-qualified trade contractors for bidding. The property owner reviews this list and selects a minimum of three and a maximum of five contractors from whom to obtain bids.

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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 the specifications of the Work Write-Up
- Have no math errors
- Have been submitted by an eligible contractor
- Are no more than 10% above or 20% 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 Township must pre-approve the contractor prior to submitting a bid.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Borrower's Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, contractor and bank representative 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 staff 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 up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) 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. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit two progress 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 housing/building 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 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 program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and 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 and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], 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 print out letter
 - Unemployment – verification of Unemployment Benefits

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- Welfare -TANF¹ 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.
- Current 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.

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

¹ TANF – Temporary Assistance for Needy Families

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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 imputed on the determined value of the 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. 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 property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.² The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within 14 days. The contract will be awarded to the lowest bidder³, provided that the housing/building inspector or the professional who drafted the work write-up certify 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 15 percent 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

² The program permits a property owner to seek proposals from non-program participating contractors. However, Program Staff must pre-approve the contractor prior to submitting a bid.

³ 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.

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- 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
- 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.

SECTION IX. Determining Affordable Rents

To determine the initial rents the Administrative Agent uses the calculators published by the State of New Jersey and currently maintained by the Affordable Housing Professionals of New Jersey.

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

Size of Unit	Household Size Used to Determine Max Rent
Studio/Efficiency	1
1 Bedroom	1.5
2 Bedrooms	3
3 Bedrooms	4.5
4 Bedrooms	6

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Split Between Low- and Moderate-income Rental Units. The program shall strive to make at least 50 percent of the rehabilitated units low-income units. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for both low-income and moderate-income units. Calculation of the affordability average is available on the DCA website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income.

P. Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development, and calculating the annual approved increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

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Rehabilitation Program Audit Checklist

	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	List of Pre-Qualified Contractors	
<input type="checkbox"/>	Sample Forms and Letters	
	MAINTENANCE OF RECORDS	
<input type="checkbox"/>	Files To Be Maintained on Every Applicant	
<input type="checkbox"/>	Preliminary Application	
<input type="checkbox"/>	Application Form	
<input type="checkbox"/>	Income Verification	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility.	
<input type="checkbox"/>	Files to be Maintained on Every Property	
<input type="checkbox"/>	Housing Inspection Report.	
<input type="checkbox"/>	Photographs – Before Certification of Property	
<input type="checkbox"/>	Homeowner's Insurance	
<input type="checkbox"/>	Property Deed	
<input type="checkbox"/>	Eligibility or Determination of Ineligibility	
<input type="checkbox"/>	Work Write-Up/Cost Estimate.	
<input type="checkbox"/>	Applicant/Contractor Contract Agreement.	
<input type="checkbox"/>	Mortgage/Lien Documents.	
<input type="checkbox"/>	Copies of All Required Permits.	
<input type="checkbox"/>	Contractor Requests for Progress Payments.	
<input type="checkbox"/>	Progress Payment Inspection Reports.	
<input type="checkbox"/>	Progress Payment Vouchers.	
<input type="checkbox"/>	Change Orders (If Needed).	
<input type="checkbox"/>	Final Inspection Report.	
<input type="checkbox"/>	Photographs - After	
<input type="checkbox"/>	Certification of Completion.	
<input type="checkbox"/>	Certification of Release of Contractor's Bond.	
<input type="checkbox"/>	Rehabilitation Log	
	MONITORING INFORMATION	
<input type="checkbox"/>	Complete Monitoring Reporting Forms	
	PROGRAM MARKETING	
<input type="checkbox"/>	Annual Public Hearing Notice on Program	
<input type="checkbox"/>	Program Flyer	
<input type="checkbox"/>	Program Brochure	
<input type="checkbox"/>	Flyer mailed Annually to All Property Owners	
<input type="checkbox"/>	Program information available in municipal building,	
<input type="checkbox"/>	library and senior center.	
<input type="checkbox"/>	Program information posted on municipal website.	
<input type="checkbox"/>	Program posters placed in retail businesses throughout the municipality.	

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Rehabilitation Program Audit Checklist For Rental Units

<input type="checkbox"/>	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	Sample Forms and Letters	
	AFFIRMATIVE MARKETING	
<input type="checkbox"/>	Copies of Ads	
<input type="checkbox"/>	Copies of PSA Requests	
<input type="checkbox"/>	Copies of Marketing Requests	
	RANDOM SELECTION	
<input type="checkbox"/>	Log of Applications Received	
<input type="checkbox"/>	Log of Random Selection Results	
<input type="checkbox"/>	Database of Referrals	
	MAINTENANCE OF RECORDS	
<input type="checkbox"/>	Files To Be Maintained on Every Applicant	
<input type="checkbox"/>	Preliminary Application.	
<input type="checkbox"/>	Application Form.	
<input type="checkbox"/>	Tenant Information Form	
<input type="checkbox"/>	Income Verification	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility	
<input type="checkbox"/>	Files To Be Maintained on Every Rental Unit	
<input type="checkbox"/>	Base rent	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Application materials, verifications and certifications of	
<input type="checkbox"/>	all present tenants, pertinent correspondence	
<input type="checkbox"/>	Copy of lease	
<input type="checkbox"/>	Appendix K	
	Files To Be Maintained on Every Property	
	Deed	

Operating Manual for Housing Rehabilitation Program | Township of Delaware

REHABILITATION PROGRAM OPERATING MANUAL CHECKLIST

Minimum Standards

At a minimum the Rehabilitation Program Operating Manual must clearly describe the procedures and policies for the following:

<input type="checkbox"/>	Eligible Participants
<input type="checkbox"/>	Categories of Participants –Owners/Renters
<input type="checkbox"/>	Income Limits – The carrying costs of the unit should meet program criteria.
<input type="checkbox"/>	Certification of Substandard – List Major Systems
<input type="checkbox"/>	Available Benefits
<input type="checkbox"/>	Program Financing – Owners/Renters
<input type="checkbox"/>	Program Affordability Controls
<input type="checkbox"/>	Program Affordability Controls – Owner-occupied - Lien
<input type="checkbox"/>	Program Affordability Controls – Renter-occupied – Deed and may include a lien
<input type="checkbox"/>	Eligible Property Improvements
<input type="checkbox"/>	Eligible property improvements - Sample related work
<input type="checkbox"/>	Ineligible property improvements
<input type="checkbox"/>	Rehabilitation Standard
<input type="checkbox"/>	Certification of Standards required
<input type="checkbox"/>	Overview of Administrative Procedures
<input type="checkbox"/>	Preliminary Application/Interview – Owners/Renters
<input type="checkbox"/>	Income Eligibility and Program Certification – Documents to be submitted Owners/Renters – period of eligibility
<input type="checkbox"/>	Housing Inspection/Substandard Certification
<input type="checkbox"/>	Ineligible Properties – The total debt must be less than the appraised price.
<input type="checkbox"/>	Work Write-up and Cost Estimate
<input type="checkbox"/>	Contractor Bidding Negotiations – Min 3 Bids/Max # Bids
<input type="checkbox"/>	Contractor Signing/Pre-Construction Conference – indicate # days to begin work and complete work
<input type="checkbox"/>	Progress Inspections
<input type="checkbox"/>	Change Orders
<input type="checkbox"/>	Payment Schedule
<input type="checkbox"/>	Appeal Process – Property Improvements
<input type="checkbox"/>	Final Inspection
<input type="checkbox"/>	Recorded Mortgage, Mortgage Note, Restricted Covenant
<input type="checkbox"/>	Income Eligibility Certification
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Appeal Process – Income Eligibility
<input type="checkbox"/>	Contractor Related Procedures
<input type="checkbox"/>	Standards for contractor selection – 3 recent job references, licenses, evidence of financial stability to secure performance bond, workmen’s compensation BI \$100,000/\$300,000 PD \$50,000 minimum
<input type="checkbox"/>	# of proposals required – minimum of 3 - # of days in which to submit bid – bids must fall within max of 10% of cost estimate – award to lowest bidder

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<input type="checkbox"/>	Contractor Requirements – work schedule and agreement
<input type="checkbox"/>	List of Pre-qualified Contractors
Maintenance of Records	
<input type="checkbox"/>	List documents to be filed
<input type="checkbox"/>	Rehabilitation Log
<input type="checkbox"/>	Monitoring Information required
Program Marketing	
<input type="checkbox"/>	Notice of Public Hearing
<input type="checkbox"/>	Program Flyer
<input type="checkbox"/>	Program Brochure
Rental Units	
<input type="checkbox"/>	Include overview of local rental process
Affirmative Marketing	
<input type="checkbox"/>	Approved Affirmative Marketing Plan included
<input type="checkbox"/>	How will re-rentals be marketed?
<input type="checkbox"/>	Will there be a regional preference?
<input type="checkbox"/>	Who will implement marketing re-rentals?
<input type="checkbox"/>	Prepare sample marketing materials, including a sample display ad and PSA
Random Selection & Applicant Pool	
<input type="checkbox"/>	What level of verification will be completed before the lottery process – pre-application or full applications?
<input type="checkbox"/>	Will the pool of applicants be randomized each time a unit is available?
<input type="checkbox"/>	Will there be categories of applicant pools?
Matching Households to Available Units	
<input type="checkbox"/>	How will households be matched to available units? Will there be categories of applicant pools?
Household Certification	
<input type="checkbox"/>	Standards for reviewing applicant household eligibility and certifying applicant households
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Maximum Monthly Payment
<input type="checkbox"/>	Housing Counseling
<input type="checkbox"/>	Basis for Dismissing Applications
<input type="checkbox"/>	Appeals – Income Eligibility
Determining Affordable Rents	
<input type="checkbox"/>	Determining Initial Rents
<input type="checkbox"/>	Determining Rent Increases
Application Fees	
Violations, Defaults and Remedies	
Maintenance of Records for Rental Program	
<input type="checkbox"/>	List documents to be filed
<input type="checkbox"/>	Monitoring information required

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<input type="checkbox"/>	Appendices
<input type="checkbox"/>	Mortgage
<input type="checkbox"/>	Deed (Rental Units)

Appendix 5

Township of Delaware
ORDINANCE NO. ____

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 230 "LAND USE" OF THE CODE OF THE TOWNSHIP OF DELAWARE, ARTICLE III "ZONE REGULATIONS", TO INCLUDE NEW SECTION 230-12.Z SETTING FORTH MANDATORY SETASIDE REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT IN THE TOWNSHIP OF DELAWARE

WHEREAS, the Township of Delaware has prepared a fourth round affordable housing compliance plan that relies on a durational adjustment of its affordable housing obligation based on a lack of sewer capacity; and

WHEREAS, in order to capture small-scale opportunities to create new affordable housing units, the Township wishes to adopt a mandatory set-aside ordinance applicable to new residential or mixed-use projects that were not anticipated at the time the fourth round plan was adopted; and

WHEREAS, the mandatory set-aside ordinance does not create any entitlement for the granting of or lessen the burden of proof for applicants requesting variances, rezonings or redevelopment plans; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delaware, in the County of Hunterdon and State of New Jersey, that Chapter 230, Article III of the Code of the Township of Delaware, is hereby amended as follows, to include new Section 230-12.Z:

§ 230-12

Z. Mandatory Affordable Housing Set-aside

- (1) All residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units to be offered for-sale or seven (7) or more new residential units to be offered for rental, shall be required to provide an appropriate percentage of the residential units be set aside for very low, low, and moderate income households, as set forth below.
- (2) This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more.
- (3) For residential or mixed-use projects in which the affordable units are to be offered for sale, the set-aside percentage shall be twenty (20) percent; for projects in which the affordable units are to be offered for rent, the set-aside percentage shall be fifteen (15) percent.

- (4) The developer shall provide that half of the affordable units constructed be reserved for low-income households and that the remaining half be reserved for moderate-income households. At least 13 percent of all restricted units shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very-low income units shall be counted as part of the required number of low-income units within the development.
- (5) Subdivision and/or site plan approval shall not be granted by the reviewing board unless the developer complies with the requirements to provide very low-, low-, and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The board may impose any reasonable conditions to ensure such compliance.
- (6) This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- (7) This requirement shall not apply to sites or zoning districts identified in the Fair Share Plan where standards for the set-aside of affordable housing units have already been established.
- (8) In the event application of the required set-aside percentage (15% or 20%) to the total number of residential units proposed does not result in a full integer, the developer shall round the required set-aside upward and construct a whole affordable unit when 0.5 unit or more is the resulting fraction of a unit.
- (9) In the event application of the required set-aside percentage (15% or 20%) to the total number of residential units proposed does not result in a full integer, the developer may round the required set-aside downward and make a payment-in-lieu of providing the affordable unit when 0.4 unit or less is the resulting fraction of a unit. The resulting fractional unit shall be multiplied by \$235,000 to determine the required payment-in-lieu. All payments-in-lieu of providing fractional units meeting the requirements of this section shall be deposited into the Township of Delaware Affordable Housing Trust Fund.
- (10) Any developer subject to the requirements of this section and who provides an affordable housing setaside shall not be subject to payment of residential development fees.

Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Effective Date

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

ATTEST:

Township of Delaware

Diana Ramage, Clerk

The Honorable Joseph Vocke, Mayor

Introduced:

Motion by:

Second by:

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted:

Motion by:

Second by:

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee at a meeting held on _____, 2026.

Diana Rumage, Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Delaware held in the Municipal Building on the ____ day of _____ 2026, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ____ day of _____, 2026, at ____ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Diana Rumage, Clerk

Appendix 6

FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM
AND RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

TOWNSHIP OF DELAWARE

FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM

Down Payment Loan Program

The Township may offer a Down Payment Assistance Loan program to qualified purchasers of households earning 80% or less of median income of the housing region. To be eligible for the loan, the qualified Buyer must be able to supply 3% of the down payment with the Buyer's own funds, plus additional closing costs that exceed the amount of the loan. No gifts or other loans may be used to fund the 3% down payment amount, but may be used to fund additional closing costs. The loan amount may be made up to ten percent (10%) of the purchase price.

The Township must approve the Buyer 's qualifications and need for the loan. The loan has no prepayment penalty. It is due and payable when the Buyer resells, borrows against the property or refinances the First Purchase Money Mortgage. The loan may be subordinated only to the First Purchase Money Mortgage. When calculating the borrowing capacity of the homeowner and the equity in the property, this loan must be included. The Buyer must sign a mortgage and mortgage note to the Township.

Payment of Closing Costs

Eligible Buyers may receive payment of closing costs, i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit. Utility deposits, i.e., gas and electric, paid to utility companies are to be returned to the Township Affordable Housing Trust Fund upon resale of the unit. The buyer will execute documents required to secure payment to Delaware Township.

Payment of Lender Fees

Eligible Buyers may receive payment of lender fees, i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3000) per unit.

Administration of Delaware's Affordability Assistance Programs will be managed by the Township's Administrative Agent. The availability of the program shall be advertised continually on the Town's website. The following administrative process is applied to the For-Sale Unit Affordability Assistance Program:

1. The Buyer contacts the Administrative Agent to confirm that he/she wants to receive Down Payment Assistance.
2. The Buyer must present proof to the Administrative Agent that he/she is qualified for Affordable Housing in the Township of Delaware.
3. Buyer must produce an exact copy of a signed Real Estate Contract for an affordable housing unit in the Town, which indicates clearly the full amount of the purchase price. Buyer must provide the Administrative Agent with the full name, address, phone number, and fax number of the Buyer's Attorney or Settlement Agent so that the Attorney or Settlement Agent can review and approve any and all documents required for the loan.
4. The Administrative Agent contacts the Realtor or Developer for confirmation of the sale of the unit, and the name of the Attorney handling the sale for the Developer at closing.
5. The amount of the Down Payment Assistance loan is verified (not to exceed ten percent of the Purchase Price) so that a Mortgage Note, Mortgage, and Repayment Agreement can be prepared by the Administrative Agent.
6. The amount of the Down Payment Assistance must be disclosed to the Lender, so that the Lender can accurately prepare the First Mortgage documents. The Buyer must give a copy of the First Mortgage Commitment to the Administrative Agent upon receipt of same, so that the Lender can receive full information about the Down Payment Assistance Loan, which shall constitute a Second Mortgage on the premises. The Lender must approve the secondary financing. The Township's Affordable Housing Attorney will contact the Lender once the Affordable Housing Attorney has a copy of the First Mortgage Commitment.
7. The Township Finance Department will generate the necessary forms and obtain Town Council approval for it to issue an Affordable Housing Trust Fund check payable to the Seller's Attorney or Settlement Agent, so that the Down Payment Assistance check can be deposited into the Seller's Attorney Trust Account or Settlement Agent Trust Account pending Closing of Title. The letter and check to the Seller's Attorney or Settlement Agent shall state that the deposit money must be returned to the Town if the closing is canceled, or if the sale is declared null and void. If

there is a Closing of Title, the Down Payment Assistance money shall be released to the Seller. This money shall be shown on the Closing Statement as a deposit, with credit given at closing to the Buyer. The Buyer must fully execute the Mortgage Note, Mortgage, and Repayment Agreement at the Closing of Title before any money is released.

8. The Seller's Attorney or Settlement Agent shall verify that the Mortgage Note, Mortgage, and Repayment Agreement have been properly executed, and shall file the original Mortgage with the County Clerk to protect the Township of Delaware Second Mortgage on the property and return the Filed Mortgage to Affordable Housing Attorney along with the original Mortgage Note and Repayment Agreement.

RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

Rental Assistance

Delaware Township may offer a Rental Assistance Program that is managed by the Administrative Agent. Eligible recipients of the program are renters who qualify for a very-low, low- or moderate-income rental unit. The following assistance is available to very-low, low- and moderate-income households:

1. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed one thousand five hundred dollars (\$1,500.) per household.
2. Rental security deposit -Deposits paid to landlord to be returned to the Town's Affordable Housing Trust Fund upon termination of tenancy.
3. First-month rent – first month's rent paid to the landlord.

Administration of Delaware's Rental Unit Affordability Assistance Programs will be by the Administrative Agent. The availability of the program shall be advertised continually on the Town's website. After an applicant is income qualified by the Administrative Agent pursuant to the Uniform Housing Affordability Controls, the applicant will complete and provide an affordability assistance application to the Administrative Agent.

For qualified and approved payment of moving expense, rental security deposit assistance and first month rent assistance, the Administrative Agent will follow the Township purchasing and requisition process for generating a check that is made out to the applicant. Once the check is produced, the Administrative Agent provides it to the applicant.

The affordability assistance recipient will sign a contract with Delaware Township which states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information if required.

The availability of any Affordability Assistance Programs must be noticed to all tenants of affordable units within Delaware and provided to all administrative agents of affordable units within the Town and advertised on the Township's website.

An income eligible occupant or applicant for an affordable unit within the Township may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.

Appendix 7

Township of Delaware, NJ
Thursday, May 22, 2025

Chapter 107. Affordable Housing

§ 107-1. Affordable Housing obligation.

- A. This chapter is intended to address Delaware's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of N.J.A.C. 5:97 et seq. and N.J.A.C. 5:80-26.1 and pursuant to the New Jersey Fair Housing Act of 1985.^[1] This chapter is also intended to provide assurances that low and moderate-income units (the "affordable units") are created with controls on affordability over time and that low- and moderate-income people occupy these units. This chapter shall apply except where inconsistent with applicable law.

[1] *Editor's Note: See N.J.S.A. 52:27D-301 et seq.*

- B. The Delaware Township Planning Board adopted the housing element pursuant to the Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-1 et seq. on December 2, 2008. A Fair Share Plan consistent with this Housing Element was adopted by the Planning Board on December 2, 2008 and endorsed by the governing body on December 2, 2008. This fair share plan describes the methods by which Delaware Township will address its fair share obligation as determined by the housing element.
- C. This chapter implements and incorporates that fair share plan and addresses the requirements of N.J.A.C. 5:97 et seq.
- D. Delaware will annually file a monitoring report with the Council delineating the status of its certified plan and this report will be available to the public at the Office of the Clerk, Township Hall, Sergeantsville, and from the Council on Affordable Housing at P.O. Box 813, Trenton, New Jersey 08625-0813.

§ 107-2. Municipal fair share obligation.

The fair share obligation in Delaware Township is as set forth in the Township's Housing Element and Fair Share Plan approved by the New Jersey Council on Affordable Housing (COAH) by Resolution No. 28-09, adopted August 12, 2009.

§ 107-3. Definitions.

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

95/5 UNIT

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 before October 1, 2001.

ADMINISTRATIVE AGENT

The entity responsible for administering the affordability controls of this chapter with respect to specific restricted units, as designated pursuant to N.J.A.C. 5:80-26.14.

AFFORDABILITY AVERAGE

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

AFFORDABLE

In the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as said provisions may be supplemented or amended.

AFFORDABLE DEVELOPMENT

A housing development, all or a portion of which consists of restricted units.

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. § 3601 et seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.) and in, but not of, the DCA.

ASSISTED-LIVING RESIDENCE

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

BALANCED HOUSING

The Neighborhood Preservation Balanced Housing Program of the DCA as set forth at N.J.S.A. 52:27D-320 and N.J.A.C. 5:43.

CERTIFIED HOUSEHOLD

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

COAH

The Council on Affordable Housing in, but not of, the DCA, established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA

The State of New Jersey Department of Community Affairs.

FAIR SHARE ROUND

Any one of three periods in time during which the Council established municipal obligations to provide affordable housing and the first round was from 1987 to 1993 and the second period was from 1993 to 1999 and the third is for 2000 to 2018.

HAS

The Housing Affordability Service, formerly known as the "Affordable Housing Management Service," at the New Jersey Housing and Mortgage Finance Agency.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median income.

LOW-INCOME UNIT

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

MEDIAN INCOME

The median income by household size for an applicable county, as adopted annually by COAH.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median income.

MODERATE-INCOME UNIT

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

MONI

The Agency's Market-Oriented Neighborhood Investment Program, as it may be authorized from time to time by the agency.

NONEXEMPT SALE

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

RANDOM SELECTION PROCESS

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

REGIONAL ASSET LIMIT

The maximum housing value affordable to a four-person household with an income at or above 80% of the regional median as defined by the Council's annually adopted income limits.

RENT

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

RESTRICTED UNIT

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

UHORP

The Agency's Urban Homeownership Recovery Program.

§ 107-4. Affordable Housing programs.

- A. Delaware has determined that it will use the following programs to satisfy its affordable housing obligation: rehabilitation, one-hundred-percent-affordable family rental housing, accessory apartments, supportive shared living bedrooms and extending controls on existing units.
- B. The following general guidelines apply to all developments that contain low-and moderate-income units, and any future developments that may occur.

§ 107-5. Rehabilitation.

The rehabilitation program:

- A. Delaware's rehabilitation program is designed to renovate deficient housing units occupied by low- and moderate-income households, and after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. Delaware has completed its eight-unit obligation.
- C. Both renter-occupied and owner-occupied units were eligible for rehabilitation funds.
- D. Both renter-occupied and owner-occupied units will remain affordable to low- and moderate-income households for a period of 10 years. For owner-occupied units, this control period will be enforced with a lien, and for renter-occupied units, the control period will be enforced with a deed restriction.

§ 107-6. Phasing schedule for zoning.

In inclusionary zones, the following schedule shall be followed:

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

§ 107-7. New construction.

- A. Low/mod split and bedroom distribution of affordable housing units:

- (1) The fair share obligation shall be divided equally between low- and moderate-income households.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units are two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units are three-bedroom units; and
 - (d) The remainder may be allocated at the discretion of the developer.
 - (e) Age-restricted low- and moderate-income units may utilize a modified bedroom distribution and at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

- B. Accessible townhouse units.

- (1) The first floor of all townhouse dwelling units and of all other multistory dwelling units for which credit is sought pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), on or after October 1, 2006, the effective date of P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and for which

an application for a construction permit has not been declared complete by the enforcing agency pursuant to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and which were included in a prior round fair share plan or in a third round fair share plan and for which credit continues to be sought shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

- (2) To receive Council credit for a townhouse unit or other multistory dwelling unit that is attached to at least one other dwelling unit, Delaware shall ensure that:
 - (a) Townhouses or other multistory dwelling units that are attached to at least one other dwelling unit for which credit is sought for low- or moderate-income housing shall have the following features:
 - [1] An adaptable toilet and bathing facility on the first floor;
 - [2] An adaptable kitchen on the first floor;
 - [3] An accessible route of travel;
 - [a] An interior accessible route of travel shall not be required between stories;
 - [4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - [5] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Delaware has collected funds from the development sufficient to make 10% of the adaptable entrances in the development accessible.
 - (b) In the case of a unit or units which are 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.
- (3) The builder of the unit or units shall deposit funds, sufficient to adapt 10% of the affordable units in the projects which have not been constructed with accessible entrances, with Delaware, for deposit into the municipal affordable housing trust fund;
- (4) The funds under Subsection **B(3)** above shall be available for the use of Delaware for the purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance;
- (5) The developer of the affordable project subject to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) shall submit the design with a cost estimate for conversion to Delaware; and
- (6) Once Delaware has determined that the plans to adapt the entrances of the townhouse or other multistory unit meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, the Chief Financial Officer shall ensure that the funds are deposited into that fund.
- (7) Full compliance with this section shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum rents and sales prices.

- (1) Delaware hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (2) 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.

- (3) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units and 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.
- (4) At least 13% of the affordable housing in Delaware must be affordable to households at 30% of median income.

§ 107-8. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- B. Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 107-9. Occupancy standards.

Occupancy standards for affordable housing units shall be in conformance with N.J.A.C. 5:80-26.4, as may be supplemented or amended:

- A. In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units other than assisted-living facilities, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
- B. For assisted-living facilities, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- C. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - (1) Provide an occupant for each unit bedroom;
 - (2) Provide children of different sex with separate bedrooms; and
 - (3) Prevent more than two persons from occupying a single bedroom.

§ 107-10. Control periods for ownership units and enforcement mechanisms.

Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5, as may be supplemented or amended, and each restricted ownership unit shall remain subject to the requirements of this chapter until Delaware Township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be supplemented or amended, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be supplemented or amended for at least 30 years.

- A. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted 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.
- B. All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.
- C. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- D. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the municipal Building Inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be supplemented or amended.

§ 107-11. Price restrictions for ownership units, homeowner association fees, and resale prices.

Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1, as may be supplemented or amended, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be supplemented or amended.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, although condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this section shall have such fees and assessments governed by said ordinance.
- D. The owners of ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom.

§ 107-12. Buyer income eligibility.

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

§ 107-13. Control period for rental units.

Each restricted rental unit shall remain subject to the requirements of this chapter until Delaware elects to release the unit from such requirements; however, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this chapter for a period of at least 30 years.

- A. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property and the deed restriction shall be filed by the developer or seller with the records office of the county and a copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- B. A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure.

§ 107-14. Price restrictions for rental units and rent increases; leases.

The initial rent for a restricted rental unit shall be approved by the administrative agent and shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be supplemented or amended.

- A. Rents may be increased annually based on the Housing Consumer Price Index for the United States, as published annually by COAH. Rents may not be increased more than once a year.
- B. A written lease is required for all restricted rental units, except for units in an assisted-living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.
- C. No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted-living residence, for the customary charges for food and services) without the express written approval of the administrative agent and application fees (including the charge for any credit check) may not exceed 5% of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this chapter as applicable to the unit.

§ 107-15. Tenant income eligibility pursuant to N.J.A.C. 5:80-26.1.

Pursuant to N.J.A.C. 5:80-26.13, as may be supplemented or amended, tenant income eligibility shall be determined as follows:

- A. Moderate income rental units shall be reserved for households with a gross household income less than 80% of median income. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income. Very-low-income rental units shall be reserved for households with a gross household income of 30% or less of median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be supplemented or amended; 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 proposed third-party assistance from an outside source, such as a family member, in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection **B(2)** above with the administrative agent, who shall counsel the household on budgeting.

§ 107-16. Municipal Housing Liaison.

- A. COAH requires Delaware to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering its affordable housing program, including affordability controls and the Affirmative Marketing Plan, and, where applicable, supervising any contracting administrative agent. Delaware adopted an ordinance on June 12, 2006, creating the position of Municipal Housing Liaison.^[1] Delaware adopted a resolution on April 24, 2006 appointing a Municipal Housing Liaison. Subject to the approval of COAH, the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
[1] Editor's Note: See Ch. 56, Art. IV.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Delaware, including the following responsibilities, which may not be contracted out, exclusive of Subsection **B(6)**, which may be contracted out:
 - (1) Serving as Delaware's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;
 - (2) Monitoring the status of all restricted units in Delaware's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and administrative agents, as applicable;

- (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the administrative agent for some or all of the restricted units in Delaware.
- C. Subject to approval by COAH, Delaware may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Delaware, except for those responsibilities which may not be contracted out as described above. If Delaware contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.
- D. The Municipal Housing Liaison is responsible for providing annual reports to COAH.

§ 107-17. Administrative agent for Delaware's affordable housing units.

The affordability controls set forth in this chapter shall be administered and enforced by the administrative agent. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low- and moderate-income households.

- A. The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants of N.J.A.C. 5:80-26.18, as may be supplemented or amended, and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16, as may be supplemented or amended.
- B. The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable state and federal laws relating to the confidentiality of applicant records.
- C. The municipality in which restricted units are located shall select one or more administrative agents for those units. A municipality itself (through a designated municipal employee, department, board, agency or committee) may elect to serve as the administrative agent for some or all restricted units in the municipality, or the municipality may select HAS or an experienced private entity approved by the Division, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the Division is to be based on the private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units.
- D. The administrative agent shall have the authority to discharge and release any or all instruments, as set forth in the appendixes of this chapter,^[1] filed of record to establish affordability controls.

[1] *Editor's Note: Said appendixes are on file in the Township offices.*

§ 107-18. Affirmative marketing.

- A. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction.
- B. Delaware Township will have a regional preference for residents and workers in Region 3 in its Affirmative Marketing Plan.
 - (1) The administrative agent shall assure the affirmative marketing of affordable units.
 - (2) If the municipality does not designate a municipal staff person, it shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. Where a municipality contracts with another administrative agent to administer the affirmative marketing plan, the municipality shall appoint a municipal housing liaison, who shall supervise the contracting administrative agent. In addition, where the contracting administrative agent is not responsible for the entire affirmative marketing plan, the municipality shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The municipality has the ultimate responsibility for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals.
 - (3) In implementing the affirmative marketing plan, administrative agents shall designate an experienced staff person approved by COAH 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.
 - (4) The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In developing the plan, the administrative agent shall consider the use of language translations.
 - (5) The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy.
 - (6) Applications for affordable housing shall be available in several locations, including, at a minimum, the county administrative building and/or the county library for each county within the housing region; the municipal administrative building(s) and the municipal library in the municipality in which the units are located; and the developer's sales office. Applications shall be mailed to prospective applicants upon request.
 - (7) COAH shall review and assess the effectiveness of Delaware's affirmative marketing program.

§ 107-19. Household certification and referral; related project information.

No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification and has executed a certificate.

- A. The sources of income considered by the administrative agent shall be the types of regular income reported to the Internal Revenue Service and which can be used for mortgage loan approval.
- B. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be

denied unless the applicant's existing monthly housing costs exceed 38% of the household's eligible monthly income.

- C. The administrative agent shall employ a random selection process when referring households for certification to affordable units.

§ 107-20. Enforcement of Affordable Housing regulations.

- A. By submitting to the jurisdiction of COAH, a municipality shall be deemed to have delegated to its administrative agent the day-to-day responsibility for implementing practices and procedures designed to ensure effective compliance with the controls set forth in this chapter. The municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with this chapter.
- B. Administrative agent practices and procedures shall include, but shall not necessarily be limited to, the following:
 - (1) 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.
 - (2) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.
 - (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made.
 - (4) If the unit is owner-occupied, that the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.
 - (5) That no sale of the unit shall be lawful, unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.
 - (6) That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed 95% of the then-applicable maximum permitted resale price.
 - (7) That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.
 - (8) That, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.
 - (9) That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3 of this chapter, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.
 - (10) No individual or owner shall permit any bank or other lending institution from issuing any loan secured by the real property subject to the affordability controls set forth in this chapter, 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.

§ 107-21. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this chapter shall be filed in writing with the Executive Director of COAH.

Appendix 8

**TOWNSHIP OF DELAWARE
HUNTERDON COUNTY, NEW JERSEY**

**RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE
TOWNSHIP OF DELAWARE**

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations and the New Jersey Uniform Housing Affordability Controls (“UHAC”) N.J.A.C. 5:80-26, et seq., the Township of Delaware is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Delaware; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Delaware, County of Somerset, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Delaware shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low or moderate-income units, including those that are part of the Township’s prior round Fair Share Plan and its current Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- B. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Delaware. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s). The exception to this is that the cost of affirmatively marketing the Market to Affordable and/or Accessory Apartment Program may be borne by the Township, at the Township’s discretion.
- C. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township, shall undertake all the following strategies:
 - 1. Review, approve and ensure that the developers/sellers/owners publish at least one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed in the attached plan.

- D. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 3 in which the Township is located and covers the entire period of deed restriction for each restricted housing unit.

Appendix 9

*Township of Delaware, NJ
Thursday, May 22, 2025*

Chapter 230. Land Use

Article XIV. Fees for Development Applications, Affordable Housing Development Fees, and Inspection Fees

§ 230-135. Affordable housing development fees.

[Amended 12-27-2004 by Ord. No. 2004-25LU; 9-11-2006 by Ord. No. 2006-07LU; 9-8-2008 by Ord. No. 2008-17LU; 5-11-2009 by Ord. No. 2009-10LU]

A. Purpose.

- (1) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the adoption of Rules by COAH.
- (2) Pursuant to N.J.S.A. 52:27D-329.2 (L. 2008, c. 46, § 8) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- (3) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance N.J.S.A. 52:27D-329.2 (L. 2008, c. 46, § 8) and N.J.S.A. 40:55D-8.1 through 8.7 (L. 2008, c. 46, §§ 32 through 38). Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

B. Basic requirements.

- (1) This chapter shall not become effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- (2) The Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

C. Definitions. The following terms, as used in this section, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a Township construction project or a one-hundred-percent affordable development.

COAH

The New Jersey Council on Affordable Housing established under the Fair Housing Act which has primary jurisdiction for the administration of housing obligations in accordance with sound

regional planning considerations in the state.

DEVELOPER

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 FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the Township, as determined in accordance with N.J.S.A. 54:1-35a through 54:1-35c (L. 1973, c.123, §§ 4, 5 and 6).

GREEN BUILDING STRATEGIES

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

D. Residential development fees.

[Amended 7-13-2009 by Ord. No. 2009-14LU]

(1) Imposed fees.

[Amended 6-28-2010 by Ord. No. 2010-06LU]

- (a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a residential development fee of 1 1/2% of the equalized assessed value of land and improvements [for residential development], provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 1 1/2% of the equalized assessed value of the initial "by-right" number of units and 6% of the equalized assessed value for each additional unit that is realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- (c) Example. If an approval allows four units to be constructed on a site that was zoned for two units, the fees would equal 1 1/2% of the equalized assessed value on the first two units; and shall equal 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.

(2) Eligible exactions, ineligible exactions and exemptions for residential development.

- (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from the payment of development fees.
- (b) Developments that have received preliminary or final site plan approval prior to the adoption of a Township development fee ordinance shall be exempt from the payment of 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.

- (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is expanded or undergoes renovations such as conversions of basements or attics to habitable space, 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. [Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit.]
 - (d) Developers of residential structures demolished and replaced with a substantially similar residence as a result of an accidental fire or natural disaster shall be exempt from paying a development fee.
- E. Nonresidential development fees.
 - (1) Imposed fees.
 - (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
[Amended 6-28-2010 by Ord. No. 2010-06LU]
 - (b) Nonresidential developers, except for developers of the types of development specifically exempted in Subsection **E(2)(c)** below, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, 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.
 - (2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.
 - (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2 1/2% development fee, unless otherwise exempted below.
 - (b) The 2 1/2% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in the N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee 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.

- (e) 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 the Township as a lien against the real property of the owner.

F. Collection procedures.

- (1) 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.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete form NRDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in form N-RDF.
- (3) The Construction Official responsible for the issuance of a building permit shall notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6 (L. 2008, c.46, § 37, subsection b).
- (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. 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, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge nonresidential development fees imposed by a 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 Township. 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, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable housing trust fund.

- (1) The Township has established 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.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from Township operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Township's affordable housing program.
- (3) The Township has provided COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (4) All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

H. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township's Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

- (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the Township Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
 - (d) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
 - (e) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.
- I. Monitoring. The Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.
- J. Ongoing collection of fees.
- (1) The ability for the Township to impose, collect and expend development fees shall expire with the expiration of its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance.
 - (2) If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320 (L. 1985, c.222, § 20).
 - (3) The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification.