



HOUSING ELEMENT AND FAIR SHARE PLAN

Lebanon Township, Hunterdon County

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Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

2025 Housing Element and Fair Share Plan

**Township of Lebanon
Hunterdon County, New Jersey**

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Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

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1. Introduction

1.1 Community Overview

Lebanon Township is the northernmost municipality in Hunterdon County just south of both Morris and Warren County. The Township covers 31.68 square miles and has a 2020 US Census population of 6,195 people, down by about 6% (393 people) from 2010. The Township is located in the Raritan River Valley Region and includes several villages and hamlets such as Anthony, Bunnvale, Hampton Junction, Hoffmans, Little Brook, Lower Valley, Mount Lebanon, New Hampton, Newport, Penwell, Red Mill, Saint Nicholas Village, Scrappy Corner, Spruce Run, Stone Mill, The Point and Woodglen. Lebanon Township borders Bethlehem Township, Califon Borough, Clinton Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Tewksbury Township and Union Township in Hunterdon County; Washington Township in Morris County; and Mansfield Township and Washington Township in Warren County.

Lebanon Township is located in the New Jersey Highlands Region, which encompasses the entirety of the municipality. The Township covers approximately 20,270 acres of land with approximately 20,264 acres (99.97%) of the municipality within the Highlands Preservation Area and 6 acres (.03%) of the municipality located within the Planning Area. Given that the overwhelming majority of the community is located within the Highlands Preservation Area, Lebanon Township petitioned to the Highlands Council to conform in both the Preservation Area and the Planning Area of the municipality. On October 13, 2011, the Highlands Council adopted Resolution 2011-36 approving Lebanon Township's petition for Plan Conformance in both the Planning and Preservation Areas of the Township. The Township Planning Board adopted a Highlands Element of the Township's Master Plan April 3, 2012. The Township adopted the Highlands Land Use Ordinance on May 7, 2014, which rendered the Township as fully conforming to the Highlands Regional Master Plan.

The last Master Plan Reexamination Report was adopted by the Planning Board on November 21, 2023. The 2023 Reexamination Report reviewed the 2001 Master Plan and 2009 and 2012 reexamination reports previously adopted by the Planning Board. As noted above, the 2012 reexamination report was adopted in support of the Township's ongoing efforts to conform to the Highlands Regional Master Plan. Several additional Master Plan Elements were adopted subsequent to the 2001 Master Plan and Land Use Element, including a Stormwater Management Plan Element, several Housing Elements and Fair Share Plans, a Highlands Master Plan Element and an Open Space and Recreation Plan Element. The 2023 Master Plan Reexamination Report recommended the development of this Housing Element and Fair Share Plan in response to recent updates to affordable housing regulations in the state in response to Round Four affordable housing obligations, which are slated to run from July 2025 to 2035.

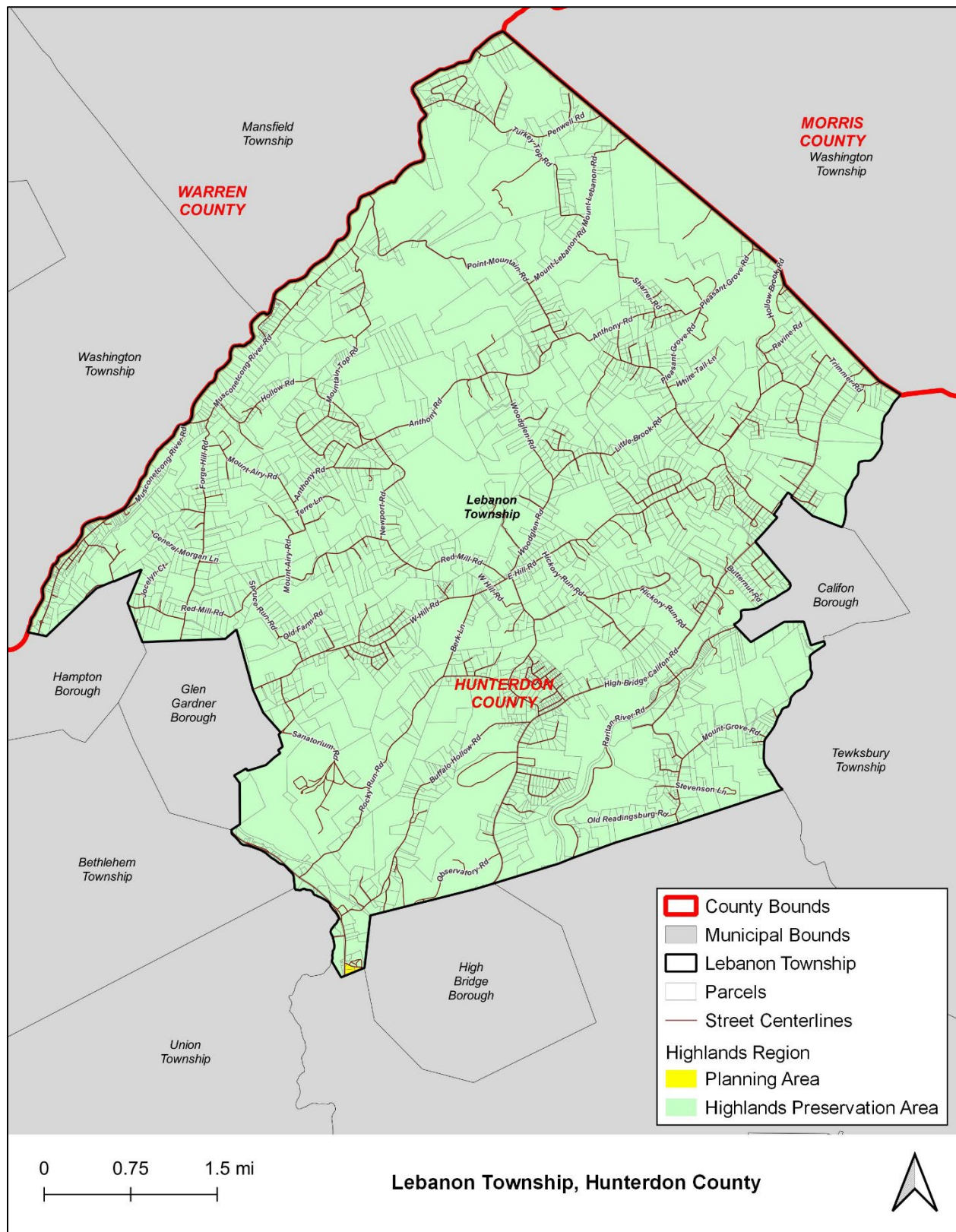
Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035***Past Planning Efforts***

The Township of Lebanon has undertaken several planning efforts over time and adopted various planning studies, including:

- 1991 Master Plan
- 2001 Master Plan
- 2001 Statement of Goals & Objectives
- 2001 Land Use Plan Element
- 2001 Conservation Plan Element
- 2002 Reexamination Report
- 2002 Farmland Preservation Plan Element
- 2002 Open Space and Recreation Plan Element
- 2003 Natural Resources Inventory
- 2005 Stormwater Management Plan Element
- 2005 Housing Plan Element and Fair Share Plan
- 2009 Reexamination Report
- 2010 Housing Element and Fair Share Plan
- 2012 Reexamination Report
- 2012 Highlands Master Plan Element for the Township of Lebanon
- 2017 Open Space and Recreation Plan
- 2018 Housing Plan Element and Fair Share Plan
- 2023 Reexamination Report

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Figure 1. Context Map



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1.2 Relationship to Other Plans

Municipal Master Plan

The 2001 Lebanon Township Master Plan identified the following Housing goals, which were reaffirmed by the 2023 Master Plan Reexamination Report:

- To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing.
- To provide a range of housing opportunities within the Township.
- To develop housing strategies to address the needs of various age groups, including housing for senior citizens.
- To provide for residential densities and lot sizes that do not exceed the capabilities and limitations of natural systems and available infrastructure.

State Development and Redevelopment Plan (2001)

At the time of the preparation of this Housing Element and Fair Share Plan (HEFSP), the update to the New Jersey State Development and Redevelopment Plan (SDRP) is expected to be completed in late 2025. The last update to the SDRP was adopted in 2001. The State Development and Redevelopment Plan's Planning Areas don't apply to Highlands Preservation Area and fully conforming Planning Area communities. Therefore, the State Plan is generally superseded by the Highlands Regional Master Plan in Highlands conforming municipalities. Nonetheless, the SDRP has several goals for the state with respect to housing as follows:

Housing: Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

County Comprehensive Plan

The Hunterdon County Planning Board adopted its Growth Management Plan on April 3, 2024. The Growth Management Plan identifies a vision of Hunterdon County that balances growth with the historic and rural character of the County. The following housing goals are included in the plan:

Goal: Provide a variety of suitable housing alternatives for the county's residents, promoting stability within existing neighborhoods, guiding well-designed new residential development, and preserving Hunterdon County's rural character. objectives:

- Promote a pattern of development that will not impinge on the rural character of the county.
- Encourage development of a wide variety of housing styles, types, and price ranges, including Accessory Dwelling Units and multi-unit housing.

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- Recognize physical limitations of the land and environment when planning new residential development to avoid unsuitable development locations.
- Promote future residential development within those areas of Hunterdon County where residential development has already been established.
- Encourage zoning practices that support mixed use and mixed-income development for a wide range of housing options.
- Encourage age- and disability-friendly policies to support and enhance initiatives for aging in place and people with disabilities.

Highlands Regional Master Plan

The Highlands Regional Master Plan was adopted in 2008 in response to the Highlands Water Policy and Planning Protection Act (N.J.S.A. 13:20-1 et seq.) of 2004. This RMP has been updated several times, in 2018, 2019, and 2024. The vast majority (99.97%) of the Township is situated within the Preservation Area, where conformance with the RMP is mandatory, and the remaining 0.03% (6 acres) falls within the Planning Area, where conformance is optional. The Township's petition to conform to the RMP in both the Planning and Preservation Areas was approved by the Highlands Council in 2011. The Township adopted the Highlands Land Use Ordinance in 2014, rendering the Township fully conforming in both the Preservation and Planning Areas.

The Highlands Council adopted, "RMP Addendum 2024-3: Highlands Affordable Housing Guidelines" on July 18, 2024, which established standards for identifying locations for affordable housing and availability of land and resources in the region. This guidance was used as part of the preparation of this HEFSP. This HEFSP also supports the RMP's Housing and Community Facilities Goal 60 to provide: "Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints."

Surrounding Municipalities

Lebanon Township borders Bethlehem Township, Califon Borough, Clinton Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Tewksbury Township and Union Township in Hunterdon County; Washington Township in Morris County; and Mansfield Township and Washington Township in Warren County. As shown below, the bulk of the surrounding municipalities are conforming to the Highlands RMP.

Bethlehem Township

Bethlehem Township in Hunterdon County has 12,146 acres in the Preservation Area and 1,141 acres in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on December 16, 2010. Bethlehem Township's Planning Board adopted an amended Housing Element and Fair Share Plan on August 10, 2020, which outlines the strategies that will be implemented to meet the Township's affordable housing obligation for the Third Round. In that plan, the Township focused on an accessory apartment program.

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035**Califon Borough**

Califon Borough in Hunterdon County is located entirely within the Preservation Area of the Highlands Region (629 acres). The municipality's Petition for Plan Conformance was approved by the Highlands Council on December 16, 2010.

Clinton Township

Clinton Township in Hunterdon County has 643 acres in the Preservation Area and 21,064 acres in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on June 18, 2015. The Township's Round Three plan was adopted on January 7, 2021 and included several housing projects to provide for the entirety of its Third Round and Prior Round obligations.

Glen Gardner Borough

Glen Gardner Borough in Hunterdon County is located entirely within the Preservation Area of the Highlands Region (991 acres). The municipality's Petition for Plan Conformance was approved by the Highlands Council on December 16, 2010.

Hampton Borough

Hampton Borough in Hunterdon County has 835 acres in the Preservation Area and 136 acres in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on November 19, 2010. On May 19, 2011, the Highlands Council voted to amend Hampton Borough's Plan Conformance Grant Agreement to include funding for completion of a feasibility analysis intended to examine the potential for development of certain lands within the Borough, consideration of designation of a Highlands Center or Highlands Redevelopment Area, and incorporation of the results of same into an Amended Petition for Plan Conformance. The feasibility report was submitted by the Borough in January 2012. On July 24, 2017, the Borough Council voted to rescind its petition for Plan Conformance for the Planning Area of the municipality. On May 26, 2016, the Borough adopted an amendment to its Housing Element and Fair Share Plan implementing the Third Round obligations for the Borough.

High Bridge Borough

High Bridge Borough in Hunterdon County has 1,555 acres in the Planning Area of the Highlands Region (where conformance is entirely voluntary). The municipality submitted a Petition for Plan Conformance that was approved by the Highlands Council on January 20, 2011. On June 6, 2018, the Borough adopted a Housing Element and Fair Share Plan to address its Third Round and Prior Round obligations including zoning and redevelopment projects.

Tewksbury Township

Tewksbury Township in Hunterdon County has 6,857 acres in the Planning Area and 13,469 acres in the Preservation Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on February 17, 2011. The Tewksbury Planning Board adopted its Housing Element and Fair Share Plan on November 3, 2021. The Township addressed their Third Round and Prior Round obligations through several mechanisms including 100% affordable projects, inclusionary projects and accessory apartments.

Union Township

Union Township in Hunterdon County has 10,502 acres in the Preservation Area and 2,667 acres in the Planning Area of the Highlands Region. The Township is not currently conforming to the

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Highlands RMP. The Township adopted a Housing Element and Fair Share Plan in 2018 addressing the Third Round and Prior Rounds of affordable housing primarily through inclusionary zoning and special needs units.

Washington Township, Morris County

Washington Township in Morris County has 23,235 acres in the Preservation Area and 3,491 acres in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on May 19, 2011. The Township Planning Board adopted a Third Round Housing Element and Fair Share Plan on June 11, 2018, which addressed the Third Round and Prior Round obligations through inclusionary zoning, transitional housing, senior housing, assisted living units and group homes.

Mansfield Township, Warren County

Mansfield Township in Warren County has 13,032 acres in the Preservation Area and 5,969 acres in the Planning Area of the Highlands Region. The municipality submitted a Notice of Intent to Petition the Highlands Council for Plan Conformance. The Township is currently not conforming to the Highlands RMP. The Township adopted a Housing Element and Fair Share Plan on August 13, 2020, which addressed the Third Round and Prior Round obligations through inclusionary zoning, community residences and market to affordable units. The plan was amended on June 2, 2021 and January 23, 2023 to incorporate additional mixed-use inclusionary project to replace the market to affordable proposals.

Washington Township, Warren County

Washington Township in Warren County has 3,595 acres in the Preservation Area and 7,953 in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for its Preservation Area, which was approved by the Highlands Council on December 1, 2011. The Township is conforming to the RMP in the Preservation Area but not the Planning Area. The Township of Washington executed a Settlement Agreement with Fair Share Housing Center (FSHC) on May 7, 2019, which was subsequently amended on March 15, 2023. The Township is actively working to obtain its Final Judgement of Compliance and Repose, having recently filed a request for a Fairness and Compliance Hearing in December 2024. A Fairness and Compliance hearing has been scheduled for May 14, 2025.

1.3 History of Affordable Housing in Lebanon Township

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983) required all New Jersey municipalities to take affirmative actions toward providing their “fair share” of the region’s need for affordable housing for low- and moderate-income people. In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act (FHA) in 1985. This act created the Council on Affordable Housing (COAH) to assess the statewide need for affordable housing, allocate that need on a municipal fair share basis, and review and approve municipal housing plans aimed at implementing the local fair share obligation. Subsequently, the New Jersey Municipal Land Use Law (MLUL) was amended to require a housing element as a mandatory element of the municipal master plan. According to the FHA, “a municipality’s housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52: 27D-310).”

The Township addressed its prior round obligation, which was the municipal new construction obligation from 1987 to 1999. When the Township received substantive certification from COAH for its Prior Round obligation, the Township’s fair share of the regional housing need was 27

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affordable units. Subsequent to the 2000 Census, obligations from the first and second rounds were recalculated to include the most recent data from the 2000 Census. The 2000 Census data indicated that prospective need projections were underestimated, so Prior Round prospective need numbers were adjusted. Thus, the Township's new construction obligation increased to 28 affordable units. The Township address 27 units of obligation through an RCA for 10 units and 10 credits with 7 rental bonus credits for Freedom House Alternative Living Arrangements, for a total of 27 credits. The Township had one unit of obligation carry forward into the Third Round.

COAH adopted its Third Round Rules in December 2004. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH's Third Round regulations. COAH was precluded from issuing Third Round Substantive Certifications until new rules for the Third Round were revised and adopted. On October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). This stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules. On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules.

In a 2015 decision known as Mount Laurel IV, the New Jersey Supreme Court divested COAH of jurisdiction of affordable housing, resulting in the process being left to the trial court system. This ruling dissolved the substantive certification process, turning instead to a judicial determination wherein a municipality files for a declaratory judgment action to certify that their Housing Element and Fair Share Plan has satisfied their Third Round obligation. At the same time, the Court appointed "Mount Laurel" judges for each of the State's judicial vicinages.

On July 2, 2015, Lebanon Township filed a Motion for Declaratory Judgment seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985. On August 15, 2017, the Township entered into a settlement agreement with the Fair Share Housing Center (FSHC), a Supreme Court designated interested party in the matter and, through the settlement, a defendant in the proceeding, to resolve the matter. On September 12, 2017, the Township was granted a judgement of compliance and repose concluding that the Township's settlement agreement was fair to low- and moderate-income households and addressed the Township's affordable housing obligations pursuant to the Mount Laurel decisions and the Fair Housing Act. The 2018 Housing Plan Element and Fair Share Plan implemented the provisions of the Settlement Agreement.

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which set forth the rules and regulations governing the Fourth Round (2025-2035) of affordable housing obligations in New Jersey. This law abolished COAH and shifted implementation of the Fair Housing Act to the New Jersey Department of Community Affairs (DCA), creating the Affordable Housing Dispute Resolution Program (the Program).

On October 18, 2024, the Department of Community Affairs ("DCA") prepared and submitted a non-binding report ("DCA Report")¹ on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Lebanon's Fourth Round Present Need/Rehabilitation Obligation is 0 units and the Prospective Need is 46 units.

¹ NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

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The FHA, as amended by P.L. 2024, c.2, (“Amended FHA”) explicitly stated the DCA’s numbers are non-binding.

On January 22, 2025, pursuant to P.L.2024, c.2, the Township Committee adopted Resolution #32-2025, committing to its fair share obligation for the Fourth Round (2025-2035) of a present need of obligation of 0 units and prospective need obligation of 46 units. The Township Committee filed a Declaratory Judgment action in Superior Court, Docket # L-000046-25, on January 23, 2025 in order to meet the January 31, 2025 deadline to file with the Dispute Resolution Program.

Given that there were no challenges by interested parties to the adopted number, the Township of Lebanon’s Fourth Round obligation was established by default on March 1, 2025.

1.4 Purpose and Goals

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of Lebanon Township’s residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Township. This Plan has been prepared to meet the requirements of the Municipal Land Use Law (MLUL), Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), and Bill A4/S50 (P.L. 2024, c.2).

The overriding policy of the Housing Plan Element of the Master Plan is to ensure the provision of a variety of housing opportunities sufficient to address the needs of the community and the region, including the need for affordable housing. The plan seeks to respect the density limits of the Highlands Element Land Use Plan and the resource constraints applicable to the Highlands Area, along with the numerous other policies, goals and objectives set forth by the Township Master Plan. The Housing Plan Element furthers the zoning purposes of the Municipal Land Use Law (MLUL) at NJSA 40:55D-2, specifically 2a, 2e, 2g and 2l, and fulfills the requirements of the New Jersey Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et seq.), which is in keeping with the New Jersey Supreme Court doctrine, as expressed in the Mount Laurel decisions. These decisions recognize that every municipality has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for provision of a fair share of its region’s present and prospective needs for housing for low- and moderate-income families.

1.5 Contents of the Plan

Municipal Land Use Law (N.J.S. § 52:27D-310) and the Fair Housing Act (P.L. 1985, c.222) require that the Housing Element and Fair Share Plan include the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not

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necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L. 2021, c. 273 (C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L. 2004, c. 120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan.

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2. Demographic Characteristics

2.1 Population

Population change, 1990-2020

Lebanon Township has a 2020 population of 6,195 people, down 6% since 2010. Population increased by about 13% between 2000 and 2010 such that the overall population increase in the Township since 1990 is 901 people or a 14.5% increase in three decades. Hunterdon County's growth has slowed over the last three decades to just a 0.5% growth between 2010 and 2020. New Jersey as a 6% growth per decade.

Table 1. Population Change, 1990 - 2020

	1990	% Change	2000	% Change	2010	% Change	2020
Lebanon Township	5,687	2.3%	5,816	13.3%	6,588	-6.0%	6,195
Hunterdon County	107,802	13.2%	121,989	5.2%	128,349	0.5%	128,947
New Jersey	7,730,188	9%	8,414,347	4%	8,791,894	6%	9,288,994

Sources:

U.S. Census Bureau. (2010). POPULATION AND HOUSING UNITS: 1990 TO 2010; AND AREA MEASUREMENTS AND DENSITY: 2010.

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, Profile of General Population and Housing Characteristics, Table DP1.*

Age – 2000, 2010, 2020

Table 2. Age, 2000 - 2020

Age	2000	%	2010	%	2020	%
Total Population	5,816		6,514		6,195	100.0
Under 5 years	362	6.2%	410	6.3%	226	3.6%
5 to 9 years	387	6.7%	482	7.4%	303	4.9%
10 to 14 years	469	8.1%	441	6.8%	365	5.9%
15 to 19 years	374	6.4%	415	6.4%	472	7.6%
20 to 24 years	196	3.4%	432	6.6%	357	5.8%
25 to 34 years	552	9.5%	355	5.4%	489	7.9%
35 to 44 years	1,120	19.3%	944	14.5%	661	10.7%
45 to 54 years	981	16.9%	1,137	17.5%	925	14.9%
55 to 59 years	530	9.1%	586	9.0%	620	10.0%
60 to 64 years	175	3.0%	443	6.8%	566	9.1%
65 to 74 years	369	6.3%	553	8.5%	759	12.3%
75 to 84 years	240	4.1%	218	3.3%	358	5.8%
85 years and over	61	1.0%	98	1.5%	94	1.5%

Sources:

2000: United States Census Bureau, 2000 Decennial Census, DP1, "Profile of General Demographic Characteristics."

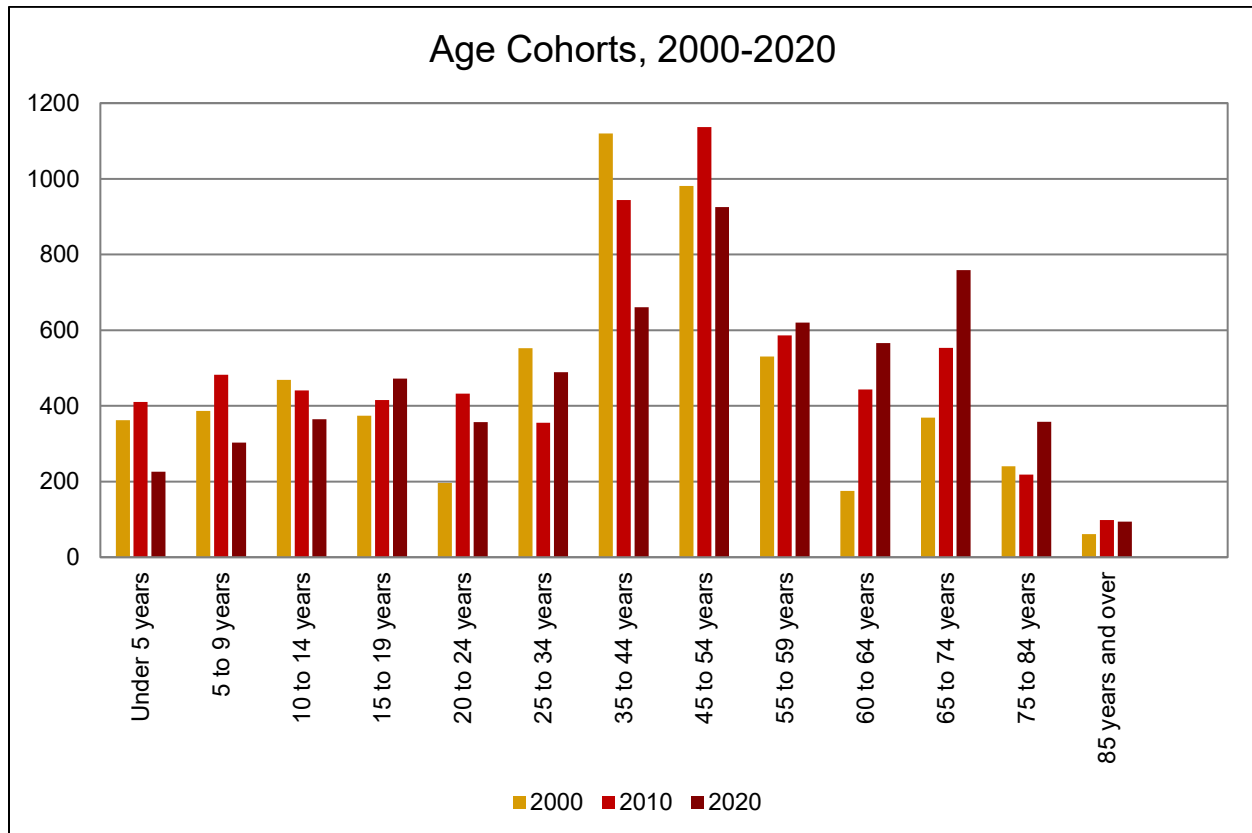
2010: United States Census Bureau, 2010 American Community Survey, DEMOGRAPHIC AND HOUSING ESTIMATES, 5-year Estimates Data Profile, DP05.

2020: United States Census Bureau, 2020 Decennial Census, DP1, "Profile of General Demographic Characteristics."

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Lebanon Township's age cohorts are relatively evenly distributed, with the exception of 35- to 44 year olds and 45 to 54 year olds, which have two to three times the number of people as other age groups. The Township has an aging population with increases in the number of residents in all age cohorts above the age of 35 years old until 85 years old. The numbers of school aged children have also decreased in almost every age cohort, except 15-19 year olds. All age cohorts appear to be aging in place and may point to the need for multi-generational housing.

Figure 2. Age Cohorts, 2000-2020



Sources:

U.S. Census Bureau. (2000). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, DEC Demographic Profile, Table DP1.*

U.S. Census Bureau. (2010). DEMOGRAPHIC AND HOUSING ESTIMATES. *American Community Survey, ACS 5-Year Estimates Data Profile, DP05.*

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, DEC Demographic Profile, Table DP1.*

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Household Size and Type – 2000, 2010, 2020

Over the last three decades, there has been an increase in the number of one- and two-person households and a decrease in the number of three- and four-person households. These trends are consistent with those of Hunterdon County. Overall in the State, households sizes are remaining fairly consistent.

Table 3. Household Size, 2000-2020

Household Size	2000	%	2010	%	2020	%
Total households (Lebanon Township)	1,963		2,296		2,368	
1-person household	305	15.5%	422	18.4%	504	21.3%
2-person household	696	35.5%	799	34.8%	871	36.8%
3-person household	384	19.6%	429	18.7%	402	17.0%
4-or-more-person household	578	29.4%	646	28.1%	591	25.0%
Total households (Hunterdon County)	43,678		47,169		48,978	
1-person household	8,736	20.0%	10,400	22.0%	11,311	23.1%
2-person household	14,752	33.8%	16,007	33.9%	17,056	34.8%
3-person household	7,505	17.2%	8,081	17.1%	8,368	17.1%
4-or-more-person household	12,685	29.0%	12,685	26.9%	12,243	25.0%
Total households (State)	3,064,645		3,214,360		3,426,102	
1-person household	751,353	24.5%	811,221	25.2%	876,661	25.6%
2-person household	927,354	30.3%	957,682	29.8%	1,026,368	30.0%
3-person household	531,987	17.4%	558,029	17.4%	592,617	17.3%
4-or-more-person household	853,951	27.9%	887,428	27.6%	930,456	27.2%

Sources:

U.S. Census Bureau. (2000). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H013.*

U.S. Census Bureau. (2010). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H13.*

U.S. Census Bureau. (2020). HOUSEHOLD SIZE. *Decennial Census, Demographic and Housing Characteristics, Table H9.*

Occupants per room has decreased over the last three decades to one occupant per room or less.

Table 4. Occupants per Room, 2000-2020

Occupied housing units	2000	%	2010	%	2020	%
Total units	1,963		2,141		2,327	
1.00 occupant or less per room	1,949	99.3%	2,129	99.4%	2,327	100.0%
1.01 to 1.50 occupants per room	14	0.7%	12	0.6%	0	0.0%
1.51 or more occupants per room	0	0.0%	0	0.0%	0	0.0%

Sources:

U.S. Census Bureau. (2000). PROFILE OF SELECTED HOUSING CHARACTERISTICS. *Decennial Census, DEC Summary File 4, Table DP4.*

U.S. Census Bureau. (2010). TENURE BY OCCUPANTS PER ROOM. *ACS 5-Year Estimates Subject Tables, Table B25014.*

U.S. Census Bureau. (2020). OCCUPANCY CHARACTERISTICS. *ACS 5-Year Estimates Subject Tables, Table S2501.*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

About 31% of households in Lebanon Township are headed by a single male or female householder. About 24% of households are headed by a married couple, with around 2.5% of households headed by an unmarried couple.

Table 5. Household Type by Relationship, 2020

Household Type by Relationship	Count	%
Total population	6,195	
In households	6,141	99.1%
Householder	2,368	38.2%
Male householder - no spouse	370	15.6%
Female householder - no spouse	382	16.1%
Opposite-sex spouse	1,473	23.8%
Same-sex spouse	4	0.1%
Opposite-sex unmarried partner	134	2.2%
Same-sex unmarried partner	6	0.1%
In group quarters	54	0.9%
Institutionalized population	45	0.7%
Noninstitutionalized population	9	0.1%

Source:

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, Table DP1*.

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

Income level – 1999, 2010, 2020

The 2020 Township median household income was \$121,321, which was slightly higher than the median income of Hunterdon County of \$117,858, but higher than the State median income of \$85,245. These figures have stayed relatively stable with the Township median income being reflective of Hunterdon County's median income, but higher overall than the Statewide median income.

Table 6. Income in the Past 12 Months, 1999 - 2020

Household Income	Percent of Households		
	1999	2010	2020
Total Households	1,960	2,141	2,327
Less than \$10,000	2.0%	2.4%	0.8%
\$10,000 to \$14,999	1.4%	3.1%	0.7%
\$15,000 to \$24,999	6.3%	4.5%	2.5%
\$25,000 to \$34,999	4.4%	7.1%	4.6%
\$35,000 to \$49,999	13.3%	8.6%	3.1%
\$50,000 to \$74,999	20.5%	10.8%	10.7%
\$75,000 to \$99,000	17.6%	16.5%	6.8%
\$100,000 to \$149,999	19.9%	13.4%	30.8%
\$150,000 to \$199,999	9.9%	10.8%	23.0%
\$200,000 or more	4.5%	22.7%	17.0%
Median household income (Lebanon Township)	\$77,662	\$96,489	\$121,321
Median household income (Hunterdon County)	\$79,888	\$97,874	\$117,858
Median household income (State)	\$55,146	\$67,681	\$85,245

Source:

U.S. Census Bureau. (2000). PROFILE OF SELECTED ECONOMIC CHARACTERISTICS. *Decennial Census, DEC Summary File 4, Demographic Profile, Table DP3.*

U.S. Census Bureau. (2010). INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS). *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901.*

U.S. Census Bureau. (2020). INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS). *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901.*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

2.2 Employment Characteristics

Workforce characteristics

The Township has 5,137 residents eligible to be in the workforce, with an approximately 2.4% unemployment rate. The unemployment rate in Lebanon Township is about 1.5% lower than the County and less than half of the State's unemployment rate.

Table 7. Employment Status, 2020

Employment Status	Estimate	%
Population 16 years and older	5,137	
In labor force	3,558	69.3%
Civilian labor force	3,558	69.3%
Employed	3,473	67.6%
Unemployed	85	1.7%
Armed Forces	0	0.0%
Not in labor force	1,579	30.7%
Unemployment rate (Lebanon Township)		2.4%
Unemployment rate (Hunterdon County)		3.9%
Unemployment rate (State)		5.8%

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

Most workers in the Township commute alone by automobile with an average commute time of 33 minutes. Most Township residents work in New Jersey and a little more than half work in Hunterdon County.

Table 8. Commuting Characteristics, 2020

Commuting Characteristics	Lebanon Township	Hunterdon County	New Jersey
Workers 16 years and over	3,397	64,177	4,332,443
Did not work from home	3,171	57,053	4,016,175
Means of transportation to work			
Car, truck, or van	86.5%	83.5%	77.4%
Drove alone	84%	77.7%	69.6%
Carpooled	2.5%	5.8%	7.8%
Public transportation (excluding taxicab)	1.7%	2.9%	10.8%
Walked	3.4%	1.7%	2.6%
Bicycle	0.5%	0.1%	0.3%
Other means	1.2%	0.7%	1.6%
Place of work			
Worked in state of residence	98.3%	91.3%	86.4%
Worked in county of residence	55.4%	45.6%	54.6%
Worked outside county of residence	42.9%	45.7%	31.7%
Worked outside state of residence	1.7%	8.7%	13.6%
Travel time to work			
Less than 10 minutes	12.2%	9.4%	9.6%
10 to 14 minutes	8.4%	9.4%	11.3%
15 to 19 minutes	10.5%	8.7%	12.5%
20 to 24 minutes	9.4%	10.8%	12.7%
25 to 29 minutes	4.9%	7.1%	6.4%
30 to 34 minutes	17.5%	13.4%	13.4%
35 to 44 minutes	9.5%	9.7%	8.0%
45 to 59 minutes	7.6%	13.4%	10.2%
60 or more minutes	20.1%	18.1%	15.8%
Mean Travel time to work (minutes)	32.5	35.1	32.0

Source:

U.S. Census Bureau. (2020). COMMUTING CHARACTERISTICS BY SEX. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table S0801*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

Workforce

About a quarter of the workforce population is employed in educational services, health care and social assistance industries. This followed by just under 20 percent of the workforce in professional, scientific and management and administrative services. Construction and manufacturing combined also make up about a quarter of the workforce.

Table 9. Industries of Employment, 2020

Industry	Estimate	%
Civilian employed population 16 years and over	3,473	100%
Educational services, and health care and social assistance	885	25.5%
Professional, scientific, and management, and administrative and waste management services	659	19.0%
Construction	427	12.3%
Manufacturing	422	12.2%
Retail trade	298	8.6%
Finance and insurance, and real estate and rental and leasing	201	5.8%
Arts, entertainment, and recreation, and accommodation and food services	171	4.9%
Transportation and warehousing, and utilities	126	3.6%
Other services, except public administration	94	2.7%
Public administration	68	2.0%
Wholesale trade	53	1.5%
Agriculture, forestry, fishing and hunting, and mining	42	1.2%
Information	27	0.8

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

3. Housing Characteristics

3.1 Inventory of Housing Stock

The majority of housing in the Lebanon Township was built before 2009. About 14% was built before 1940 while about 63% was built between 1960 and 2000. Approximately 65% of homes are more than 45 years old in the Township, or built prior to 1980.

Table 10. Age/Year Structure Built

Year Structure Built	Estimate	%
Total	2,496	
Built 2014 or later	17	0.7%
Built 2010 to 2013	0	0.0%
Built 2000 to 2009	241	9.7%
Built 1990 to 1999	256	10.3%
Built 1980 to 1989	349	14.0%
Built 1970 to 1979	500	20.0%
Built 1960 to 1969	458	18.3%
Built 1950 to 1959	220	8.8%
Built 1940 to 1949	104	4.2%
Built 1939 or earlier	351	14.1%

Source:

U.S. Census Bureau. (2020). YEAR STRUCTURE BUILT. *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25034.*

Occupancy characteristics

The vast majority of housing units in Lebanon Township are single-family residences, with a little over 4% being 2-units or more.

Table 11. Units In Structure, 2020

Units In Structure	Estimate	%
Total housing units	2,496	
1-unit, detached	2,350	94.2%
1-unit, attached	18	0.7%
2-units	85	3.4%
3 or 4 units	0	0.0%
5 to 9 units	0	0.0%
10 to 19 units	5	0.2%
20 or more	0	0.0%
Mobile home	38	1.5%
Boat, RV, van, etc.	0	0.0%

Source:

U.S. Census Bureau. (2020). UNITS IN STRUCTURE. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table B25024.*

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

Most residences in the Township, 84% are owner occupied with a less than 1% vacancy rate. Around 11% of the Township's housing units are rentals, with a vacancy rate of just under 2%. Most Hunterdon County residents, around 78%, own their homes, with a 1.3% vacancy rate. Around 17% of Hunterdon County residents rent their housing units, with an approximately 5.2% vacancy rate. Just under 56% of residents statewide own their homes, with about a 1.5% vacancy rate. About 35% of residents statewide rent their homes, with a 5.7% vacancy rate.

Table 12. Housing Occupancy and Tenure, 2020

Housing Occupancy and Tenure	Count
Lebanon Township	
Total housing units	2,505
Occupied housing units	2,368
Owner-occupied	2,093
Renter-occupied	275
Vacant housing units	137
Homeowner vacancy rate	0.6%
Rental vacancy rate	1.8%
Hunterdon County	
Total housing units	51,687
Occupied housing units	48,978
Owner-occupied	40,334
Renter-occupied	8,644
Vacant housing units	2,709
Homeowner vacancy rate	1.3%
Rental vacancy rate	5.2%
New Jersey	
Total housing units	3,761,229
Occupied housing units	3,426,102
Owner-occupied	2,098,500
Renter-occupied	1,327,602
Vacant housing units	335,127
Homeowner vacancy rate	1.5%
Rental vacancy rate	5.7%

Source:

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, DEC Demographic Profile, Table DP1.*

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Most vacant units are for sale or rent or seasonally occupied units. Just over 2.5% are listed as other vacant, which would be vacant residences that are not currently for rent or for sale.

Table 13. Vacancy Housing Unit Type, 2020

Vacancy Status	Count
Total vacant units	137
For rent	5
Rented, not occupied	1
For sale only	12
Sold, not occupied	6
For seasonal, recreational, or occasional use	46
Other vacant	67

Source:

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, DEC Demographic Profile, Table DP1.*

3.2 Costs and Value

Purchase or rental value

About two-thirds of the Township housing units have mortgages, with more than 50% of mortgages costing less than \$2,500 per month. The one-third of housing units without mortgages have much lower monthly costs with more than half of those housing units costing less than \$1,00 per month.

Table 14. Selected Monthly Owner Costs (SMOC), 2020

SMOC	Count (Lebanon Township)	%	Count (County)	%	Count (State)	%
Housing units with a mortgage	1,480		26,969		1,382,654	
Less than \$500	0	0.0%	16	0.1%	2,772	0.2%
\$500 to \$999	54	3.6%	389	1.4%	34,504	2.5%
\$1,000 to \$1,499	169	11.4%	1,756	6.5%	138,116	10.0%
\$1,500 to \$1,999	169	11.4%	3,639	13.5%	253,824	18.4%
\$2,000 to \$2,499	480	32.4%	5,078	18.8%	275,392	19.9%
\$2,500 to \$2,999	226	15.3%	4,536	16.8%	231,946	16.8%
\$3,000 or more	382	25.8%	11,555	42.8%	446,100	32.3%
Housing units without a mortgage	747		13,009		711,773	
Less than \$250	0	0.0%	85	0.7%	14,747	2.1%
\$250 to \$399	17	2.3%	215	1.7%	18,836	2.6%
\$400 to \$599	42	5.6%	242	1.9%	48,655	6.8%
\$600 to \$799	154	20.6%	1,627	12.5%	96,262	13.5%
\$800 to \$999	204	27.3%	2,493	19.2%	136,283	19.1%
\$1,000 or more	330	44.2%	8,347	64.2%	396,990	55.8%

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.*

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Most owner-occupied units, around 51% are in the \$300,000 to \$499,999 range. About 20% are in the \$200,000 to \$299,999 range and about 20% are in the \$500,000 to \$999,999 range. Most rentals in Lebanon Township, 82%, are in the \$1,000 to \$1,499 range.

Table 15. Value of Occupied Units, 2020

Value of Occupied Units	Estimate	%
Owner-occupied units	2,227	
Less than \$50,000	18	0.8%
\$50,000 to \$99,000	0	0.0%
\$100,000 to \$149,999	0	0.0%
\$150,000 to \$199,999	92	4.1%
\$200,00 to \$299,999	511	22.9%
\$300,000 to \$499,999	1,133	50.9%
\$500,000 to \$999,999	462	20.7%
\$1,000,000 or more	11	0.5%
Median	\$371,700	
Occupied Units Paying Rent	100	
Less than \$500	0	0.0%
\$500 to \$999	0	0.0%
\$1,000 to \$1,499	82	82.0%
\$1,500 to \$1,999	5	5.0%
\$2,000 to \$2,499	13	13.0%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	0	0.0%
Median	\$1,367	
No rent paid	0	

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.*

Rental Units

A general rule of thumb for rent affordability is that rent should not exceed 30% of the household income. Of all renters in Lebanon Township, 82% are paying less than 30% of their household income on rent. As noted in Table 16, approximately 18% are paying more than 35% of their household income on rent.

Table 16. Gross Rent as a Percentage of Household Income (GRPI), 2020

Value of Occupied Units	Estimate	%
Occupied Units Paying Rent	100	
Less than 15.0 percent	38	38.0%
15.0 to 19.9 percent	0	0.0%
20.0 to 24.9 percent	44	44.0%
25.0 to 29.9 percent	0	0.0%
30.0 to 34.9 percent	0	0.0%
35.0 percent or more	18	18.0%
Not computed	0	-

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.*

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3.3. Projection of Housing Stock

Development of new housing units in the Township is very limited with an average of three housing units issued a certificate of occupancy each year. A much higher number, 14 certificates of occupancy were issued in 2004, the year the Highlands Act took effect. Following 2004, the certificates of occupancy dropped significantly. Lebanon Township has not had any multi-family development, while about half of the development in Hunterdon County has been multi-family and a little less than 7 percent is mixed use. Statewide, about 45 percent of development is multi-family, 9 percent is mixed use and the remaining is one- and two-family development.

Construction permits/COs issued over the last 20 years

Table 17. Housing Units Certified, 2004 - 2024

	1&2 Family	Multi	Mixed-use	Total
2004	14	0	0	14
2005	5	0	0	5
2006	2	0	0	2
2007	6	0	0	6
2008	4	0	0	4
2009	2	0	0	2
2010	4	0	0	4
2011	2	0	0	2
2012	1	0	0	1
2013	1	0	0	1
2014	4	0	0	4
2015	4	0	0	4
2016	3	0	0	3
2017	6	0	0	6
2018	2	0	0	2
2019	1	0	0	1
2020	1	0	0	1
2021	1	0	0	1
2022	1	0	0	1
2023	0	0	0	0
Sept 2024 YTD	2	0	0	2
Lebanon Township Total	66	0	0	66
Hunterdon County Total	3057	1441	31	4529
New Jersey Total	196,108	161,185	3,341	360,634

Source:

New Jersey Department of Community Affairs, *Housing Units Certified, 2000 - 2024*

Approvals of applications for development

There have been only a handful of residential applications for development in the Township of Lebanon over the last five years. The majority of applications are minor in nature and apply to existing single-family residential homes. This coincides with approved certificates of occupancy, with only six residential certificates of occupancy issued over the last five years. Due to Highlands regulatory restrictions in the Township, it is unlikely that development applications or construction will increase over the Fourth Round period, which runs from July 2025 to July 2035.

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Land Use and Zoning Analysis

The Township of Lebanon has five (5) residential zone districts that range in lot area and intensity of development, but focus primarily on single family development. The general lack of public water and sewer within the municipality limits the ability to develop zoning for higher densities. Likewise, the Highlands Preservation Area restrictions limit septic densities and generally restrict creation of new development lots.

Resource Conservation District. The Resource Conservation (RC) District is intended to comprehensively address the goals of protecting and conserving the scenic rural character and promoting continued agricultural use opportunities. The RC District has a 7.5-acre minimum lot area.

R-5 Rural Agricultural District. The R-5 District is designed to recognize those areas of the Township which have largely developed under the 5-acre zoning that has prevailed in the Township for many years.

R-3 Rural Residential District. The R-3 District permits single family detached dwellings with minimum lot areas of 3 acres and farms as the principal permitted uses in the District. The permitted conditional uses include most of the conditional uses listed under the R-5 District, except that animal farms, animal kennels and nursing homes are not permitted.

R-1 ½ Residential District. The R-1 ½ District permits single family detached dwellings with a minimum lot size of 1 ½ acres and farms as the principal permitted uses in the District. Permitted conditional uses are the same as those permitted in the R-3 District.

R-15 Residential District. The R-15 is completely developed with residential dwellings on lots with a minimum area of 15,000 square feet. The Master Plan proposes to retain this settlement area in its existing configuration and subject to existing standards.

Multigenerational Housing

P.L. 2021, c. 273 established the Multigenerational Family Housing Continuity Commission (the Commission) and assigned the Commission the responsibility of preparing and adopting, "...recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas" (N.J.S.A. 52:27D-329.20f[1]). Municipalities are now required to provide an analysis of the extent to which local ordinances advance or detract from these recommendations. At the time this Housing Element and Fair Share Plan is being prepared, no such recommendations have been published by the Commission.

Lebanon's zoning ordinance permits supplementary apartments as a conditional use. Likewise, there is an accessory apartment program as a means to promote affordable units in the municipality. Supplementary apartments are defined as dwelling units contained within an existing single-family detached structure or existing accessory building on a lot containing a single-family detached structure and which meets the requirements of a supplementary apartment as set forth in the Township's Zoning Ordinance.

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4. Fair Share Plan

4.1 Plan Purpose and Goals

The Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet Lebanon Township's affordable housing obligation while also complying with the Fourth Round Regulations, Fair Housing Act, and the Dispute Resolution Program Directive #14-24. The overriding goal of this Fair Share Plan is to present a framework for the Township to provide for its fair share of the present and prospective regional need for low- and moderate-income housing for the Fourth Round period of 2025 through 2035.

4.2 Determination of Housing Need

Prior Round Obligation

The prior round obligation was the municipal new construction obligation from 1987 to 1999. When the Township received substantive certification from COAH for the Prior Round, the Township's fair share of the regional housing need was 27 affordable units. Subsequent to the 2000 Census obligations from the first and second rounds were recalculated to include the most recent data from the 2000 Census. The 2000 Census data showed that prospective need projections were underestimated, so Prior Round prospective need numbers were adjusted. Thus, the Township's new construction obligation increased to 28 affordable units. Based on this analysis, the Township has one (1) unit of unsatisfied obligation going into the Third Round.

Table 18. Prior Round Obligation and Credits

Project Name		Type	Units	Bonuses	Total
Regional Contribution Agreement		RCA	10	0	10
Freedom House		Alternative Living Arrangement	10	7	17
Total			20	7	27

Third Round Obligation (1999-2025)

The vast majority of Lebanon Township (99.97%) is within the Highlands Preservation Area. Three (3) lots comprising six (6) acres are located within the Planning Area. These Planning Area designated parcels are already commercially developed. The Township is fully conforming with the Highlands Regional Master Plan (RMP). Development in the Preservation Area is greatly constrained pursuant to N.J.A.C. 7:38-1.1 et seq. N.J.S.A. 52:27D-329.9(c). At the time of the preparation of the Housing Element and Fair Share Plan for the Third Round, the law permitted municipalities in the Preservation Area to transfer up to fifty percent (50%) of its affordable housing obligation to a regional planning entity in order to "coordinate regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation". This program was known as the Regional Affordable Housing Development Planning Program (RAHDPP). The Township participated in the RAHDPP and pursuant to the statute and a Settlement Agreement reached with Fair Share Housing Center, the Township's obligation was reduced by 66 credits.

In addition to the Prospective Need transferred to the Highlands Council by means of the RAHDPP, the Township had a Third Round Prospective Need obligation of 66 affordable units,

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per the Kinsey Report as adjusted through the Settlement Agreement. As noted previously, the Township also had an unsatisfied obligation of one (1) affordable unit from the Prior Round, producing a total obligation of 67 affordable units.

The municipality addressed 65 of its Third Round prospective need obligation through a durational adjustment. The Township proposed to address one (1) unit through a market-to-affordable program and one (1) unit through an accessory apartment program.

Table 19. Third Round Credits

Summary of Third Round Fair Share Plan Township of Lebanon, Hunterdon County				
Project Name	Type	Units	Bonuses	Total Credits
Third Round				
Proposed Units				
Durational Adjustment*		65	0	0
Accessory Apartments	Accessory Apartment Program	1	0	0
Market to Affordable	Market to Affordable Programs	1	0	0
Total Proposed		67	0	0
Third Round Fair Share Plan Total				(67)*
Third Round Obligation				67
Maximum Bonus Credits (25%)				16
Maximum Senior – 25% (20 units)				16
Minimum Family Housing – 50% (42 units)				34
Minimum Rental – 25% (21 units)				17
Minimum Family Rental – 50% of Rental (11 units)				9
*Durationally adjusted units to carry over to Round 4				67
Rehabilitation				
Municipal Rehabilitation Program		3	0	0
Third Round Rehabilitation/Present Need Total				0

The Township as part of its Third Round plan proposed a rehabilitation program, an accessory apartment program and a market to affordable program to address its present and prospective need. The Township adopted a mandatory set-aside ordinance to provide for inclusionary set-asides for any development that does occur at densities that meet inclusionary zoning standards. Likewise, the Township agreed to the minimum family and rental requirements shown in Table 19. The Township also adopted a development fee ordinance in order to fund future affordable housing programs.

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Fourth Round Obligation (2025-2035)

On October 18, 2024, NJDCA published local and regional affordable housing obligations pursuant to P.L.2024, c.2. proposing that Lebanon Township has a Fourth Round present need, or rehabilitation, obligation of **0 units** and a prospective need of **46 units**. On January 22, 2025, the Township Committee adopted Resolution 32-2025 accepting the obligations as proposed by NJDCA. On January 23, 2025, the Township filed a Declaratory Judgment action requesting certification of the Township's Housing Element and Fair Share Plan proposed to be submitted to the Dispute Resolution Program by June 30, 2025.

Table 20. Fourth Round Credits

Summary of Fourth Round Fair Share Plan Township of Lebanon, Hunterdon County				
Project Name	Type	Units	Bonuses	Total Credits
Third Round Carryover of Durationally Adjusted Units				
Durational Adjustment		67	0	0
Total Durational Adjustment		67	0	0
Fourth Round				
Obligation	Prospective Need	46	0	0
	Present Need	0	0	0
Total Obligation		113	0	0
Realistic Development Potential (RDP)				
RDP	Highlands Buildout Analysis	0	0	0
25% Redevelopment of RDP		0	0	0
Unmet Need	Remaining Units	113	0	0
Durational Adjustment	Durationally Adjust Unmet Need	113	0	0
Total Fair Share Plan		0	0	0
Fourth Round Fair Share Plan Total				0
Fourth Round Obligation				113
Durational Adjustment and RDP				113
Total Remaining Obligation				0
Maximum Senior – 30% (33 units)				
Minimum Family Housing – 50% (57 units)				
Minimum Rental – 25% (29 units)				
Minimum Family Rental – 50% of Rental (15 units)				
Maximum Bonus Credits 25% (28 units)				

As shown in Table 20, the Township has a Third Round carryover of 67 durationally adjusted units. The Fourth Round obligation was established at 46 units of prospective need and no present need obligation. This resulted in a total Fourth Round Fair Share Plan obligation of 113 units. The Township continues to propose the market to affordable program and the accessory apartment program. The Township also continues to maintain a mandatory set-aside ordinance. The Township will continue to collect development fees and spend them on these programs over time in order to promote affordable housing in Lebanon Township. The Township also agrees to the minimum obligations with respect to family units, senior units, rental units and family rental units. As discussed below the Township conducted a build-out analysis for fully conforming Highlands municipalities, which resulted in a Realistic Development Potential (RDP) of zero (0). The unmet need, 113 units, is proposed to be durationally adjusted as also noted in the next section.

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

Highlands Build-Out Analysis

As part of the amendments to the Fair Housing Act (FHA) signed into law on March 20, 2024, the law now requires that conforming municipalities include in their Housing Element “consideration of the most recent Highlands Municipal Build Out report.” On April 18, 2024, the Highlands Council adopted, after public comment, an amendment to the Highlands Regional Master Plan (RMP) entitled Highlands Affordable Housing RMP Amendment. The amendment provides standards based on the RMP and the FHA as to where it is appropriate to locate affordable housing based on the Goals, Policies and Objectives of the RMP. Policy 607 of the RMP requires that conforming municipalities implement both the resource protection requirements of the RMP along with providing for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual resource protections. The Highlands Build-Out Update 2024 provides guidance as to how municipalities can complete a Highlands Municipal Build-Out, addressing land, sewer, and water capacity issues in the context of Highlands conforming municipalities. The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey’s residents and businesses.

Lebanon Township conducted the build-out analysis update using the Highlands Build-Out Tool. The summary of findings is attached to this plan; however, the findings are very simple. Overall and throughout the Township, there were no lots found to be developable under the Highlands Build-Out Analysis. This means that the Township has no development capacity under Highlands’ restrictions, to develop any additional housing at a scale that could qualify for inclusionary zoning standards. As a result, there is no vacant developable land available in the Township and the Township’s Realistic Development Potential is zero (0).

Lack of Water and Sewer

As demonstrated by the Highlands Build-Out Analysis, the Township does not have any unrestricted land or any capacity for sewer to support inclusionary development and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3. The Township lacks public sewer. Due to its location in the Highlands Preservation Area and the lack of developable land, it is unlikely that sewer service would become available within the Fourth Round period.

Additionally, Highlands’ regulations prevent development of multi-family inclusionary housing without existing sewer capacity. The Highlands Act authorized DEP to prepare special rules applying to the Preservation Area, which were adopted November 1, 2006 (N.J.A.C. 7:38-1.1 et seq.). Under these rules, all “major Highlands’ development” must obtain a Highlands Preservation Area Approval (“HPAA”), N.J.A.C. 7:38-1.1(f). All residential development that requires an environmental or water permit or disturbs more than one acre of land is considered “major”, N.J.A.C. 7:38-1.4. These rules also set very low septic densities, which greatly hinder the ability to zone for inclusionary development, as the Township lacks public sewer. N.J.A.C. 7:38-3.4(b). Septic densities range from 1 per 25 acres to 1 per 88 acres, depending on whether the tract is forested or not. Additionally, these rules place limits on impervious surfaces (N.J.A.C. 7:38-3.5), open water buffer areas (N.J.A.C. 7:38-3.6), flood hazard areas (N.J.A.C. 7:38-3.7), lands with steep slopes (N.J.A.C. 7:38-3.8), and forested areas (N.J.A.C. 7:38-3.9).

Lebanon Township Housing Element and Fair Share Plan – Fourth Round 2025-2035

For Round Three and now going into Round Four, the municipality agrees to comply with N.J.A.C. 5:93-4.3 as follows:

1. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the remaining Third Round prospective need obligation of 67 units and the Fourth Round prospective need of 46 units shall be deferred until adequate sewer is made available. The Township shall reserve and set aside new sewer capacity, if and when it becomes available, for low- and moderate-income housing on a priority basis. Municipal officials shall not oppose any applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity.
2. The Township determined that, due to Highlands' regulations, there are no tracts within the Township where zoning for inclusionary development is appropriate. However, the Township will continue programs to provide affordable housing through a market-to-affordable program and through an accessory apartment program. Additionally, in the event that Highlands Act regulations are repealed or amended in a significant manner to affect development in the Township, the Township will reexamine and, if necessary, amend its Housing Plan Element and Fair Share Plan.

Appendix A – Resolutions

**RESOLUTION #03-2025
ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, the Amended FHA requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan on or before June 30, 2025;

WHEREAS, the Planning Board of the Township of Lebanon, County of Hunterdon, State of New Jersey (the "Board"), has reexamined its Master Plan pursuant to N.J.S.A. 40:55D-89 et seq.; and

WHEREAS, as a result of that reexamination, and the passage of the Amended FHA, the Board has determined to adopt a Fourth Round Housing Element & Fair Share Plan for the Township of Lebanon; and

WHEREAS, the Township Planner has prepared a Housing Element & Fair Share Plan which have been reviewed by the Board; and

WHEREAS, the Planning Board of the Township of Lebanon held a public hearing on the Housing Element & Fair Share Plan on May 6, 2025, for which the required public notice was duly provided pursuant to N.J.S.A. 40:55D-13; and

WHEREAS, the Board has determined that the Housing Element & Fair Share Plan is consistent with the goals and objectives of the municipal Master Plan and the implementation of same is in the public interest and promotes the general welfare; and

WHEREAS, by this Resolution, the Board hereby approves the Fourth Round Housing Element and Fair Share Plan.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Lebanon, Hunterdon County, New Jersey, that the Board hereby adopts the Fourth Round Housing Element & Fair Share Plan for the Township of Lebanon, dated May 6, 2025, prepared by J. Caldwell & Associates, LLC, which is attached hereto and incorporated herein. The Board Secretary is hereby directed to send a copy of the Housing Element & Fair Share Plan, and this Resolution, to the Hunterdon County Planning Board.


Rick Weiler, Planning Board Vice Chair

Certification

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township of Lebanon Planning Board at a meeting held on May 6, 2025.


Maria Andrews, Planning Board Clerk

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION NO. 22-2025

**RESOLUTION APPOINTING CAROLYNN BUDD AS THE MUNICIPAL HOUSING
LIAISON FOR CALENDAR YEAR 2025**

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., Lebanon Township is required to appoint a Municipal Housing Liaison for the administration of Lebanon Township's affordable housing program to enforce the requirements of N.J.A.C 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, in accordance with Chapter 63, Article IV, §63-29 of the Township Code, the Township Committee is required to appoint a full or part-time Township employee as Municipal Housing Liaison to oversee the administration of the Township's affordable housing program.

NOW, THEREFORE IT BE RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Carolynn Budd is hereby appointed as Municipal Housing Liaison for the Township of Lebanon for calendar year 2025 to oversee the administration of the Township's affordable housing program in accordance the applicable provisions of the Coded of the Township of Lebanon.

Dated: January 3, 2025

ATTEST:

Carolynn Budd, RMC
Township Clerk

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township of Lebanon Committee at a meeting held January 3, 2025.

Carolynn Budd, RMC
Township Clerk

Appendix B – Ordinances

ARTICLE VIII
Affordable Housing Production
[Added 12-7-2005 by Ord. No. 2005-18; amended 4-4-2018 by Ord. No. 2018-02]

§ 400-57. Residential development requirements.

In any zone within the Township where affordable housing is a permitted use:

- A. Any development of five or more new residential dwelling units shall provide at least 15% of the units in rental developments as affordable units and 20% of all units in for-sale developments as affordable units with at least 50% being affordable low-income households, including 13% in rental developments being affordable to very-low-income households with all such affordable units, including the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls ("UHAC") N.J.A.C. 5:80-26.1 et seq. or any successor regulation, and all other applicable law.
- B. In the event the number of units is not a multiple of five, and the number does not round up, the developer shall pay the affordable housing development fee for the increment of the market units that are not subject to the set aside. For example, if a residential development is approved for 12 units, two of the 12 units to be constructed must be affordable and the remaining 10 may be market rate. The developer must also pay the affordable housing development fee on two market units. If the development is instead approved for 13 units, the required set aside will be rounded up and three of the 13 units shall be affordable. The developer in "rounded-up" developments will not be responsible to pay any affordable housing development fee.
- C. Pursuant to N.J.A.C. 5:97-6.4, residential developments of four or fewer residential dwelling units shall not be required to make a payment in lieu or provide for an affordable housing set-aside.
- D. In accordance with § 400-62 below, the Township may approve the construction of affordable units required by the development identified above on an off-site location or through an alternative mechanism to produce affordable units within the Township, provided the mechanism is authorized by COAH regulations. The developer shall present its planned method of affordable housing compliance to the Township or its designee at the time of filing an application for development approval. Municipal approval of the off-site construction of affordable units or the use of an alternative mechanism shall be conditioned on Township Committee endorsement of the proposed method of affordable housing compliance.
- E. A developer of a tract of land zoned for multifamily purposes may not subdivide the tract into two or more lots for the purpose of avoiding the affordable housing set-aside required by this article.
- F. All the provisions of this article are subject to the provisions of the settlement agreement which is incorporated herein as if set forth in length, the applicable provisions of UHAC, COAH rules, the Fair Housing Act N.J.S.A. 52:27D-301 et seq. and the Township's Housing Element and Fair Share Plan or any successor regulation, and all other applicable law.

§ 400-58. Payment of development fee.

In any zone within the Township where affordable housing is not a permitted use, developers shall pay the development fee in accordance with Chapter 110, Affordable Housing, Article I, Development Fee.

§ 400-59. Payments in lieu of construction.

- A. Payments in lieu of the construction of affordable housing shall be based upon N.J.A.C. 5:97-6.4(c)(3).
- B. Regardless of the mechanism selected by the developer for satisfying the required number of affordable housing units, any development or portion thereof that generates a fraction of an affordable housing unit as all or a portion of the obligation shall under any circumstances be required to make a payment in lieu of construction for that fraction of a unit based on the prorated cost of constructing an affordable housing unit in Lebanon Township.

§ 400-60. Construction of affordable housing on site.

- A. As to affordable housing units constructed on site within a residential development:
 - (1) The affordable housing units may be provided within single-family dwellings, duplex buildings, triplex buildings or quadriplex buildings designed to resemble as nearly as possible the single-family homes otherwise being constructed within the development to accommodate the market units. Unless precluded by another ordinance, such buildings shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the growth share obligation.
 - (2) No density bonus shall be granted for the construction of the affordable housing units on site, but the affordable housing units themselves shall not be included in the calculation of density for the purposes of this section.
 - (3) The lots within the development may be reduced in area and width to 20% of the area and width otherwise required in the zone in order to accommodate the construction of the affordable housing units on one or more lots on the same tract. All required setbacks, building height and coverage limits for the zone shall be met on all lots.
 - (4) All affordable units shall comply with COAH's rules pertaining to the phasing, integration, low-/moderate-income split, controls on affordability, bedroom distribution, affirmative marketing, heating source and administration of the affordable units.
- B. As to affordable housing units constructed on site within a nonresidential development:
 - (1) Affordable housing units may be constructed within or converted from space above the first-floor level in nonresidential buildings or may be constructed in a separate building or buildings on the same site as a permitted nonresidential use or development, subject to site plan review by the Planning Board. Residential or mixed-use buildings containing up to eight affordable housing units each shall be considered to be permitted uses in all nonresidential zoning districts in Lebanon Township, notwithstanding any

other provision of this chapter to the contrary.

- (2) All required setbacks, building height and coverage limits for the zone shall be met on nonresidential lots containing affordable housing units, except that, for the purposes of accommodating walkways and parking for the affordable units, the maximum lot coverage on any lot containing affordable units may be increased by up to 20% more than the coverage limit otherwise allowed on the lot.
- (3) In computing the required parking for any mixed use development containing affordable housing units, consideration shall be given to shared parking opportunities.
- (4) All affordable units shall comply with COAH's rules pertaining to the phasing, integration, low-/moderate-income split, controls on affordability, bedroom distribution, affirmative marketing, heating source and administration of the affordable units, as set forth in N.J.A.C. 5:94-4.4 and elsewhere in the rules.

§ 400-61. Creation of affordable housing units elsewhere within Lebanon Township.

- A. Developers electing to create affordable housing units elsewhere within Lebanon Township may do so within existing buildings of Lebanon Township, as set forth and regulated herein.
- B. Within all residential zones other than the RC, R-5, and R-3 Residential Zones in Lebanon Township, the reconstruction and conversion of any dwelling from a single- or two-family dwelling into a building containing up to three dwellings in which all such dwelling units are deed restricted for affordability to and occupancy by low- and moderate-income households shall be permitted as of right, subject to meeting all other requirements of this section, notwithstanding any other provision of this article to the contrary.
- C. No individual dwelling shall be smaller than 550 square feet.
- D. All affordable units shall comply with COAH's rules pertaining to the phasing (with the market units being constructed elsewhere by the same developer), low-/moderate-income split, controls on affordability, bedroom distribution, affirmative marketing, heating source and administration of the affordable units.
- E. All required setbacks, building height and coverage limits shall be met on the lot, except that, for the purposes of accommodating patios (but not decks) and parking for the affordable units, the maximum lot coverage on any lot containing affordable units shall be a maximum of 30% of the lot area and except further that existing setback deficiencies and other nonconformities of the lot and/or building may be continued without the need for additional variances.

§ 400-62. Other requirements.

- A. The use of any of the foregoing mechanisms for providing affordable housing within Lebanon Township shall be limited to the provision of non-age-restricted rental affordable housing units in compliance with all of COAH's rules.
- B. The Planning Board shall have the jurisdiction to consider the grant of a waiver from the foregoing to permit age-restricted or for sale housing where the Board finds that granting

such a waiver would be more appropriate to the context of the development or to the location and nature of the affordable housing unit(s) being created. The Planning Board shall consider the Township-wide impacts of such a deviation upon the adopted and COAH-certified Housing Element and Fair Share Plan before approving any such waiver.

- C. A proposed affordable housing production plan shall be submitted to the Planning Board at the time application is made for any development requiring growth-based affordable housing production pursuant to this section. This plan shall be a condition of the "completeness" determination. All affordable housing production plans shall be the subject of review by the Planning Board's Planner for consistency with COAH's rules and with the Township's certified third round Housing Element and Fair Share Plan. Compliance with all of the terms of COAH's rules and with the approved affordable housing production plan shall be a condition of development plan approval and may be covered by appropriate performance and maintenance guarantees as with any other required improvement.
- D. Where an odd number of low- and moderate-income housing units are required to be provided, the majority of the units shall be low-income units. Where there are an insufficient number of affordable units provided to meet the bedroom distribution requirements of COAH's rules, the first unit shall be a two-bedroom unit, the second unit shall be a three-bedroom unit and the third unit shall be a one-bedroom unit. Otherwise, the bedroom distribution shall be in strict accordance with COAH's rules. It shall be the developer's responsibility, at its sole cost and expense, to contract with a COAH-approved and Township-designated experienced entity for the initial and ongoing administration of the controls on affordability so as to ensure full COAH compliance. The designated administrative entity shall, by February 1 of each year, and as needed throughout the year, file with the Township Clerk of the Township of Lebanon such certifications, reports and/or monitoring forms as may be required by COAH to verify the continuing compliance of each affordable unit with COAH's rules.
- E. Inclusionary residential developments constructed in any zones hereafter designated for inclusionary development shall be exempt from the requirements of this section. Moreover, developments covered by this section shall be exempt from the payment of development fees pursuant to any Development Fee Ordinance adopted by the Township.

ARTICLE I

Development Fee**[Adopted by Ord. No. 4B-1997 (Ch. XXIII of the 1985 Revised General Ordinances)]****§ 110-1. Purpose.**

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 Council on Affordable Housing's (COAH) developing rules. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 110-2. Retention of fees.

Any fees collected prior to December 13, 1990, shall be retained by the Township of Lebanon pursuant to COAH's rules regarding the retention of development fees.

§ 110-3. Residential development fees. [Amended 12-7-2005 by Ord. No. 2005-17; 4-4-2018 by Ord. No. 2018-03]

Within all zones within the Township of Lebanon, developers shall pay a development fee of 1.5% of the equalized assessed value of any eligible residential activity pursuant to § 110-5 of this article.

§ 110-4. Nonresidential development fees. [Amended 12-7-2005 by Ord. No. 2005-17; 4-4-2018 by Ord. No. 2018-03]

Developers within all zones within the Township of Lebanon shall pay a fee of 2.5% of the equalized assessed value for eligible nonresidential activities pursuant to § 110-5 of this article.

§ 110-5. Eligible exaction, ineligible exaction and exemptions. [Amended 12-7-2005 by Ord. No. 2005-16; 3-1-2006 by Ord. No. 2006-04; 4-4-2018 by Ord. No. 2018-03]

- A. Developers of low- and moderate-income units shall be exempt from paying development fees.
- B. A development fee in accordance with the Development Fee Ordinance in effect at the time of an expansion or other improvement shall be paid for the expansion or other improvement of any existing structure, provided such expansion results in an increase of the equalized assessed value by \$20,000 or greater, with such fee to be applied on the amount in excess of such increase. Expansions aggregated over two years from the date of issuance of an initial building permit shall be considered one expansion, and the total resulting increase in equalized assessed value shall be aggregated in the calculation of the development fee to be paid under this section.
- C. All development in any zone within the Township where affordable housing is not a

permitted use shall be subject to payment of the development fee in accordance with the Development Fee Ordinance in effect at the time a building permit is issued.

- D. Properties owned by the State of New Jersey or any subdivision thereof (including, but not limited to, the County of Hunterdon, the North Hunterdon — Voorhees Regional High School District, the Lebanon Township School District or the Township of Lebanon) are exempt from the payment of fees under this article.
- E. Properties which are carried on the local tax rolls as properties totally exempt from the payment of local real estate taxes are exempt from the payment of fees under this article. Examples would be properties owned by churches or properties owned by nonprofit associations.
- F. Residential homes demolished and replaced shall be exempt from the payment of a development fee so long as the equalized assessed value of the property does not increase by more than \$20,000. In all other cases, the development fee shall be calculated on the increase in excess of \$20,000 in the equalized assessed value of the replacement structure and any ancillary improvements. This exemption shall only apply if the demolition and reconstruction are completed by the same owner.
- G. For new construction, whether residential or nonresidential, a development fee will be applied to the entire equalized assessed value of the project, including land and structures.

§ 110-6. Collection of fees. [Amended 4-4-2018 by Ord. No. 2018-03]

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For 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 N-RDF as per the instructions provided. The construction official shall verify the information submitted by the developer as per the instructions provided in the form N-RDF. The Township Tax Assessor shall verify any exemptions claimed and prepare estimated and final assessments in accordance with the instructions provided in form N-RDF.
- C. For all development:
 - (1) The construction official responsible for the issuance of a building permit shall notify the Tax Assessor of the issuance of the first building permit for a development that is subject to a development fee.
 - (2) Within 90 days of receipt of said notice, the Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 - (3) The construction official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

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§ 110-6

§ 110-7

- (4) Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 - (5) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- D. Payment of development fee. Developers shall pay 50% of the estimated development fee to the Township of Lebanon at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
- (1) Developers shall pay the remaining fee to the Township of Lebanon at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at issuance of building permit.
- E. Appeal of development fees. (The following subsections shall be included on the application forms used in accordance with this provision.)
- (1) Residential. 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.
 - (2) Nonresidential. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the 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.

§ 110-7. Housing Trust Fund. [Amended 4-4-2018 by Ord. No. 2018-03]

- A. There is hereby created an interest-bearing Housing Trust Fund in the United National Bank for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this article shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH or a court of competent jurisdiction.

- B. The following additional funds shall be deposited in the Housing Trust Fund and shall at all times be identifiable by source and amount:
- (1) Payments in lieu of on-site construction of a fraction of an affordable unit;
 - (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached unit development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Township's affordable housing program.
- C. If COAH or a court of competent jurisdiction determines that the Township of Lebanon is not in conformance with COAH's rules on development fees or any order from a court of competent jurisdiction, COAH or a court of competent jurisdiction is authorized to direct the manner in which all development fees collected pursuant to this article shall be expended. Such authorization is pursuant to this article, COAH's rules on development fees and the written authorization from the governing body to the United National Bank.

§ 110-8. Use of funds. [Amended 4-4-2018 by Ord. No. 2018-03]

- A. Money deposited in a Housing Trust Fund may be used for any activity approved by COAH or a court of competent jurisdiction for addressing the Township of Lebanon's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction of affordable housing units and related costs, the purchase of land for low- and moderate-income housing, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites, accessory apartment program, a market to affordable program, assistance designed to render units more affordable to low- and moderate-income households, improvements to land to be used for affordable housing, financial assistance designed to increase affordability, administrative costs necessary to implement the Township of Lebanon's housing element, and/or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 as may be amended by any decision of a court of competent jurisdiction. The expenditure of all money shall conform to a spending plan approved by COAH or a court of competent jurisdiction.
- B. At least 30% of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low-interest loans and rental assistance.
- C. No more than 20% of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment.

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- D. Development fee revenues shall not be expended to reimburse the Township of Lebanon for past housing activities.
- E. The Township of Lebanon 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, as may be amended by any order of a court of competent jurisdiction.

§ 110-9. Expiration of article. [Amended 4-4-2018 by Ord. No. 2018-03]

This article shall expire if:

- A. COAH dismisses or denies the Township of Lebanon's petition for substantive certification;
- B. COAH revokes substantive certification or its certification of this article;
- C. A court of competent jurisdiction denies the Township of Lebanon a judgment of repose;
- D. Substantive certification or judgment of repose or order of immunity from a court of competent jurisdiction expires prior to the Township of Lebanon's filing an adopted housing element with COAH or a court of competent jurisdiction, petitioning COAH for substantive certification, or receiving approval of this article from COAH or a court of competent jurisdiction.

§ 110-10. Definitions.

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

COAH — The New Jersey Council of Affordable Housing.

DEVELOPMENT FEES — Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE — The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

JUDGMENT OF REPOSE — A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

SUBSTANTIVE CERTIFICATION — A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

Township of Lebanon, NJ

§ 199-1

§ 199-1

ARTICLE I
Title

§ 199-1. Title.

This chapter shall be known as the "Fair Housing Ordinance" of the Township of Lebanon.

ARTICLE II

Authorization; Findings of Fact; Purpose; Definitions

§ 199-2. Authorization.

The New Jersey Legislature, in passing the Fair Housing Act (P.L. 1985, c. 222),¹ has authorized municipalities and their duly elected governing bodies to adopt ordinances providing for the realistic opportunity for their low- and moderate-income citizens and, in certain cases, citizens of the region wherein they lie and the State of New Jersey, to obtain sound, safe, and affordable shelter. In furtherance of the aforementioned authority, the Township Committee of the Township of Lebanon, does hereby ordain as follows.

§ 199-3. Findings of fact; effective date. [Amended 4-4-2018 by Ord. No. 2018-02]

- A. The New Jersey Supreme Court has ruled that each municipality has a constitutional obligation to provide a realistic opportunity for the provision of housing for low- and moderate-income households in fulfillment of the housing needs of the region wherein it is located.
- B. The Lebanon Township Planning Board has adopted a Housing Plan Element and Fair Share Plan of the Master Plan as required by the Fair Housing Act and pursuant to the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq.); said Housing Plan Element provides the framework for this chapter. The Housing Plan Element has been endorsed by the governing body. The Housing Element describes the ways the Township of Lebanon shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Township and Fair Share Housing Center ("FSHC") in the Matter of the Application of the Township of Lebanon, County of Hunterdon, Docket No. HNT-299-15 (the "settlement agreement").
- C. The Superior Court of the State of New Jersey, Hunterdon County approved a settlement agreement between the Township and Fair Share Housing Center via a fairness hearing on September 12, 2017 in the case captioned In the Matter of the Application of the Township of Lebanon, Docket No. HNT-L-299-15. Pursuant to the settlement agreement, the Township must seek approval from the Court of its Housing Plan Element referenced above via a Compliance Hearing, to be held after adoption of this Fair Housing Ordinance.
- D. This chapter shall not become effective until the Court approves the Township's Housing Plan Element and issues a judgement of repose.

§ 199-4. Purpose. [Amended by Ord. No. 2001-45; 4-4-2018 by Ord. No. 2018-02]

- A. The purpose of this chapter is to meet Lebanon Township's fair share housing obligation as set forth in the settlement agreement. This chapter provides for the rehabilitation of three existing residential units located within the Township which are deemed by the Construction Code Official to meet the criteria for eligibility as set forth herein, and through an accessory apartment program providing for one unit and a municipally sponsored market to affordable program providing for one unit. Funding for the above-referenced programs shall be

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

provided by the Township through one or more of the following means:

- (1) A Housing Trust Fund, established by the Township in conjunction with the Township's approved Development Fee Ordinance.²
- (2) Grants in aid from the State of New Jersey DCA Balanced Housing Program or NJHMFA Affordable Housing Program or such other program(s) as may be available under state sponsorship.
- (3) Grants in aid from the County of Hunterdon as may be available from time to time during the implementation of this chapter.
- (4) Municipal appropriation, as necessary if no other funds as outlined above are available. Each fiscal year, the Township Committee shall include the necessary sum in the municipal budget in order to ensure sufficient funds for program operations during the year.

§ 199-5. Definitions.

- A. All definitions contained in N.J.A.C. 5:96-1.1 et seq., as may be amended by the decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") or a court of competent jurisdiction, Procedural Rules of the New Jersey Council on Affordable Housing, and N.J.A.C. 5:97-1.1. et seq., as may be amended by the decision in Mount Laurel IV or a court of competent jurisdiction, Substantive Rules of the New Jersey Council on Affordable Housing, are hereby incorporated and adopted as if set forth in full herein. For convenience, the following definitions are provided for reference purposes. In the event of any conflict or amendment to the New Jersey Administrative Code (N.J.A.C.), the definitions and rules duly promulgated pursuant to the Administrative Procedures Act shall govern this chapter.

- B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT — A dwelling unit authorized under this chapter for the sole purpose of fulfilling the Township's obligation for its fair share of the regional low- and moderate-income housing need under rules and regulations established by COAH. Such units are limited in number and are authorized for this special case for periods of time identified in this chapter.

ACT — The Fair Housing Act (P.L. 1985, Chapter 222).

ADMINISTRATIVE AGENT — The person or entity responsible for administering the affordability controls of this section as designated by N.J.A.C. 5:80-26.14.

AFFORDABLE — A sales price or rent within the means of a low- or moderate-income household as defined in COAH's rules, specifically N.J.A.C. 5:97-9; 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, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in COAH's rules, specifically, N.J.A.C. 5:80-26.12, as may be amended and supplemented.

2. Editor's Note: See Ch. 110, Art. I, Development Fee.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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.).

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, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

HOUSEHOLD — A person or persons occupying a housing unit, whether the owner or tenant of the unit.

LOW-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

MODERATE-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by household with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

PROGRAM — The administration and assistance provided under this chapter to rehabilitate housing units that are substandard, create accessory apartments, and to fund the conversion of market units to affordable units.

REHABILITATED UNIT — A previously substandard unit which has undergone significant renovation to meet the municipal or other applicable housing code standards.

SETTLEMENT AGREEMENT — A settlement agreement between the Township and Fair Share Housing Center ("FSHC") in the Matter of the Application of the Township of Lebanon, County of Hunterdon, Docket No. HNT-299-15.

SUBSTANDARD HOUSING UNIT — A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

SURROGATE — A census indicator of deficient housing.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

ARTICLE III
General Provisions.
[Amended 4-4-2018 by Ord. No. 2018-02]

§ 199-6. Municipal fair share obligation; identification of programs.

- A. As set forth in the settlement agreement, the fair share obligation of the Township consists of a three-unit rehabilitation obligation, a 27-unit prior round obligation, and a two-unit prospective need obligation.
- B. The Township shall comply with the terms of the settlement agreement.
- C. The Township of Lebanon has determined that it will use the following mechanisms to satisfy its affordable housing obligations: rehabilitation, accessory apartments, and market-to-affordable buy down.

§ 199-7. Rehabilitation program.

- A. The Township of Lebanon's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B. Eligibility.
 - (1) Household eligibility.
 - (a) Only owners of houses or structures within Lebanon Township are eligible for the rehabilitation assistance provided under this chapter. For owner-occupied units, the owner shall be determined to be income eligible as a low- or moderate-income household as herein defined, in accordance with this chapter. For renter-occupied units, the tenant household shall be determined to be income eligible as low- or moderate-income, in accordance with this chapter.
 - (b) Owners of vacant units which are found to be eligible for assistance under this chapter shall enter into an agreement or deed restriction, that the unit will either be rented or sold to a low- or moderate-income eligible household as provided in this chapter and the rent or sales price of the unit shall be restricted for a term of years as outlined herein.
 - (2) Unit eligibility.
 - (a) A dwelling unit which is proposed to be rehabilitated under this chapter must be found to be a substandard housing unit in accordance with N.J.A.C. 5:97-1.1 et seq., as may be amended by the decision in Mount Laurel IV or a court of competent jurisdiction. A "substandard housing unit" is defined as a unit that was built prior to 1950 and is overcrowded or one with health and safety code violations that require the repair or replacement of a major system. A major system shall include a roof, plumbing (including wells), heating, electricity, weatherization, sanitary plumbing (including septic systems) and/or a load bearing structural

system. Upon rehabilitation, housing deficiencies shall be corrected and the house shall be brought up to code standard. The standard for evaluating rehabilitation activity shall be the local property maintenance code or, if none is available, the BOCA National Existing Structures Code. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic.

- (b) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). Owners of units rehabilitated under this chapter shall be bound by a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment, the form of which shall be prepared by the Township Attorney in conformance with the Act.

C. Terms of rehabilitation program.

- (1) The assistance provided under this chapter shall be available until three units of deficient housing have been satisfactorily rehabilitated within the Township's period of substantive certification or judgment of repose.
- (2) The Township shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- (3) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (a) 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 rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - (d) Applicant and/or tenant households shall be certified as income eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

§ 199-8. Accessory apartment program.

- A. An accessory apartment shall be occupied by a low-income household meeting the income eligibility standards established by COAH for a period as set forth in any agreement or deed restriction, but not less than 10 years. The owner of the principal dwelling shall reside in the

principal dwelling or the apartment at all times.

- B. No more than one accessory apartment shall be created under this program.
- C. Accessory apartments are permitted in existing principal or accessory buildings on lots in the following zones and according to the following area, yard and bulk requirements:
 - (1) On any lot in any zone where approval of the proposed septic system can be obtained.
- D. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey, in addition to all building codes.
- E. The rents for the accessory apartment, including an allowance for utilities, shall be affordable to a low-income household as per COAH and UHAC regulations.
- F. The accessory apartment shall have living and sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants.
- G. The accessory apartment shall consist of not less than two rooms, one of which shall be a bathroom containing a flush toilet, wash basin and bathroom tub or shower.
- H. All rooms shall be accessible from within the apartment.
- I. The accessory apartment shall be separate from the primary residence and private and secure from all attached units.
- J. The apartment shall have direct access to the outdoors or directly to a hall from which there is direct access to the outdoors without passing through any other unit, and the accessory apartment shall comply with all requirements of the applicable building codes.
- K. If the apartment is located on the second or third floor, there shall be at least two means of access to the outdoors, available at all times, as approved by the Construction Official. Exterior stairways for the accessory apartment shall be located at the rear or side of the structure.
- L. No apartment shall be located above the third floor.
- M. The net floor area of the apartment shall be at least 400 square feet, and no bedroom shall have a net floor area of less than 80 square feet.
- N. An accessory apartment shall be permitted in a principal building, or in an accessory building existing at the time of the adoption of this chapter. The accessory apartment shall occupy no more than 1,200 square feet of the principal or existing accessory building.
- O. At least two off-street parking spaces, or one off-street parking space per bedroom, whichever is greater, shall be provided for each apartment, situated in the side yard or rear yard only.
- P. An accessory building in which a supplementary apartment is built may not be used for any other purpose, except for the storage of vehicles and equipment normally used on residential or agricultural lots or the operation of a residential or agricultural workshop, provided that large quantities of toxic or hazardous materials are not stored in the building.

- Q. The sanitary disposal system serving the accessory apartment shall be approved by the Board of Health.

§ 199-9. Market to affordable program.

- A. A market to affordable program is established to permit the subsidization of units rented to low- and moderate-income households through a written agreement with the property owner. Subject to the provisions of Subsection B(3) below, the market to affordable program shall produce one low-income unit.
- B. The following provisions shall apply to the market to affordable program:
- (1) At the time it is offered for rental, the eligible unit may be new, pre-owned, or vacant.
 - (2) The unit shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - (3) The municipality will provide a minimum of \$30,000 to subsidize the low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
- C. The unit shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
- (1) Bedroom distribution [N.J.A.C. 5:80-26.3(b) and (c)];
 - (2) Low/moderate income split [N.J.A.C. 5:80-26.3(a)]; and
 - (3) Affordability average [N.J.A.C. 5:80-26.3(d) and (e)].

§ 199-10. Compliance with chapter and affordability controls.

All owners of assisted units under the programs set forth in this chapter shall enter into an agreement with the Township, and a deed restriction and/or lien shall be filed, stipulating that the owner agrees to comply with this chapter and the Act for the specified terms as outlined herein.

§ 199-11. Compliance with COAH regulations.

This chapter and all persons assisted pursuant thereto shall comply with the rules and regulations of the New Jersey Council on Affordable Housing ("COAH rules").

ARTICLE IV
Administration

[Amended 3-2-2011 by Ord. No. 2011-03; 4-4-2018 by Ord. No. 2018-02]

§ 199-12. Staff; duties generally.

- A. Administrator. The Township Committee shall appoint an administrative agent of the rehabilitation, accessory apartment, and market to affordable programs. The administrative agent may also act as the Township's Municipal Housing Liaison. In this capacity the administrative agent shall arrange for all mass mailings and advertising, shall make funding recommendations to the Township Committee as outlined herein, shall periodically report the progress of the program to the Township Committee and shall file annual reports with COAH as required by N.J.A.C. 5:97 and the settlement agreement.
- (1) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (b) Affirmative marketing;
 - (c) Household certification;
 - (d) Affordability controls;
 - (e) Records retention;
 - (f) Resale and rerental;
 - (g) Processing requests from unit owners; and
 - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - (i) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
 - (2) The administrative agent, in conjunction with the Construction Code Official and Assessor, shall develop forms for use by households or owners wishing to participate in the programs. The administrative agent shall maintain a complete file for each application.
- B. Construction Code Official. The Township Construction Code Official shall have primary responsibility for all housing inspections. For units proposed for rehabilitation, he shall determine the unit's substandard systems and eligibility, the scope of work needed to make the unit adequate and safe, and the estimated cost of improvements. For proposed accessory apartments, the Construction Code Official shall determine the estimated cost of improvements. He shall report his findings in the form of recommendations for funding to

the administrative agent who shall list same on the agenda of the Township Committee. The Construction Code Official shall make periodic inspections and issue a report of completion to the administrative agent concomitant with the issuance of a certificate of occupancy for the unit upon completion of the rehabilitation, accessory apartment, or market-to-affordable unit creation.

- C. Township Planner. For proposed accessory apartments and market to affordable units, the Township Planner shall determine whether the proposed units meet all applicable standards in §§ 199-8 and 199-9.
- D. Tax Assessor. The Tax Assessor shall aid the Construction Code Official in his inspections and shall assist the administrative agent in arranging for mass mailings utilizing the Township's tax assessment records.
- E. Township Attorney. A Township Attorney shall prepare all deed restrictions, lien documents, and any other legal documents he shall deem necessary and adequate to effectuate this chapter, the programs, and the regulations or requirements.

§ 199-13. Affirmative marketing.

- A. The Township adopts, by passage of this ordinance, the following affirmative marketing plan, subject to approval of COAH or a court of competent jurisdiction, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
 - (1) The administrative agent, in conjunction with the Tax Assessor and Tax Collector, shall arrange, at least once annually, for a mailing of brochures to all homeowners within the Township, announcing and explaining the availability of rehabilitation and accessory apartment assistance. In addition, the administrative agent shall arrange for and shall display, in public buildings throughout the Township, posters which advertise the program. Owners of nonpublic facilities may, upon request, also display posters (such as banks, churches, community service organizations). All brochures and posters shall specify the name of the contact person in the Township Municipal Building (with telephone number and address) who will provide more detailed information and, upon request, application packages.
 - (2) News releases shall be prepared and sent to the local print media at least quarterly and a public meeting shall be held in the initial stage of program implementation to familiarize interested parties with the procedures for program participation. Informational meetings shall be held with welfare organizations, community groups, personnel departments of local employers, social workers, civic and religious leaders, senior citizen groups, and fraternal organizations. Marketing efforts will continue until the programs are fully subscribed.
- B. The administrative agent shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- C. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/

tenant law.

- D. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.
- E. In compliance with the settlement agreement, the Township shall include in its affirmative marketing plan pursuant to N.J.A.C. 5:80-26.15(f)(5), the following: Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (P.O. Box 1262, Newark), NJ 07101, Morris County NAACP (P.O. Box 2256, Morristown, NJ 07962), and Elizabeth NAACP (P.O. Box 6732, Elizabeth, NJ 07206). The Township shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

§ 199-14. Application and forms.

The administrative agent shall develop appropriate forms for program implementation as follows:

- A. Application form which shall cover all general data such as owner's and applicant's name; occupancy status; present rent (if applicable); number of persons in household; location and number of units, including number of bedrooms; income level and sources of income for proposed occupants; a description of the work to be done; and, for accessory apartments, a plot plan and construction plan.
- B. Income verification forms which shall be signed by the applicant so that the administrative agent may mail them to the employer for verification. If unemployed, the applicant shall supply such other evidence as will reasonably establish the income level, such as social security statements, tax returns, dividend statements, etc. The administrative agent shall keep all financial disclosures made by an applicant confidential. In making recommendations to the Township Committee, the income need not be disclosed in public session except by means so as to establish that the income level is below the applicable low- or moderate-income levels established by the Council on Affordable Housing.
- C. For vacant units where an owner-applicant may apply for and receive a rehabilitation or accessory apartment loan pursuant to this chapter, the owner shall agree to provide all necessary documents and a verification as outlined in this section, for prospective occupants, so as to adequately demonstrate compliance with all local and state regulations cited herein. An owner-applicant is a person who owns a housing structure proposed for rehabilitation, or a building proposed for an accessory apartment, and is applying to create a rental unit.
- D. Affordability controls shall be clearly identified in the application package, and shall be in conformance with this chapter and COAH's rules. A sample deed restriction and/or rehabilitation loan agreement shall be supplied to the applicant.
- E. Supporting documents shall be submitted evidencing proof of ownership.

F. Applications shall be considered in the order in which they are received by the Township.

§ 199-15. Application procedures.

- A. Filing. All interested applicants may obtain an application package from the administrative agent. Questions as to income eligibility or administrative procedures may be directed to the administrative agent. Assistance regarding unit eligibility, accessory apartment standards, scope of work, and obtaining cost estimates will be provided by the Construction Code Official. The Construction Code Official and Administrative Agent shall arrange for special times to make themselves available to assist the public, which shall include daytime and evening hours. All completed applications shall be presented to the administrative agent.
- B. Administrative agent's review.
- (1) The administrative agent shall, within five business days, review the application to determine its completeness and the income level of the applicant. If the applicant's income exceeds the eligibility standard, the applicant will be so notified and a confirming letter shall be kept in the file. If the application is complete and the stated income level is eligible, the administrative agent shall transmit a copy of the package to the Construction Code Official for review. Thereafter, the administrative agent shall verify the income with the applicant's employer on the forms provided. Once verified, the Clerk shall so notify the Construction Code Official.
 - (2) For vacant units, the owner need not be income eligible, but he or she shall provide adequate documentation at the time of occupancy that the sales price or rental rate is affordable as defined in this chapter, and that the prospective occupants are income eligible.
- C. Township Planner's and Construction Code Official's review.
- (1) The Construction Code Official shall review the application package, and within 10 business days of receipt of same, shall (with the Tax Assessor) arrange for an inspection of the property. For rehabilitation proposals, he shall prepare a work write-up that details the unit's substandard characteristics and scope of work, all of which shall be in compliance with this chapter. A copy of the work write-up shall be sent to the applicant within 10 days of the inspection. The Construction Code Official shall prepare an in-house cost estimate to be kept in the file confidentially, until a contractor's proposal for the rehabilitation work is received. The applicant shall obtain at least one contractor's estimate (typical time frame of 10 business days) and return same to the Construction Code Official. If the Construction Code Official finds that the estimate is within 10% of his estimate, he shall prepare a recommendation for funding to be sent to the administrative agent for inclusion on the Township Committee's agenda. If the estimate is too high or too low, the applicant may elect to obtain a new estimate, or may request the contractor to meet with the Construction Code Official to resolve the discrepancy.
 - (2) For proposed accessory apartments, the Township Planner shall review the application for conformance with the zoning standards established in § 199-8 of this chapter and Chapter 400, Zoning, and provide its findings to the Construction Code Official and Township Committee. The Construction Code Official shall review the findings of the

Township Planner, the proposed plot plan and the construction plan for conformance with the construction standards in § 199-8. The applicant shall submit a cost estimate for the proposed scope of work for review by the Construction Code Official. If the Township Planner and the Construction Code Official find that the proposed accessory apartment complies with the standards of § 199-8, and that the estimate is within 10% of the Construction Code Official's independent estimate, then the Construction Code Official shall prepare a recommendation for funding to be sent to the administrative agent for inclusion on the Township Committee's agenda. If the standards of § 199-8 are not met, then the Construction Code Official shall prepare a report for the applicant and Township Committee identifying the standards which are not satisfied.

- D. Township Committee authorization. Recommendations for funding shall be sent by the Construction Code Official to the Municipal Housing Liaison for inclusion on the agenda of the Township Committee. If all program criteria have been met, the Committee shall approve the funding of the improvements for the funds reserved for the program and shall authorize the Township Attorney to prepare a rehabilitation accessory apartment, or market to affordable loan agreement and deed restriction or lien so as to ensure that a lien position may be held by the Township. The work may then be authorized by the Construction Code Official as provided in § 199-22. For rehabilitation projects, the loan principal shall include only capital costs. Administrative expenses to be budgeted (such as the inspection costs, attorney's fees, and processing expenses incurred by the Municipal Housing Liaison) shall be paid by the Township and not charged to the borrower. For any two-year period, the average capital expense (hard cost) for units in the rehabilitation program shall be \$10,000, and the Township Committee may authorize the expenditure of up to \$30,000 on a rehabilitated unit. The Township Committee shall provide at least \$25,000 to subsidize the creation of each low-income accessory apartment. The Township Committee shall provide \$30,000 to subsidize the creation of a low-income market-to-affordable unit.
- E. Inspections. For rehabilitation and accessory apartment projects, the Construction Code Official shall periodically inspect the premises during construction. Payments will be made to the contractor at 50% performance (40% of the cost) and upon completion (the balance due). Change orders shall require approval by the Township Committee if additional funding is required beyond the contract amount. Otherwise, applicant and Construction Code Official concurrence shall be the only necessary authorization. Upon completion, the Construction Code Official shall issue a completion report to the administrative agent stating that the work has been undertaken in conformance with the program, this chapter, and the applicable codes, and that the unit has been brought up to compliance with the relevant housing or building code for rehabilitated units, or the relevant accessory apartment standards for new accessory apartments.
- F. Reports to the Township Committee. At least quarterly, the administrative agent shall report the program's progress to the Committee, including an accounting report supplied by the Chief Financial Officer/Treasurer as to funds expended. The report shall state the status of units under review or under construction, and the efforts which will be undertaken to meet program goals in the future. Every two years, with the first report being due in August 2019, the administrative agent shall file a progress report with the Council on Affordable Housing and Fair Share Housing Center.

ARTICLE V
Affordability Controls
[Amended 4-4-2018 by Ord. No. 2018-02]

§ 199-16. General requirements.

- A. In accordance with N.J.A.C. 5:97, all units assisted under this chapter shall be subject to resale and rent affordability control for the periods outlined herein. Should the terms as authorized by N.J.A.C. 5:97 be amended as provided by law, then this chapter may be amended and the Township Committee may at its discretion take such steps as necessary to amend any loan agreement or deed restriction, with the consent of the owner.
- B. At the time an application for a unit(s) is approved by the Township Committee, each household in occupancy must be income eligible as set forth in Article III whether an owner-applicant or a renter-applicant. Owners of vacant units must agree to rent or sell the unit to an income eligible low- or moderate-income household when the rehabilitation or accessory apartment is completed or when the market-to-affordable unit is funded. In approving the rehabilitation of vacant units, the Township Committee shall attempt to assure that at least 50% of such vacant units are reserved for low-income households.
- C. The owner shall provide a certification verifying that the proposed rent level complies with this chapter and COAH rules.

§ 199-17. Terms.

- A. Owner-occupied rehabilitated units. Units which are owner-occupied shall be subject to affordability controls for a term of 10 years. At that time, the administrative agent shall advise the Township Attorney to file the lien effectuating the rehabilitation loan agreement as hereinafter set forth.
- B. Renter-occupied rehabilitated units. Units which are occupied by renter households shall be subject to affordability controls for a period of 10 years from the date a completion report is filed by the Construction Code Official with the administrative agent. At that time, the administrative agent shall advise the Township Attorney to file the deed restriction effectuating the rehabilitation loan agreement as hereinafter set forth. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
- C. Vacant rehabilitated units.
 - (1) At the time a vacant unit is approved for funding by the Township Committee, the owner shall elect either to sell or to rent the unit when rehabilitation is completed. If the unit is to be sold, it shall be sold to an income eligible low- or moderate-income household based on the following standards:
 - (a) Sales units shall be priced so that the sales price is affordable to households based on a factor of no more than 28% of gross income being paid for principal, interest, taxes, and insurance with a 10% down payment and a mortgage at prevailing interest rates at the time the application is approved. Controls shall be in effect for

six years.

- (b) Rental units shall be rented to income eligible household based on no more than 30% of gross income paid for rent, including utilities. Controls shall be in effect for 10 years.
- (2) At the time a vacant unit has been rehabilitated and a completion report issued, the Attorney shall file the loan agreement in the manner provided in § 199-23 below. The agreement and deed restriction shall contain provisions requiring that, as a condition of sale or rent of the vacant unit, the owner shall provide the administrative agent with documentation and the administrative agent shall verify that the proposed purchaser or renter household meets the income criteria established in this chapter, i.e., that the household is either low-income or moderate-income and that the sales price or rent level is affordable as low- or moderate-income housing, all in accordance with the occupancy designation of the unit as set forth in § 199-16. The administrative agent shall provide the owner with approval or disapproval based upon the criteria in this chapter for making such determinations. Until a satisfactory determination is reached, any certificate of occupancy shall be considered conditional in regard to substantiation of compliance with this chapter. Once the administrative agent certifies approval, a copy shall be forwarded to the Construction Code Official, who shall issue the full certificate of occupancy, provided all work-related items have been completed satisfactorily.

D. Accessory apartments.

- (1) The one accessory apartment created shall be subject to affordability controls for a term of at least 10 years from the date a completion report is filed by the Construction Code Official with the administrative agent.
- (2) Vacant accessory apartments, for which no tenant is available at the time of filing the completion report, shall be subject to the same conditions of the loan agreement concerning income eligibility of the proposed renter household as are outlined in Subsection C.

§ 199-18. Rehabilitation and accessory apartment loan agreements.

At such time as the Township Committee approves an application for assistance (funding) under this chapter for a rehabilitation or accessory apartment, it shall be with the condition that the amount of funding for capital costs or soft costs paid to the applicant shall be the subject of a rehabilitation loan agreement, whereby the owner agrees to be bound by this chapter and the following terms:

- A. General terms. The rehabilitation or accessory apartment loan shall be for the full amount of funds borrowed by the applicant to cover the cost of the repairs to each eligible unit, whether from Township funds or other funding sources as may be available through this program. The loan shall stipulate that interest shall only accrue on the principal according to the terms outlined in Subsection D. Payments on principal shall only be due upon sale or refinancing of the unit(s), except as outlined below in Subsections C, D and E.
- B. Terms for owner-occupied rehabilitated units. Owners of owner-occupied units shall

generally continue to reside in the unit for 10 years. If the unit is sold during the ten-year period, the loan shall be assumable only if the purchaser is an income eligible low- or moderate-income household. If, during the ten-year term, the unit is sold to a non-income eligible household, the loan and all accrued interest determined as specified in Subsection E shall be repaid in full as a condition of the sale. The Township will then offer the same assistance to another unit within the Township. At the end of the ten-year period, the loan principal shall be repaid in full, except that if the owner remains an income eligible household and continues to live in the unit, the payment may be deferred. In said event, a new agreement shall be executed stipulating these conditions.

- C. Terms for renter-occupied rehabilitated units. Owners of renter-occupied units shall agree to rent the unit to an income eligible household for the full ten-year term. Any future owner of such units shall be bound by this restriction, and the loan shall be assumable. At the end of the ten-year period, the loan principal shall be repaid in full, except that if the owner agrees to continue renting to income eligible households, the payment may be deferred. In said event, a new agreement shall be executed stipulating these conditions.
- D. Terms for accessory apartments. Owners of renter-occupied accessory apartments shall agree to rent the unit to an income eligible household for the full ten-year term. For units with a ten-year loan agreement, the loan shall be repaid in full at the end of the ten-year period, together with accrued interest, except that if the owner agrees to continue renting to income eligible households, the payment may be deferred. In said event, a new agreement shall be executed stipulating these conditions. The loan may not be prepaid during the initial ten-year period.
- E. Premature termination. In cases where the rehabilitation or accessory apartment loan agreement must be terminated prematurely due to court action, bankruptcy or good cause as may be established by rules and regulations of an appropriate federal or state agency, before the expiration of the time period in the agreement required by this chapter or COAH regulations as revised, the amount of the loan principal is to be paid in full together with accrued interest determined as follows:
 - (1) For a ten-year loan terminated in its first year, simple interest at a rate per annum equal to the prime rate at Citibank of New York plus 2%. For a ten-year loan terminated thereafter, the rate per annum for the entire period will be the first year's rate reduced by 10% for each full year that the loan has been outstanding until after nine full years when the rate shall be 1%.

§ 199-19. Rental of an owner-occupied rehabilitated unit.

An owner who decides to rent a rehabilitated unit which was owner-occupied at the time the application was approved shall only be permitted to rent the unit to an income eligible household in accordance with the standards contained in § 199-17C(1)(b) above. The controls shall be extended and the loan agreement modified so as to extend the term thereof to 10 years from the date of the filing of the completion report, in accordance with § 199-18C above.

§ 199-20. Exceptions.

Exceptions to these controls shall be the same as the Resale and Rental Affordability Control

Regulations promulgated by the New Jersey Housing and Mortgage Finance Agency as required by the Fair Housing Act.

§ 199-21. Noneviction policy.

Notwithstanding the above, nothing herein shall require the relocation or eviction of a household lawfully occupying a unit due to a rise in income above the restricted income limits.

§ 199-22. Establishment of income limits.

The income limits which shall govern this chapter shall be those promulgated by COAH or a court of competent jurisdiction.

§ 199-23. Agreement in escrow.

At such time as the application for funding is approved, the Township Attorney shall, within 14 days, prepare and arrange the execution of the deferred loan agreement. A copy shall be given to the owner, Construction Code Official, and Township Clerk. Upon receipt of a copy of the agreement, the Construction Code Official shall authorize the work. The original shall be held by the Attorney in escrow, pending the filing of the completion report, at which time same shall be recorded with the Register of Deeds. A copy of the recorded agreement shall be sent to the above listed parties and shall contain the date of expiration of the controls in accordance with the above provisions contained in § 199-17.

§ 199-23.1. Violations and penalties; notice of violation; court action; foreclosure. [Added 1-19-2005 by Ord. No. 2005-01]

- A. For the violation of any part of Article V by an owner of a low- and/or moderate-income unit, the Township shall provide written notice of such violation to the owner and advise the owner of the penalties for such violation. For any and every such violation that remains uncured within 60 calendar days from the date of service of such written notice, the Township may pursue any of the courses of action permitted in this chapter.
- B. The Township shall have the right to file a court action pursuant to N.J.S.A. 2A:58-11 alleging that a violation or violations of this chapter and/or other provisions of the Township Code exists. If the owner is found by the court to have violated any provision of this chapter and/or other provisions of the Township Code, the owner shall be subject to one or more of the following penalties, at the discretion of the court:
 - (1) A fine of not more than \$1,250 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions, subject to individual penalties, and not as continuing offense;
 - (2) In the case of an owner who has resold his or her low- or moderate-income unit in violation of this chapter and/or other provisions of the Township Code, payment is to be made into the Township's Housing Trust Fund of the difference between the unauthorized resale price and maximum resale price allowed by this chapter; plus the sum of \$1,000 for administrative costs;

- (3) In the case of an owner who has rented his or her low- or moderate-income unit in violation of this chapter and/or other provisions of the Township Code, payment is to be made into the Township's Housing Trust Fund, of the difference between the total unauthorized rental charge and the total maximum rental charge allowed by this chapter, plus the sum of \$1,000 for administrative costs; and/or
 - (4) In the case of an owner who has rented his or her low- or moderate-income unit in violation of this chapter and/or the Township Code, the owner will be responsible for payment of an innocent tenant's actual relocation costs, as determined by the court.
- C. For any offense after the first offense by an owner of a low- or moderate-income unit, or with respect to such a unit in which the owner has any interest whatsoever (for example, without limitation, the owner's interest in a company that is the record owner of such unit), the Township may file an action in Superior Court seeking a judgment, which would result in the termination of the record owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit, as follows:
- (1) Such judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (2) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violations or the Sheriff's sale or both. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Township for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the owner or forfeited to the Township.
 - (3) Foreclosure by the Township due to violation of this chapter and/or any other provision of the Township Code shall not extinguish as to that unit the restrictions of this chapter and/or other provisions of the Township Code as the same apply to low- and moderate-income units. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the

restrictions and provisions of this chapter and the Township Code. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of this chapter and the Township Code. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Township shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Township or any subdivision thereof, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the terms and provisions of this chapter and the Township Code.
- (6) The owner shall remain fully obligated, responsible and liable for complying with the terms and restriction of this chapter and the Township Code until such time as title is conveyed from the owner.

Township of Lebanon, NJ

§ 199-24

§ 199-26

ARTICLE VI
Appropriations

§ 199-24. Appropriation of funds.

The Township Committee shall make annual appropriations necessary to fund its housing programs, unless another source of funds shall be available.

§ 199-25. Funds repaid to Township. [Amended 4-4-2018 by Ord. No. 2018-02]

Any funds repaid to the Township as provided in § 199-18B, C, D and E shall be paid to the general fund, and a like amount shall be added to the appropriation in the next fiscal year.

§ 199-26. Funds repaid to Township after affordability controls expired.

Any funds repaid to the Township as provided in Article V after the terms of the affordability controls shall have expired shall be paid to the general fund.

Appendix C – Spending Plan

**AFFORDABLE HOUSING TRUST
FUND SPENDING PLAN**

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY

May 2025

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.
NJPP License #5944

SPENDING PLAN

INTRODUCTION

Lebanon Township, Hunterdon County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the regulations of the Council on Affordable Housing (COAH) and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted in 1997 and updated in 2005, 2006 and 2018. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. The ordinance established the need for a Township of Lebanon Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing.

Lebanon Township has prepared this Spending Plan (2025) to guide the allocation of funds within the Township of Lebanon Affordable Housing Trust Fund. As of December 31, 2024, the Township of Lebanon has \$277,749.81 funds in its Affordable Housing Trust Fund. The funds shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, Lebanon Township considered the following:

- (a) Development fees:
 - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - 2. All nonresidential projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 - 3. Future development that is likely to occur based on historical rates of development.
- (b) Payments in Lieu (PIL): Payments in Lieu of development into the Township's Housing Trust are permitted as pursuant to Section 400-58 of the Township Code.
- (c) Other funding sources: The Township reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.

Projected Revenue Schedule, 2025-2035
Township of Lebanon Affordable Housing Trust Fund

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees	\$277,749												
1. Approved Residential and Nonresidential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$99,000
3. Projected Non-Residential Development Projects (New construction only)	NA	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$55,000
(b) Payments in lieu of Construction	NA												
(c) Other Funds (specify source)	NA												
Subtotal	\$277,749	\$16,500	\$16,500	\$16,500	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$161,500
(d) Interest	NA	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$4,268
Total Revenue from Development Fees	\$89,032	\$16,888	\$16,888	\$16,888	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$165,768

Lebanon Township projects a total of **\$443,517** to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. Projections are based on projected development as it relates to permits issued within the Township over the last five years and revenues generated by the fund over the last six years.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Lebanon Township will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Lebanon Township will collect development fee revenues in a manner that is consistent with the Township's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Lebanon Township will distribute funds with the oversight of the Township Committee. The Committee will work with the Township Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

Lebanon Township proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Market to Affordable** (N.J.A.C. 5:97-6.9): Lebanon Township will dedicate the following funds to a Market to Affordable program in order to meet its fair share affordable unit obligation. **Market to Affordable Program: At least \$20,000 per unit will be dedicated as funds permit with a budget of \$200,000 and additional funds being provided, if available.**
- (b) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): Lebanon Township will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation: **Township Rehabilitation Program: At least \$12,500 per unit for a total of 3 units for a budget of \$37,500.**

Hunterdon County Rehabilitation Program:

- **Additional funding for rehabilitation units will be sought through the Hunterdon County Community Development Rehabilitation Program and other available public funding sources.**
- (c) **Administrative Expenses** (N.J.A.C. 5:97-8.9) Lebanon Township will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is \$26,017 subject to the 20 percent cap are as follows:**
 - Administration of affordable housing programs;
 - Legal fees associated with affordable housing administration;

- Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
- Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Lebanon Township.

(d) Accessory Apartment Program (N.J.A.C. 5:97-6.8): Lebanon Township will dedicate funds for at least \$10,000 per unit. The budgeted amount is of the projected total fund is \$180,000.

(e) Excess Funds: Any excess funds will be dedicated to rehabilitation of eligible housing units within the Township, extensions of expiring controls, group homes or emerging projects.

SUMMARY

Lebanon Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Township's Housing Element and Fair Share Plan dated May 6, 2025.

Spending Plan Summary Lebanon Township Affordable Housing Trust Fund

Trust fund balance as of 12/31/2024	\$277,749
Projected Revenue (2018-2025)	
Development fees	\$161,500
Payments in lieu of construction	
Other funds	
Interest	\$4,268
Total Revenue (Rounded)	
Expenditures	
Rehabilitation	\$37,500
Market to Affordable	\$200,000
Accessory Apartments	\$180,000
Administration	\$26,017
Total Projected Expenditures	\$443,517

Appendix D – Marketing Plan

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON, STATE OF NEW
JERSEY**

Affordable Housing

Affirmative Marketing Plan

Lebanon Township Municipal Building
530 West Hill Road
Glen Gardner, NJ 08826
(908) 638-8523

Contents

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Overview

All affordable units are required to be affirmatively marketed using the Township of Lebanon's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households 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 an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Township of Lebanon provides this Affirmative Marketing Plan for any affordable housing within the Township. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the Township of Lebanon, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;

3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

Regional Preference

The Township of Lebanon has provided that households that live or work in Housing Region 3 (comprised of Hunterdon, Middlesex, and Somerset Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Township of Lebanon's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. *Star Ledger*
2. *Home News Tribune*
3. *Courier News*

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;

3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and
8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. *The Hunterdon Review*
2. *Hunterdon Democrat*

Official notices may also be published in the *Courier News* and *Star Ledger* to meet time requirements.

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Station(s): Select two stations from attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Middlesex, and Somerset Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 3 (attached to and hereby made part of this Resolution) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Hunterdon, Middlesex, and Somerset Counties' Boards of Realtors for publication in their journals and for circulation among their members; and

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Hunterdon, Middlesex, and Somerset Counties.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 530 West Hill Rd, Glen Gardner, NJ 08826
2. Bunnvale Library: 7 Bunnvale Road, Califon, NJ 07830

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison
530 West Hill Road
Glen Gardner, NJ 08826
(908) 638-8523

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Hunterdon, Middlesex, and Somerset:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Township of Lebanon Administrative Offices;
2. Township of Lebanon website;
3. Developer's Sales/Rental Offices;
4. Hunterdon, Middlesex, and Somerset Counties' Administration Buildings;
5. Hunterdon, Middlesex, and Somerset Counties' Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Hunterdon County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in Township of Lebanon.

The following is a listing of community contact person(s) and/or organizations in Hunterdon, Middlesex, and Somerset Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low- and moderate-income units:

1. Central Jersey Housing Resource Center, 92 East Main Street, Suite 407, Somerville, NJ 08876
2. Hunterdon County Department of Human Services, Division of Social Services, 6 Gauntt Place, PO Box 2900, Flemington NJ 08822-2900
3. Family Promise of Hunterdon County, 8 Bartles Corner Road, Suite 11, Flemington NJ 08822
4. State Rental Assistance Program, 520 Market Street, Camden NJ 08102
5. Freedom House, 2004 State Route 31, Suite 9, Clinton NJ 08809, 908-537-6043

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex, and Somerset Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township of Lebanon prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

Sample Advertisement for Available Rental Units

The **of Lebanon** hereby announces that **# affordable housing units** will be available for rent in the **name of development/project**. The housing is under development by **developer** and is available for **type of income** households. **Development** is located at **address, description**.

The affordable housing available includes rents from **\$/###/month** and includes **#-bedroom** units. **Utilities are included (if applicable)**. Interested households will be required to submit **application, documentation if applicable, and any other requirements** in order to qualify. The maximum household incomes permitted are **\$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six 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 (**requirements of security deposit**).

Applications are available at **Location(s), hours of operation**. Applications can also be requested via mail by calling **Realtor** at **Phone #**. Applications will be accepted until **mm/dd/yy** and there is a **\$5 fee for the credit check**.

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

Although any income eligible households may apply, workers of **[Insert counties in the COAH Housing regional preference zone]** County will be selected before residents of other counties or states.

Sample Public Service Announcement

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

Random Selection & Applicant Pool(s)

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Township's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Township in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

Initial Randomization

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. Households are informed of the date, time and location of the lottery and invited to attend.
4. An applicant pool is created by listing applicants in the order selected.
5. Applications are reviewed for income-eligibility.
6. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
7. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as [regional preference or] the need for an accessible unit).
8. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.

9. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

Randomization After Certification

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.
6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

Matching Households to Available Units

1. 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 implement the following policies:
 - a. Maximum of two person per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
 - d. Children not in same bedroom with parents;
 - e. Provide an occupant for each unit bedroom;

- f. Provide children of different sex with separate bedrooms;
- g. Require that all the bedrooms be used as bedrooms; and
- h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

ATTACHMENT A

Affirmative Fair Housing Marketing Plan
For Affordable Housing in Region 3

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	
1c. Number of Affordable Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
Number of Rental Units:			
Number of For-Sale Units:			
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Hunterdon, Middlesex, Somerset		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(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.

III. MARKETING

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

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

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing

☐

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 3			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
<input type="checkbox"/>		Home News Tribune	Middlesex, Somerset, Union
<input type="checkbox"/>		Courier News	Somerset and Hunterdon
Weekly Newspaper			
<input type="checkbox"/>		Beacon	Hunterdon
<input type="checkbox"/>		Delaware Valley News	Hunterdon
<input type="checkbox"/>		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 type="checkbox"/>		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
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING 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.	
<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 HOUSING 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 HOUSING REGION 3			
<input type="checkbox"/>		Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
<input type="checkbox"/>		Patriot Media & Communications	Partial Hunterdon, Somerset
<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 type="checkbox"/>		Comcast of Plainfield	Partial Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING 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 type="checkbox"/>		WTTM 1680	Spanish, Asian, etc.
FM			
<input type="checkbox"/>		WFNY-FM 92.3	

<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<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 type="checkbox"/>		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 HOUSING 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"/>		WOGI 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

3d. 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 HOUSING REGION 3				
Weekly				
		Nuestra Comunidad	Central/South Jersey	Spanish-Language
Monthly				
<input type="checkbox"/>		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING 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 type="checkbox"/>		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
3e. 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 type="checkbox"/>	Merck & Co	1 Merck Dr, Whitehouse Station
<input type="checkbox"/>	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 type="checkbox"/>	Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl, New Brunswick, NJ 08901
<input type="checkbox"/>	Silverline Building Products	207 Pond Ave Middlesex, NJ 08846
<input type="checkbox"/>	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
<input type="checkbox"/>	Raritan Bay Medical Center	530 New Brunswick Av Perth Amboy, NJ 08861
<input type="checkbox"/>	Amerada Hess Corporation	405 Main St, Woodbridge and 679 Convery Blvd, Perth Amboy
<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
<input type="checkbox"/>	Courier News	1091 Lousons Road PO Box 271 Union, NJ

<input type="checkbox"/>		Emcore Corp	800 Rahway Ave Union, NJ
<input type="checkbox"/>		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 Roselle,nj
<input type="checkbox"/>		ITW Electronic Componenet Packaging	600 Mountain Ave Murray Hill,NJ
<input type="checkbox"/>		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
3f. 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

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)	
<input type="checkbox"/>	BUILDING
<input type="checkbox"/>	LOCATION
<input type="checkbox"/>	Middlesex County Administration Bldg
<input type="checkbox"/>	75 Bayard, New Brunswick, NJ 08903
<input type="checkbox"/>	Somerset County Admin. Bldg
<input type="checkbox"/>	20 Grove Street, Somerville, NJ 08876
<input type="checkbox"/>	Somerset County Library Headquarters
<input type="checkbox"/>	1 Vogt Drive, Bridgewater, NJ 08807
<input type="checkbox"/>	Hunterdon County Library Headquarters
<input type="checkbox"/>	314 State Highway 12, Flemington, NJ 08822
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

<p>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 (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).</p>	
<hr/>	
<p>Name (Type or Print)</p>	
<hr/>	
<p>Title/Municipality</p>	
<hr/>	
<p>Signature</p>	<p>Date</p>

Appendix E – Deed Restrictions

TO BE PROVIDED

Appendix E – Highlands Buildout Analysis

New Jersey Highlands

2024 Municipal Build-Out Update

The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey's residents and businesses.

Parcels

In Municipality

2,822

Parcels

Need Review

0

Parcels

Developable

0

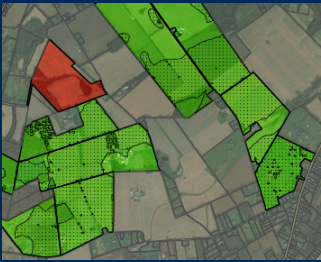
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This Review Portal provides an application to access and review the 2024 GIS vacancy and build-out analysis conducted in accordance with the Highlands Affordable Housing RMP 2024 Amendment.

- [Go to the Review Portal](#)
- [Go to Resources](#)
- [Access the Datasets](#)



Contact Information

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