



Community Planning
Land Development and Design
Landscape Architecture

B U R G I S
A S S O C I A T E S , I N C .

Principals:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

2025 HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF MILFORD
HUNTERDON COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF MILFORD JOINT PLANNING BOARD AND BOARD OF ADJUSTMENT
BA# 4151.03

The original document was appropriately signed and sealed on May 14, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Allison J. Fahey, PP, AICP
Professional Planner #6406

May 14, 2025

Adopted as Amended MAY 28, 2025

MEMBERS OF THE MILFORD JOINT PLANNING BOARD AND BOARD OF ADJUSTMENT

Henri Schepens, Mayor, Class I

Brenda O'Shea

Jeffrey Livingston

Regina Stem

Al-Musin Parham

Carol Bernotas

Zachary Houghton

Vacant, Class II

Helen Livingston, Class III

Jef Betz, Alternate

Joseph David, Alternate

Eduardo Breda, Alternate

Planning Board Secretary

Sara Knies

Planning Board Attorney

Blake Width, Esq.

Borough/Board Engineer

Robert Martucci, P.E., C.M.E.

Affordable Housing Planning Consultant

Allison J. Fahey, PP, AICP

Affordable Housing Special Counsel

Jonathan E. Drill, Esq.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
SECTION I: INTRODUCTION	6
SECTION II: HOUSING ELEMENT	11
SECTION III: FAIR SHARE OBLIGATION	24
SECTION IV: FAIR SHARE PLAN	26
APPENDICES	29

LIST OF TABLES

Table 1: 2024 Affordable Housing Region 3 Income Limits by Household Size	6
Table 2: Dwelling Units (1980-2023)	14
Table 3: Housing Units by Tenure and Occupancy Status (2010 and 2023)	14
Table 4: Units in Structure (2010 and 2023).....	15
Table 5: Year Structure Built.....	15
Table 6: Occupants per Room (2010 and 2023).....	15
Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010 and 2023)	16
Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2023).....	16
Table 9: Value of Specified Owner-Occupied Housing Units (2023)	17
Table 10: Population Growth (1930-2023).....	18
Table 11: Age Characteristics (2010 and 2023)	19
Table 12: Average Household Size (2010 and 2023).....	19
Table 13: Household Income Distribution.....	20
Table 14: Employment Status - Population 16 & Over (2010 and 2023).....	20
Table 15: Employed Residents Age 16 & Over, By Occupation (2010 and 2023).....	21
Table 16: Employed Residents Age 16 & Over, By Industry (2010 and 2023).....	21
Table 17: Average Covered Employment Trends (2013-2023).....	22

EXECUTIVE SUMMARY

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Milford, Hunterdon County, New Jersey.

This plan is designed to outline the manner in which the Borough will address its affordable housing obligations. As discussed in greater detail herein, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose and settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

Governor Murphy signed the A-4/S-50 Bill into law on March 20, 2024 after the Senate and Assembly adopted it. This legislation amended the Fair Housing Act by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

The Amended Fair Housing Act directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Fair Housing Act. The DCA issued its report on October 18, 2024, and made clear that the obligations generated by the report were advisory only and were non-binding. For Milford, the DCA Report identified a Present Need of three (3) and a Prospective Round Four Need of 23.

Since the DCA report is non-binding, each municipality had the opportunity to study and define why its obligations should be different based on the standards in the Act. However, the Borough adopted a binding resolution on January 28, 2025 which committed to the present and prospective need obligations identified by DCA. The Borough's Round Four Present Need is 3 units and Round Four Prospective Need is 23 units.

Milford continues to remain diligent in planning for affordable units throughout the Borough in appropriate locations as opportunities become available, as part of the Borough's RA-1 overlay zone and through implementation of the Mandatory Set-Aside Ordinance.

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough will address its affordable housing obligation consistent with the Fair Housing Act, applicable COAH and UHAC regulations, and state planning initiatives.

SECTION I: INTRODUCTION

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

A. WHAT IS AFFORDABLE HOUSING?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Milford is located in Region 3, which includes Hunterdon, Middlesex and Somerset Counties.



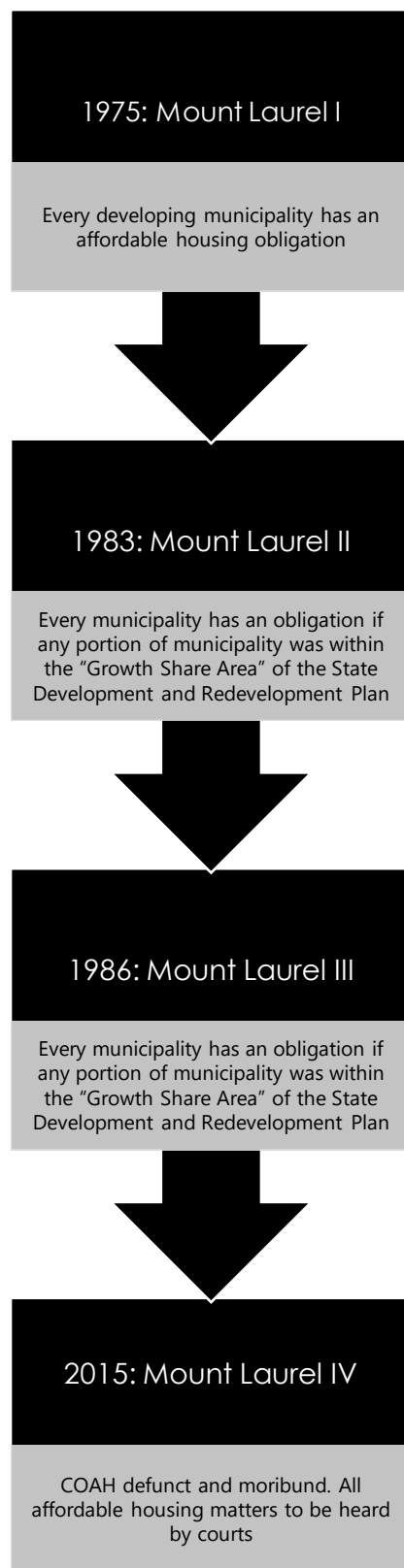
Regional income limitations are updated every year, with different categories established for varying household sizes. The following table identifies the 2024 regional income limits by household size for Region 3. As shown, a three-person family with a total household income of no greater than \$105,264 could qualify for affordable housing in the Borough's region.

Table 1: 2024 Affordable Housing Region 3 Income Limits by Household Size

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$116,960	\$131,580	\$146,200	\$157,896
Moderate	\$93,568	\$105,264	\$116,960	\$126,317
Low	\$58,480	\$65,790	\$73,100	\$78,948
Very-Low	\$35,088	\$39,474	\$43,860	\$47,369

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Affordable housing can be found in a variety of other forms, including but not limited to: 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Township of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

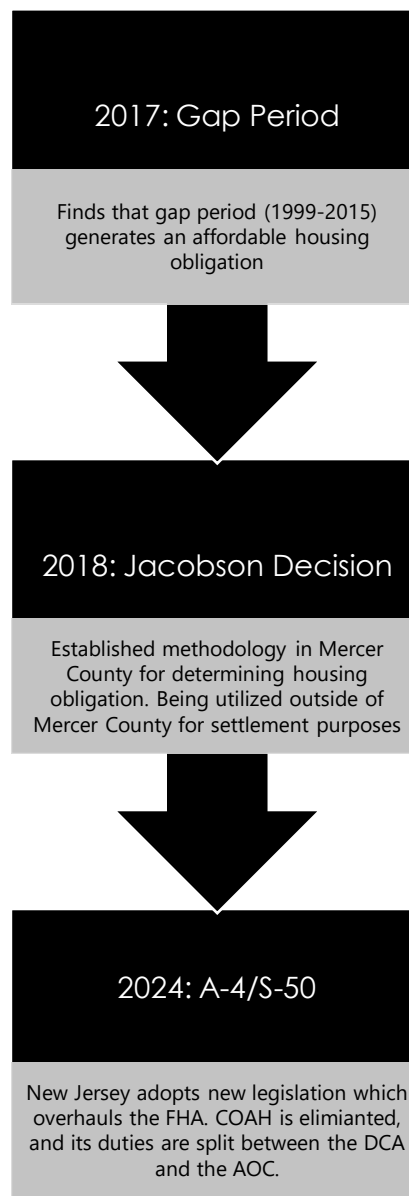
COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October 2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.



Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called “gap period,” the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the amended FHA as the entity responsible for calculating the state’s regional needs as well as each municipality’s present and prospective fair share obligations pursuant to the Jacobson Decision. However, the Amended FHA makes clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and to ultimately issue a Compliance Certification to approve a municipality’s HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

B. WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN?

A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder’s remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. 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;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;
7. 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;
8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, 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; and
9. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

SECTION II: HOUSING ELEMENT

The following section provides the housing element for the Borough of Milford. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

A. COMMUNITY OVERVIEW

The Borough of Milford is located on the Delaware River in western Hunterdon County, New Jersey. It is bound to the north and east by Holland Township, the Delaware River to the west and Alexandria Township to the south. The Borough occupies an area of 1.3 square miles. The Borough is connected to Upper Black Eddy, Bridgeton Township, Bucks County, Pennsylvania by the Delaware River Joint Toll Bridge Commission's free Upper Black Eddy-Milford Bridge over the Delaware River.

Milford is a charming river village with a distinct and quaint downtown surrounded by rural uplands and rolling hills. The Borough is characterized by a mix of detached single-family dwellings around an attractive commercial core concentrated along Bridge Street. This central business district extends from the intersection of County Routes 519 and 619 westerly toward the Upper Black Eddy-Milford Bridge over the Delaware River and is typified by its small lot development and mix of retail and service commercial uses.

Traffic is carried through the Borough on County Route 619 (Frenchtown Road), which runs north-south into the center of the Borough from Alexandria Township, as well as County Route 519 (Water Street) which also runs north-south from the center of the Borough into Holland Township.

Milford is a fully built-out community, with approximately 209.4 acres of remaining vacant land, the majority of which is environmentally constrained and/or consists of isolated lots that are too small to accommodate development. The Borough's existing land uses are illustrated on the accompanying Existing Land Use Map.



B. INFORMATION REGARDING DATA SOURCES

The background information contained in Section 2.C entitled "Inventory of Municipal Housing Stock," Section 2.D entitled "Projection of Municipal Housing Stock," Section 2.E entitled "Demographic and Population Data," and Section 2.F entitled "Employment Characteristics and Projections" was obtained from a variety of publicly available data sources. These are summarized below.

The information regarding the borough's housing unit numbers and physical characteristics comes from the American Community Survey (ACS). It is important to note that the ACS releases new data every year, in the form of period estimates, in a variety of data tables. The data used for this plan comes from ACS 5-year estimates which means that the figures provided are an average across 5 separate period estimates, specifically 2019, 2020, 2021, 2022 and 2023. The ACS data, while valuable, can exhibit fluctuations due to several factors, including sampling errors, methodological changes, and the nature of period estimates. However, there are data quality filtering rules in place to detect tables with too many unreliable estimates and there have been changes to the weighting methodology which were implemented to address non-response bias.

<p>1. United States Decennial Census</p> <p>The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.</p>
<p>2. American Community Survey (ACS)</p> <p>The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.</p>
<p>3. New Jersey Department of Health</p> <p>The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.</p>
<p>4. New Jersey Department of Community Affairs (DCA)</p> <p>The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.</p>
<p>5. New Jersey Department of Labor and Workforce Development</p> <p>The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.</p>

C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Borough's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. The most recent information from the American Community Survey consists of five-year estimates by the Census Bureau, not actual counts and may not be directly comparable to census figures. For example, the 2023 five-year estimate is the average between January 2019 and December 2023.

1. Number of Dwelling Units. The current estimate of total housing units in Milford is 578 units in 2023. As shown in the table below, the Borough's housing stock has steadily increased since 1980 with an exception between 1990 and 2000.

Table 2: Dwelling Units (1980-2023)

Year	Dwelling Units	Change (#)	Change (%)
1980	499	--	--
1990	528	29	6%
2000	484	-44	-8%
2010*	552	68	14%
2023*	578	26	5%

Sources: U.S. Census; *American Community Survey 5-Year Estimates.

As shown below, approximately 70 percent of housing units in Milford are owner-occupied. Since 2010, the percentage of renter occupied units has remained at less than 30 percent of the total. During this same period, the percentage of vacant housing units has increased from 2 percent to 6 percent.

Table 3: Housing Units by Tenure and Occupancy Status (2010 and 2023)

Characteristics	2010		2023	
	Number	Percent	Number	Percent
Owner-occupied units	370	70%	397	69%
Renter-occupied units	146	28%	144	25%
Vacant units	13	2%	37	6%
Total	529	100%	578	100%

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

2. Housing Characteristics. As shown below, single-family detached units account for most of Milford's housing stock. Two-family dwellings have meanwhile decreased from over 9 percent of the housing stock in 2010 to just above 1 percent of the housing stock in 2023.

Table 4: Units in Structure (2010 and 2023)

Units in Structure	2010		2023	
	Number	Percent	Number	Percent
Single family, detached	351	66.4%	403	69.7%
Single family, attached	36	6.8%	68	11.8%
2	52	9.8%	9	1.6%
3 or 4	45	8.5%	51	8.8%
5 to 9	23	4.3%	32	5.5%
10-19	12	2.3%	15	2.6%
20 or more	10	1.9%	0	0.0%
Other	0	0.0%	0	0.0%
Total	529	100	578	100

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

3. Housing Age. Table 5 below shows that nearly 60% of the Borough's housing units were built prior to 1950.

Table 5: Year Structure Built

Year Units Built	Number	Percent
2020 or Later	0	0%
2010 to 2019	0	0%
2000 to 2009	5	1%
1990 to 1999	19	3%
1980 to 1989	25	4%
1970 to 1979	105	18%
1960 to 1969	89	15%
1950 to 1959	87	15%
1940 to 1949	41	7%
1939 or earlier	207	36%
Total	578	100%

Source: 2023 American Community Survey 5-Year Estimates

4. Housing Conditions. An inventory of the Borough's housing conditions is presented in the following tables. Table 5 indicates the number of units considered to be overcrowded has increased since 2010, but most units are 1.00 or less occupants per room.

Table 6: Occupants per Room (2010 and 2023)

Occupants Per Room	2010		2023	
	Number	Percent	Number	Percent
1.00 or less	516	100%	532	98%
1.01 to 1.50	0	0%	9	2%
1.51 or more	0	0%	0	0%
Total Occupied Units	516	100%	541	100%

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

The table below presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, none of Milford's occupied housing units lack complete kitchen facilities, plumbing facilities and/or standard heating equipment.

Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2010 and 2023)

Facilities	2010		2023	
	Number	Percent	Number	Percent
<u>Kitchen:</u>				
With Complete Facilities	516	100	541	100
Lacking Complete Facilities	0	0	0	0
<u>Plumbing:</u>				
With Complete Facilities	516	100	541	100
Lacking Complete Facilities	0	0	0	0
<u>Heating Equipment</u>				
Standard Heating Facilities	505	98	541	100
No Fuel Used	11	2	0	0
Total Occupied Units	516	100	541	100

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

5. Purchase and Rental Values. Table 8 below shows that the Borough's median monthly rent for its rental housing stock is \$1,476. This figure represents a 49 percent increase over the Borough's median monthly rent of \$994 in 2010 and is 14 percent lower than the median monthly rent of Hunterdon County, which was \$1,707 in 2023.

Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2023)

Rent	2010		2023	
	Number	Percent	Number	Percent
Less than \$500	5	4%	17	11.8%
\$500 to \$999	65	47%	3	2.1%
\$1,000 to \$1,499	61	45%	55	38.2%
\$1,500 to \$1,999	6	4%	41	28.5%
\$2,000 to \$2,499			25	17.4%
\$2,500 to \$2,999			3	2.1%
\$3,000 or more			0	0.0%
No cash rent	9	X	0	X
Total Occupied Units Paying Rent	137	100%	144	100.0%
Median Gross Rent	\$994		\$1,476	

(x) means that the estimate is not applicable or not available.

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

As shown below, the 2023 median value of owner-occupied units in Milford is \$304,100. This figure represents an 11 percent increase over the Borough's median housing value in 2010 and is 64 percent lower than the County's 2023 median housing value of \$498,800.

Table 9: Value of Specified Owner-Occupied Housing Units (2023)

Value	2010		2023	
	Number	Percent	Number	Percent
Less than \$50,000	4	1.1%	7	1.8%
\$50,000 to \$99,999	0	0.0%	2	0.5%
\$100,000 to \$149,999	5	1.4%	6	1.5%
\$150,000 to \$199,999	60	16.2%	15	3.8%
\$200,000 to \$299,999	168	45.4%	162	40.8%
\$300,000 to \$499,999	121	32.7%	186	46.9%
\$500,000 to \$999,999	12	3.2%	19	4.8%
\$1,000,000 or more	0	0.0%	0	0.0%
Total	370	100.0%	397	100.0%
Median Gross Rent	\$273,500		\$304,100	

Sources: 2010 and 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on COAH's 2023 regional income limits, the median household income for a three-person household in COAH Region 3, Milford's housing region comprised of Hunterdon, Middlesex and Somerset Counties, is \$128,610. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$102,888. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$55,723.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income (assuming a 5% downpayment) is estimated at approximately \$315,789. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$200,000. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. Approximately 64 percent of Milford's owner-occupied housing units are valued at less than \$300,000, and approximately 18.6 percent are valued at less than \$200,000, according to the 2015 American Community Survey.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,444. An affordable monthly rent for a three-person low-income household is estimated at approximately \$905. According to the 2023 American Community Survey, approximately 52 percent of Milford's rental units have a gross rent less than \$1,500, and approximately 14 percent of the rental units have a gross rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated. According to the current methodology for calculating regional low and moderate-income housing needs calculating municipal housing obligations for housing regions and municipalities throughout New Jersey, the estimated number of units in Milford that are in need of rehabilitation is 3 units.

C. PROJECTION OF MUNICIPAL HOUSING STOCK

Affordable Housing regulations require a projection of the community's housing stock, including the probable future construction of low- and moderate-income housing. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands.

According to data received from New Jersey Construction Reporter as well as the Borough, a total of 6 residential building permits were issued for new construction between 2014 and 2024. Currently, there are no approved applications for development that have not yet been issued building permits for the creation of new residential units. The current rate of residential development suggests that the Borough will experience a similar rate of residential development over the next decade. It is anticipated that very few new residential units will be added to the Borough's housing stock over the next decade.

D. DEMOGRAPHIC ANALYSIS

The COAH regulations require that a Housing Element provide an analysis of the community's demographic characteristics, including an assessment of population size, rate of population growth, age characteristics, income levels, and household size. Each of these items is described in this section of the report.

1. Population Size. As shown in the below, the Borough's population grew at a relatively steady rate between 1930 and 1980. In the 1990s and 2000s, Milford's population decreased steadily at six to seven percent most likely due to the transfer of ownership and subsequent closure of one of the Borough's larger employers, Curtis Papers, Inc. From 2000 through 2023, the Borough's population has continued to grow.

Table 10: Population Growth (1930-2023)

Year	Population	Change (#)	Change (%)
1930	933	--	--
1940	933	0	0.0%
1950	1,012	79	8.5%
1960	1,114	102	10.1%
1970	1,230	116	10.4%
1980	1,368	138	11.2%
1990	1,273	-95	-6.9%
2000	1,195	-78	-6.1%
2010	1,233	38	3.2%
2023*	1,306	73	5.9%

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics. The Borough's age characteristics are presented in the table below. The data indicate somewhat of an aging community. The largest population increase between 2010 and 2023 was in adults 75 to 84. With that said, the second largest increase was for children under 5. The largest population decline between 2010 and 2023 occurred in adults aged 55-59 (a decrease of 67%). From 2010 to 2023, there was an increase within the young family cohort of ages 25-34 (an increase of 72%). The median age of Milford residents decreased from 44.1 years in 2010 to 43.1 years in 2023.

Table 11: Age Characteristics (2010 and 2023)

Age	2010		2023	
	Number	Percent	Number	Percent
Under 5	41	3.5%	98	8%
5-9	52	4.4%	82	6%
10-14	89	7.5%	45	3%
15-19	85	7.2%	70	5%
20-24	84	7.1%	55	4%
25-34	94	8.0%	162	12%
35-44	170	14.4%	182	14%
45-54	204	17.3%	172	13%
55-59	87	7.4%	29	2%
60--64	93	7.9%	121	9%
65-74	115	9.7%	159	12%
75-84	45	3.8%	122	9%
85+	22	1.9%	9	1%
Total	1,181	100.0%	1,306	100%
Median Age	44.1		43.1	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

3. Average Household Size. Milford's average household size decreased from 2.55 in 2000 to 2.36 in 2010 and then increased to 2.40 in 2023.

Table 12: Average Household Size (2010 and 2023)

Year	Total Population	Number of Households	Average Household Size
2000	1,195	469	2.55
2010	1,233	520	2.36
2023	1,306	541	2.40

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

4. Household Income. Detailed household income figures are shown in the table below. Between 2010 and 2023, the Borough's median household income increased by 16 percent, from \$75,948 in 2010 to \$88,295 in 2023. The Borough's 2023 median household income was approximately 35.6 percent lower than the median household income of Hunterdon County as a whole, which was \$137,275 in 2023.

Table 13: Household Income Distribution

Income Category	2010		2023	
	Number	Percent	Number	Percent
Less than \$10,000	12	2%	9	1.7%
\$10,000 to \$14,999	28	5%	23	4.3%
\$15,000 to \$24,999	41	8%	6	1.1%
\$25,000 to \$34,999	11	2%	37	6.8%
\$35,000 to \$49,999	57	11%	48	8.9%
\$50,000 to \$74,999	98	19%	117	21.6%
\$75,000 to \$99,999	134	26%	59	10.9%
\$100,000 to \$149,999	111	22%	142	26.2%
\$150,000 to \$199,999	24	5%	53	9.8%
\$200,000 or more	0	0%	47	8.7%
Total	516	100%	541	100.0%
Median Income	\$75,948		\$88,295	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

E. EMPLOYMENT ANALYSIS

The COAH regulations require that the Housing Element include an analysis of the existing and probable future employment characteristics of the community. The following tables present information on historic trends, employment characteristics, occupational patterns, and related data.

1. Employment Status. The table below provides information on employment status in Milford for the segment of the population 16 and over. As shown, Milford's population age 16 and over has decreased only slightly from 711 in 2010 to 673 in 2023 while the unemployment rate for Milford's civilian labor increased slightly during this same timeframe. The 2023 unemployment rate of 4.5 percent is higher than Hunterdon County's 2023 unemployment rate of 2.2 percent.

Table 14: Employment Status - Population 16 & Over (2010 and 2023)

Employment Status	2010		2023	
	Number	Percent	Number	Percent
In labor force	711	72.6%	673	62.9%
Civilian labor force	705	71.9%	673	62.9%
Employed	667	68.1%	625	58.4%
Unemployed	38	3.9%	48	4.5%
% of civilian labor force	--	5.4%	--	7.1%
Armed Forces	6	0.6%	0	0.0%
Not in labor force	269	27.4%	397	37.1%
Total Population 16 & Over	980	100.0%	1,070	100.0%

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail employment by occupation and employment by industry within the Borough. As shown in Table 15, more than 40 percent of Milford residents are employed in the management, business, science, arts, and sales and office occupations sectors which were also the sector group with the largest employment growth of more than 45% among Milford residents from 2010 to 2023. The occupation sectors that have experienced the greatest declines among Milford residents since 2010 are natural resources, construction, and maintenance as well as sales and office occupations. A quarter of the jobs within the Borough are within the Educational, health and social services industries. The next greatest percentage is 16% within retail trade. The industries that have experienced the greatest declines among Milford residents since 2010 are agriculture, forestry, fishing and hunting and mining.

Table 15: Employed Residents Age 16 & Over, By Occupation (2010 and 2023)

Occupation	2010		2023	
	Number	Percent	Number	Percent
Management, business, science, & arts occupations	197	32.4	262	42.7
Service occupations	63	10.4	74	12.1
Sales & office occupations	178	29.3	183	29.9
Natural resources, construction, & maintenance occupations	79	13.0	51	8.3
Production, transportation, & material moving occupations	91	15	43	7.0
Total	608	100	613	100

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

Table 16: Employed Residents Age 16 & Over, By Industry (2010 and 2023)

Industry	2010		2023		Change (%)
	Number	Percent	Number	Percent	
Agriculture, forestry, fishing, hunting & mining	9	1.5	6	1.0	-33.33%
Construction	54	8.9	44	7.2	-18.52%
Manufacturing	107	17.6	41	6.7	-61.68%
Wholesale trade	8	1.3	23	3.8	187.5%
Retail trade	63	10.4	96	15.7	52.38%
Transportation and warehousing, & utilities	30	4.9	25	4.1	-16.67%
Information	21	3.5	22	3.6	4.76%
Finance, insurance & real estate	51	8.4	45	7.3	-11.76%
Professional, scientific, management, administrative, & waste management	59	9.7	82	13.4	38.98%
Education, health care, social svcs.	120	19.7	114	18.6	-5%
Arts, entertainment, recreation, accommodation, & food services	35	5.8	40	6.5	14.29%

Industry	2010		2023		Change (%)
	Number	Percent	Number	Percent	
Other services, except public administration	18	3.0	31	5.1	72.22%
Public administration	33	5.4	44	7.2	33.33%
Total	608	100	613	100	

Sources: U.S. Census; 2023 American Community Survey 5-Year Estimates.

3. Employment Projections. A projection of the Borough's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, approvals of applications for non-residential development, and probable non-residential development of lands. Each of these items are identified and outlined below.
 - a. Historic Employment Trends. The table below provides data on Milford's average annual employment covered by unemployment insurance over the past ten years. As shown below, the number jobs in Milford has steadily declined every year for the past decade except for 2021 and 2023. Understandably, the largest decline in employment was at the beginning of COVID pandemic followed by an increase of 12% in 2021. Another slight decrease in 2022 was reversed in 2023.

Table 17: Average Covered Employment Trends (2013-2023)

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2013	913	-	-
2014	888	-25	-2.8%
2015	834	-54	-6.5%
2016	827	-7	-0.8%
2017	821	-6	-0.7%
2018	774	-47	-6.1%
2019	737	-37	-5.0%
2020	684	-53	-7.7%
2021	785	101	12.9%
2022	767	-18	-2.3%
2023	808	41	5.1%

Sources: NJ Department of Labor and Workforce Development.

- b. Probable Non-Residential Development of Lands. The Borough of Milford has experienced a negligible level of non-residential growth over the past ten years. Given the weak office and retail market and limited developable land within Milford as well as lack of sewer and water capacity, the Borough anticipates very little non-residential growth over the next ten-year period if any at all.
- c. Probable Future Employment Characteristics. As previously stated, employment in the Borough has declined all but two years in the past decade. Assuming this trend continues and recognizing the fully developed character of Milford's non-residentially zoned lands, it appears unlikely that Milford will experience any significant increases in employment over the next decade.

SECTION III: FAIR SHARE OBLIGATION

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

A. SUMMARY OF FAIR SHARE OBLIGATION

As previously stated, the Amended Fair Housing Act (FHA) directed DCA to report the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need for the Fourth Round based upon the standards set forth in the Amended FHA. The DCA issued its report on October 18, 2024, and made clear that the report was advisory only. For Milford, the DCA Report identified a Present Need of 3 and a Prospective Round Four Need of 23. The Borough adopted a binding resolution on January 28, 2025 which committed to the present and prospective need obligations identified by DCA. The obligations are as follows:

Rehabilitation Obligation:	3
Prospective Need Obligation:	23

B. DURATIONAL ADJUSTMENT

Since the Borough is lacking in adequate water and sewer infrastructure, it is entitled to a durational adjustment which is a mechanism, in accordance with N.J.A.C. 5:93-4.3, to allow a municipality that has limited sewer or water infrastructure or capacity to defer satisfaction of its affordable housing obligation until such infrastructure/capacity becomes available. The following is the basis for the Borough's durational adjustment of its affordable housing obligation.

Existing Sewer Capacity, Demand and Infrastructure

The Borough of Milford provides sewer services for both residents of the Borough of Milford as well as the Township of Holland. The Borough and the Township entered into a certain agreement entitled "Agreement Providing for Conveyance, Treatment and Disposal by the Borough of Milford of Sanitary Sewage Emanating from the Township of Holland," dated November 6, 1967 (hereinafter referred to as the "1967 Agreement"). Subsequent to the 1967 Agreement, as a result of litigation between the Township and the Borough, the Borough and Township entered into an agreement entitled "Settlement Agreement Between Holland Township and Milford Borough," dated October 3, 1986, hereinafter referred to as the "1986 Agreement". The 1967 and 1986 Agreements were subsequently consolidated into a single agreement, on April 3rd of 2012, for the purpose of both updating operational parameters and removing obsolete provisions (the "2012 Agreement").

Under the current New Jersey Department of Environmental Protection ("NJDEP") "Capacity Assurance Program" ("CAP") rules, the Borough is allowed to connect ninety-five percent (95%) of its flows before the Borough would be required to formally introduce a CAP (Capacity Assurance Plan) to the State. Based upon the 95% threshold, and the Borough currently having a 0.101MGD

sewer capacity available, the Borough's current operational available capacity would be not more than .096MGD available. The available sewer capacity is determined by use of a "running average" of the three (3) highest reported flows for a given year plus any committed flows by either application or NJDEP permit.

The sewer required for the Curtis Paper Mill Redevelopment, at build out capacity, during the Third Round was deemed sufficient. However, there are no sewer lines servicing the property. Sewer service area (SSA) mapping published by the New Jersey Department of Environmental Protection ("DEP") and Hunterdon County's 2012 Future Wastewater Service Map indicate that the Milford Mill facility commonly referred to as the "Curtis Paper Site", situate upon two parcels, Block 19, Lot 51 and Block 13, Lot 5.01, is located within the Upper Delaware Water Quality Management Plan SSA map boundary and is reserved for the future expansion of public sewer.

The construction of sewer service lines from the Borough's current sewer lines to the Curtis Paper Site would require traversing an area outside the SSA in order to expand public sewer infrastructure to the Curtis Paper Site. The construction of sewer service lines would require a Treatment Works Approval for the lines and may require consultation with other state programs depending upon the final proposed path of the infrastructure. There are critical environmental constraints to providing sewer service to the area such as the location of the C1 stream leading up from the Delaware River, in addition to the steep slopes in the northern section of the site, and the environmentally sensitive habitat and riparian zone areas. While these constraints impose a difficulty, none are not insurmountable. Any potential development at the Curtis Paper Mill Site, which seeks an expansion of the SSA, will be subject to NJDEP's Water Quality Management Plan SSA amendment regulatory processes, timeframes and permitting fees which would necessitate the durational adjustment.

For the foregoing reasons,, there is insufficient sewer infrastructure at this time to provide sewer service to the Curtis Paper Mill Redevelopment.

SECTION IV: FAIR SHARE PLAN

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations.

A. PLAN SUMMARY

The Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations are to be addressed. As detailed herein, the Housing Element and Fair Share Plan can accommodate the entirety of the community's affordable housing obligation through 2035 in a manner that affirmatively addresses affordable housing need, while at the same time addressing planning concerns and maintaining the overall character of the community.

B. PLAN COMPONENTS

1. Rehabilitation Obligation. Rehabilitation obligations do not need to be fully satisfied until 2035. The Borough intends to satisfy its 3-unit obligation through the use of its Affordable Housing Trust Fund. Due to the small obligation and the fact that the Borough's housing stock is almost entirely owner-occupied, the Borough does not need to establish a rental rehabilitation program and may satisfy the entire rehabilitation obligation through distribution of funds from the Affordable Housing Trust Fund and use of an Affirmative Marketing Plan for any rehabilitated units that happen to be rental and are vacated to be rerented.
2. Prospective Need Obligation. The Borough has a Prospective Need obligation of 23 units. The Borough cannot satisfy this obligation through new residential development at this time due to the unavailability of sewer and water infrastructure and capacity. The Third Round obligation was subject to a durational adjustment in accordance with N.J.A.C. 5:93-4.3 and was addressed by way of 43 affordable credits from the Curtis Paper Mill Redevelopment Area once new water and/or sewer capacity becomes available. In similar fashion, the Fourth Round obligation is also subject to a durational adjustment and will be addressed by way of 23 additional affordable credits from the Curtis Paper Mill Redevelopment Area.

Pursuant to COAH's second round rules regarding the durational adjustment, the Borough shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low- and moderate-income housing, on a priority basis for these mechanisms. Municipal officials shall endorse all applications for the sites to the New Jersey Department of Environmental Protection (NJDEP) or its agent to provide water and/or sewer capacity. The requirements included in N.J.A.C. 5:93-4.3(c)3 and 4 related to inclusion in a fair share plan when the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element are hereby waived for sites other than those designated in the Settlement Agreement in accordance with N.J.A.C. 5:93-4.3(c)4, which permits waiver

of such requirements when a municipality has a plan that will provide water and/or sewer to sufficient sites to address the municipal housing obligation.

Redevelopment Area – 1 (RA-1) Overlay Zone. The Borough proposes to adopt a second amendment to the Curtis Paper Mill Redevelopment Plan to adjust the regulations within Redevelopment Area – 1 Overlay Zone. The Redevelopment Area, commonly known as the Curtis Paper site, is identified by municipal tax records as Block 19 Lot 51 and Block 13 Lots 5.01 and 8. It is approximately 73 acres in size.

Subject to a durational adjustment and the availability of new water and/or sewer capacity already discussed, the redevelopment area is available, approvable, developable, and suitable and meets the criteria and general requirements for the development of affordable housing. The site is free of encumbrance. With the adoption of the amendment, the site may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. The Borough shall reserve and set aside new water and/or sewer capacity, when it becomes available for low- and moderate-income housing, on a priority basis. The site is suitable in that it is adjacent to compatible land uses such as single-family residential and a medical center facility. The site also has appropriate access along Frenchtown Road. Lastly, the site is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. There is the presence of some environmental constraints in certain portions of the area given its proximity to the Delaware River, but not to the extent that would preclude the development for low- and moderate-income housing in other portions of the area.

The amended overlay zone for the redevelopment area will create a realistic opportunity for the development of affordable housing to address the 23 units of the Fourth Round Obligation in the following arrangement. The redevelopment plan amendment allows for two additional For Sale Townhouse buildings, each containing 8 units. One of these Townhouse buildings will accommodate 5 special needs units. The redevelopment plan amendment also allows for two additional 3-story Rental Apartment buildings with 12 units per floor totaling 36 units per building. At a 20 percent affordable set aside for both the for sale as well as for rent developments and considering one credit and one bonus credit for each special needs unit, the total number of affordable housing units created by this redevelopment plan amendment is 28 units which is a surplus of 5 units above the obligation of 23 units.

Amended Redevelopment Plan	# of Building	Total Units	Set Aside	Actual	Rounded
For Sale Townhouse Building (8 units per building)	2	11	20%	2.2	3
Special Needs Units (5 units)		5	1:1 bonus credits	10	10
Rental Apartment Building (36 units per building)	2	72	20%	14.4	15
Total	4	88		26.6	28
Fourth Round Affordable Units/Credits					28

Mandatory Set-Aside Ordinance. In addition, the Borough created a Borough-wide Mandatory Set-Aside Ordinance as part of its 2019 HE&FSP and Third Round JOR to ensure that any new multi-family residential development in Milford will provide its fair share of affordable units and assist with the Borough's continuous efforts to address its affordable housing obligation. The ordinance requires that any site that benefits from a rezoning, variance, or redevelopment plan approved by the Borough which results in multi-family residential development containing five or more new dwelling units shall provide an affordable housing set-aside at a rate of 15 percent, where affordable units will be for rent, or 20 percent, where affordable units will be for sale.

Although the Borough will continue to implement its Mandatory Set-Aside Ordinance through the Fourth Round and credit any new affordable units created thereunder, it proposes to amend said ordinance to require that any site that is developed with five or more new multi-family or single-family attached dwelling units shall provide an affordable housing set-aside at a rate of 20 percent, regardless of tenure. These proposed ordinance amendments, which are intended to capture additional affordable housing opportunities to help address Milford's obligation, are included in the Appendix of this plan.

Development Fee Ordinance: Lastly, the Borough shall continue to impose development fees on new development, as set forth in the Borough's adopted development fee ordinance. As stated therein, residential development fees of 1.5 percent of the equalized assessed value shall be collected on all residential development involving new buildings or when an existing building undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. In addition, non-residential development fees of 2.5 percent of the equalized assessed value shall be collected on all non-residential developments, with the exception of those types of developments specifically exempted pursuant to the Statewide Non-Residential Development Fee Act. The funds generated by the collection of development fees will be applied directly toward implementation of this plan. A copy of the Borough's Fourth Round Spending Plan is also included in the Appendix of this plan.

APPENDICES

- A-1 Resolution Adopting 2025 HE&FSP
- A-2 Draft Resolution Endorsing 2025 HE&FSP
- A-3 Draft Borough Affordable Housing Set-Aside Ordinance
- A-4 Draft RA-1 Redevelopment Plan Amendment 2 Ordinance
- A-5 Affordable-Housing-Ordinance
- A-6 Draft Spending Plan
- A-7 Draft Resolution Adopting Spending Plan
- A-8 Draft Affirmative Marketing Plan
- A-9 Draft Resolution Adopting Affirmative Marketing Plan

A-1 Borough of Milford Resolution Adopting 2025 HE&FSP

BOROUGH OF MILFORD
JOINT PLANNING BOARD &
BOARD OF ADJUSTMENT

RESOLUTION 2025-011
MASTER PLAN HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Joint Planning Board and Board of Adjustment of the Borough of Milford, Hunterdon County, State of New Jersey, (hereinafter, "Joint Planning Board") adopted its current Housing Element and Fair Share Plan of the Master Plan in 2019 pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b(3); and

WHEREAS, on March 20, 2024, an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.*, was signed into law (the "Amended Fair Housing Act"); and

WHEREAS, the Amended Fair Housing Act requires the New Jersey Department of Community Affairs ("DCA") to determine non-binding estimates of fair share obligations for Round Four on or before October 20, 2024; and

WHEREAS, on October 18, 2024, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" ("the DCA Report") wherein the DCA reported its estimate of the obligations for all municipalities based on its interpretations set forth in the Amended Fair Housing Act; and

WHEREAS, the Amended Fair Housing Act provides that the DCA Report is non-binding, enabling municipalities to demonstrate that the Amended Fair Housing Act would support revised calculations of Fourth Round affordable housing obligations; and

WHEREAS, pursuant to the Amended Fair Housing Act, the Borough of Milford may accept the determination of its present and prospective need obligations as calculated by the DCA; and

WHEREAS, the Amended Fair Housing Act further provides, pursuant to N.J.S.A. 52:27D-311(m), that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024, c. 2 (C.52:27D-304.1 *et al.*), or binding court decisions[;]" and

WHEREAS, the DCA Report calculates the Round Four (2025-2035) obligations of the Borough of Milford as follows: Rehabilitation Obligation of 3 and Prospective Need Obligation of 23; and

WHEREAS, on May 28, 2025, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Joint Planning Board of the Borough of Milford held a public hearing on the proposed adoption of the 2025 Housing Element and Fair Share Plan dated May 14, 2025, prepared by Allison L. Fahey, PP, AICP, of Burgis Associates, Inc.; and

WHEREAS, the Planning Board has determined that adoption and implementation of the 2025 Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Joint Planning Board of the Borough of Milford, Hunterdon County, State of New Jersey, that the Joint Planning Board hereby adopts as part of the Borough of Milford Master Plan, the 2025 Housing Element and Fair Share Plan

dated May 14, 2025, prepared by Allison L, Fahey, PP, AICP, of Burgis Associates, Inc.

A **MOTION** for the adoption of the within Resolution was made by Jeffrey Livingston and seconded by Al-Musin Parham.

Roll Call

AYES: C. Bernotas, J. Livingston, H. Schepens, H. Livingston, Z. Houghton, R. Stem, B. O'Shea, A. Parham, J. David, E. Breda

NAYS:

ABSTAIN: J. Betz

Motion carried.

This Resolution shall take effect immediately upon publication that this Resolution was duly adopted by the Milford Borough Planning Board/Board of Adjustment at a regular meeting held on the 28th day of May 2025.


Carol Bernotas, Chairperson


Sara Knies, Clerk

I, Sara Knies, Clerk of the Milford Borough Joint Planning Board & Board of Adjustment, do hereby certify that this is a true and complete copy of Resolution 2025-011.


Sara Knies, Clerk

A-2 Draft Resolution Endorsing 2025 HE&FSP

THE BOROUGH OF MILFORD
RESOLUTION NO. RE2025-_____

Monday, June __, 2025

**RESOLUTION OF THE COMMON COUNCIL OF THE BOROUGH OF
MILFORD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AS
APPROVED BY THE BOROUGH OF MILFORD JOINT LAND USE BOARD
BY RESOLUTION NUMBER _____ DATED MAY 28, 2025.**

WHEREAS, the Joint Land Use of the Borough of Milford, County of Hunterdon, State of New Jersey adopted the Round 4: Housing Element and Fair Share Plan on May 28, 2025 as memorialized by Resolution Number _____, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Milford Borough Common Council wishes to endorse the Round 4: Housing Element and Fair Share Plan as adopted by the Milford Borough Joint Land Use Board on May 28, 2025.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Milford, County of Hunterdon, in the State of New Jersey, hereby endorses the Round 4: Housing Element and Fair Share Plan as adopted by the Milford Borough Joint Land Use Board on May 28, 2025.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

This being submitted at the Council meeting held on Monday, _____, 2025.

CERTIFICATION

I, Leigh Gronau, Municipal Clerk of the Borough of Milford, County of Hunterdon, State of New Jersey do hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Milford Borough Common Council at the Council meeting held on Monday, _____, 2025.

Leigh Gronau, RMC
Municipal Clerk

Date of Certification

ROLL CALL VOTE

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
James Gallos						
Noralie LaFevre						
Helen Livingston						
Alex Peredjogin						
Douglas Sloyer						
Elisa Yager						
Henri Schepens, Mayor *						

A-3 Draft Borough Affordable Housing Set-Aside Ordinance

**BOROUGH OF MILFORD
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE NO. 2025-_____

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 48 OF THE
MILFORD BOROUGH CODE, “AFFORDABLE HOUSING
MANDATORY SET-ASIDE”**

INTERPRETIVE STATEMENT

This Ordinance amends the Borough land use ordinances by establishing new regulations to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or a Borough land use board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of 20%; as will be set forth in the Borough Code in connection with the Borough’s Third Round Housing Element and Fair Share Plan

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Milford, County of Hunterdon, State of New Jersey, as follows:

Section 1. Chapter 48-Article-III of the Code of the Borough of Milford Entitled “Affordable Housing Mandatory Set-Aside” is hereby amended as follows:

Article III Affordable Housing Mandatory Set-Aside

§48-32. Purpose.

This Ordinance is intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or a Borough land use Board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty percent (20%). This Ordinance shall apply except where inconsistent with applicable law.

Mandatory Set-Aside Requirement.

- a. If the Borough or a Borough land use board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the reviewing Borough land use board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
- b. This requirement shall apply beginning with the effective date of this Ordinance to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the reviewing Borough land use board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

- c. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Ordinance, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance.
- d. Nothing in this section precludes the Borough or the reviewing Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For inclusionary projects in which the low and moderate units are to be offered, the appropriate set-aside percentage is twenty percent (20%);. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
- f. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- g. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's 2025 Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- h. Furthermore, this requirement shall not apply to developments containing four (4) or less dwelling units.
- i. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- j. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- k. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Regulations at Chapter 65 of the Borough Code and the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Milford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Milford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This ordinance shall take effect upon its passage, publication, filing with the County of Hunterdon, and entry of final judgement of compliance and repose.

Leigh Gronau, RMC, Clerk

Hon. Henri Schepens, Mayor

Introduced: _____

Adopted: _____

A-4 Ordinance – Draft Curtis Paper Mill-Redevelopment Plan Amendment 2

**BOROUGH OF MILFORD
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE NO. 2025-_____

**AN ORDINANCE TO AMEND CHAPTER 190 ARTICLE XVII OF THE MILFORD
BOROUGH CODE, ENTITLED “REDEVELOPMENT AREA – 1 (RA-1) OVERLAY
ZONE DISTRICT”, AND TO AMEND CHAPTER 190 SECTION 118 OF THE
MILFORD BOROUGH CODE ENTITLED “SINGLE-FAMILY RESIDENTIAL
DWELLINGS IN R/I OVERLAY AREA”**

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Milford, in Hunterdon County, New Jersey, as follows:

Section 1. Article XVII entitled “Redevelopment Area – 1 (RA-1) Overlay Zone District” shall be amended as follows:

Redevelopment Area – 1 (RA-1) Overlay Zone

§190-146. Purpose.

The primary purpose of the Redevelopment Plan is to provide for a comprehensive, integrated planned development consisting of the following elements:

- a. Development of the southern 21 acres of the site as mix of residential development providing tax ratables lost to the Borough with the closure of the former paper manufacturing facility;
- b. A new residential neighborhood in keeping with the village quality of the Borough to be located on the southern end of the site, south of the Hakiwokake Creek, with townhouse and multifamily residential dwellings surrounded by neighborhood greenways;
- c. An assisted living facility for local and surrounding residents along Frenchtown Road south of the office buildings;
- d. Maintenance of the area north of the Hakiwokake Creek as an open space and passive recreation area;
- e. Public access to the Delaware River waterfront with pedestrian trails and a limited-scale public portage;
- f. A series of trails providing linkages to a regional trail network and to existing pedestrian pathways in the Borough;
- g. Passive recreation areas located between the residential dwellings and the Delaware River with integrated stormwater management facilities;

- h. An aesthetically pleasing gateway treatment and streetscape along Frenchtown Road;
- i. An extension of the existing roadway grid to create a sub network of streets to provide circulation and access alternatives.

§190-147. Permitted Principal Uses.

The following types of uses shall be principal permitted uses within the Curtis Paper Mill Redevelopment Area:

- 1. Townhouse residential dwellings
- 2. Multifamily residential dwellings
- 3. Assisted living
- 4. Passive recreation trails and areas

§190-148. Permitted accessory uses.

Permitted accessory uses allowed in the Curtis Paper Mill Redevelopment Area include the following:

- 1. Off-street parking;
- 2. Decks, balconies and porches;
- 3. Fences and walls;
- 4. Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of a complex;
- 5. Trash enclosures;
- 6. Signs;
- 7. Outdoor lighting.

§190-149. Area and Bulk Requirements

The area and bulk requirements for the uses allowed in the Redevelopment Area – 1 Overlay Zone (RA-1) Zone are set forth below. The area and bulk regulations of the underlying I - Industrial Zone shall remain in full force and effect for development pursued in accordance with the underlying Industrial uses.

Requirement	Townhouse	Multi-family	Assisted Living	Office
Maximum No. of Units	64	144	110	-
Setback from Frenchtown Road (ft)	150	150	50	50
Front yard setback from a public street to building front or side façade* (ft)	15	25	25	40
Front yard setback from a public street to all other facades* (ft)	20	50	-	-
Minimum setback from private internal roadway (ft)	10	20	-	-
Minimum setback from building to	60	60	60	40

building façade (ft)				
Maximum Building Height (ft / sty)	38 / 3	42 / 3	35 / 2	35 / 1
Accessory Building Setback from a public street	25	-	-	-
Accessory Building setback from private internal roadway (ft)	15	-	-	-

§190-150. Residential Development.

Residential development shall emulate characteristics of townhouse and multifamily style development within the immediate Milford area and shall also include assisted living for aging populations to remain in the area. The proposed design of the residential development should support a pedestrian-friendly environment and a gradual transition in housing type from the traditional detached single-family residential development pattern along Delaware Avenue on to a townhouse and multifamily form development pattern. The area shall be further supplemented by an assisted living facility at the southernmost end of the redevelopment area.

Sidewalks and paths shall be provided throughout the entire redevelopment area to encourage pedestrian connections through the neighborhood and to various trails and pedestrian linkages surrounding the site. The visual character of the site stems from the relationship of roadway width, setbacks, side yards and the decorative layering of planting of front yards with plantings. The continuity of the residential corridors is dependent on adequate minimum front yard and side yard setbacks. Townhouse garages are prohibited from directly accessing adjacent public streets in order to minimize curb cuts and maintain a safe and pleasing streetscape. Garages and off street parking for townhouses are encouraged to be accessed from alley ways behind each townhouse structure to provide full prominence to the home rather than vehicle storage.

- 1. Density Limitation.** As noted above, the redevelopment plan contemplates a total of 64 townhouse dwellings, 144 multifamily dwellings and 110 unit assisted living facility. The 120 townhouse and multifamily units represents a gross density of 2.8 units per acre based on a gross tract size of 73.33 acres, and it equates to 9.9 units per acre based on a net developable area of 21 acres. The 110 unit assisted living facility is not calculated within these density limitations.
- 2. Mandatory Affordable Housing Set Aside Requirements.** The mandatory affordable housing set aside for rental developments and for-sale developments shall be twenty percent (20%). The mandatory set-aside for assisted living units shall be ten percent (10%). The affordable units in the multifamily and townhome developments are family units.
- 3. Affordability Requirements.** In accordance with the court order of approval on January 15, 2019 following the Borough's Fairness Hearing, the Borough was entitled to 43 affordable housing unit credits from the Curtis Paper Mill Redevelopment Plan

Amendment in 2019. In Accordance with the Fourth Round Affordable Housing declaratory judgment action pursuant to AOC Directive #14-24, the Borough is committed to an additional 23 affordable housing units. The Curtis Paper Mill Redevelopment Plan Amendment 2 generates an additional 28 units of affordable housing which is a surplus of 5 units above the obligation of 23 units. The following shall be addressed as part of the planning for all affordable units.

- a. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance., the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time.

§190-151. Open Space and Recreation.

Open space and recreation facilities are proposed as a major element of the plan and consists of the following:

1. A Passive recreation area consisting of the environmentally constrained northwestern areas of the site north of the Hakiwokake Creek. This area will include pedestrian paths linking the area to other portions of the Borough and a passive recreation area along Delaware River.
2. A new public green adjoining the residential, professional office development and open space areas will create a focal point for these uses. Accordingly, the public green should include various public amenities to create a public plaza or similar public area with adequate space to hold outdoor events of a limited scale.
3. The provision of a public walkway and passive recreation area along the Delaware River, linking to the regional trails system.
4. Buffer areas and green belts between residential and nonresidential areas.
5. New passive recreation areas designated for the common use of all occupants of the development that also serve as an integrated stormwater management system located between the residential development and the Belvidere and Delaware River Railway parcel.

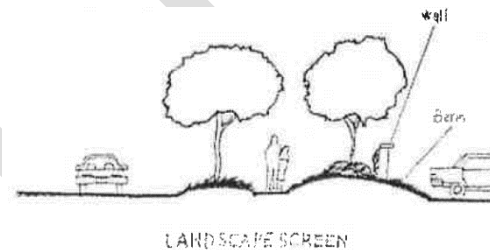
Common open space shall comprise not less than 40% of the total gross area of the 73.3 acre tract. Such space may include land area to be developed as recreation areas or which is designated for common use of all occupants of the development but shall not include streets, off-street parking areas or incidental landscaped areas within off-street parking areas. The redeveloper shall be required to provide perpetual maintenance for such open space. Not less than one-sixth of this minimum required open space shall be in a form usable to and accessible by the publics, such as the central green, commons, woodland walking trails, similar footpaths, or any combination of the above.

The required open space shall be located and designed to add to the visual amenities and village atmosphere of the development. The visibility of internal open space shall be maximized through the use of terminal vistas and linkages to other open space elements.

§190-152. Parking / Loading.

Off street parking shall be provided for each individual use in the development in accordance with the requirements of this section.

1. Parking for all townhouse structures shall be prohibited in front yard setback areas from public streets and should be situated in the rear of each unit accessible by alley ways so as to give full prominence to the front façade of each unit rather than to vehicle storage.
2. Driveways shall be set back at least 15 feet from all residential buildings and five feet from non-residential structures to provide room for a landscaped area.
3. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct views of parked vehicles from the street right-of-way and sidewalks, avoid spill-over light, glare, noise, or exhaust fumes onto adjacent properties. Parking lots exposed to view shall be surrounded by a minimum of three (3) foot landscaped berm (see accompanying diagram). The height of the berm shall gradually decrease in size where driveways, walkways and sidewalks approach to provide adequate sight triangles.
4. The interior of all parking lots shall be landscaped to provide shade and visual relief. At a minimum, at least one deciduous tree shall be planted for every five (5) parking spaces inside a six (6) foot wide planter or landscape island is required. Landscaping should be utilized to soften edges of parking lots and to provide a sense of lot borders or boundaries.
5. Parking lot layout should take into consideration pedestrian movement and pedestrian crossing should be installed where deemed necessary by the Planning Board.
6. The required number of parking spaces may be reduced by demonstrating the possibility of shared parking subject to the review / approval of the Board, and considering the availability of on-street parking.
7. Parking lot layout should take into consideration pedestrian movement and pedestrian crossing should be installed where deemed necessary by the Board.
8. Off Street Loading Requirements shall be as follows:
 - Less than 10,000 square feet: None
 - 10,000-50,000 square feet: 1
 - Over 50,000 square feet: 2



§190-153. Landscaping.

1. Landscaping is to be provided as part of all redevelopment and is to be integrated into building arrangements, topography, parking, buffering and other site features. Landscaping may include trees, shrubs, ground cover, berms, flowers, sculpture, art and similar materials, and shall be designed to provide aesthetic, buffering, environmental, ornamental, and other related functions. All landscaping plans shall be prepared by a New Jersey licensed Landscape Architect.
2. Landscaping shall permit adequate site distance for motorists and pedestrians entering and existing a site and shall not interfere with circulation patterns.
3. Landscaping shall be provided adjacent to and within parking areas to screen vehicles from view and to minimize the expansive appearance of parking fields. Street trees shall be installed in the public right-of-way for all development within non-residential districts.
4. Trees shall be planted within rights-of-way parallel to the street along all streets.
5. Street tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.
6. Large maturing trees, such as willow oaks, tulip poplars, and American beech shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic structures.
7. Small maturing trees such as flowering dogwoods, crape myrtle shall generally be planted along non-residential streets, interior portions of parks, squares, greenbelts, and civic lots.
8. Plantings in the immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as extension of architectural walls).
9. Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public open spaces.
10. Existing trees 18 inches in caliper or greater may count towards all tree requirements. All such trees not within a drive or building footprint after grading may not be cut without approval from the Board.
11. All plantings shall be installed free from disease and in a manner that ensures the availability of sufficient soil and water for healthy growth and which is not intrusive to underground utilities.
12. All loading areas shall be landscaped in a manner that sufficiently screens the view of the loading area and vehicles from any public right-of-way and residential property.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Milford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Milford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

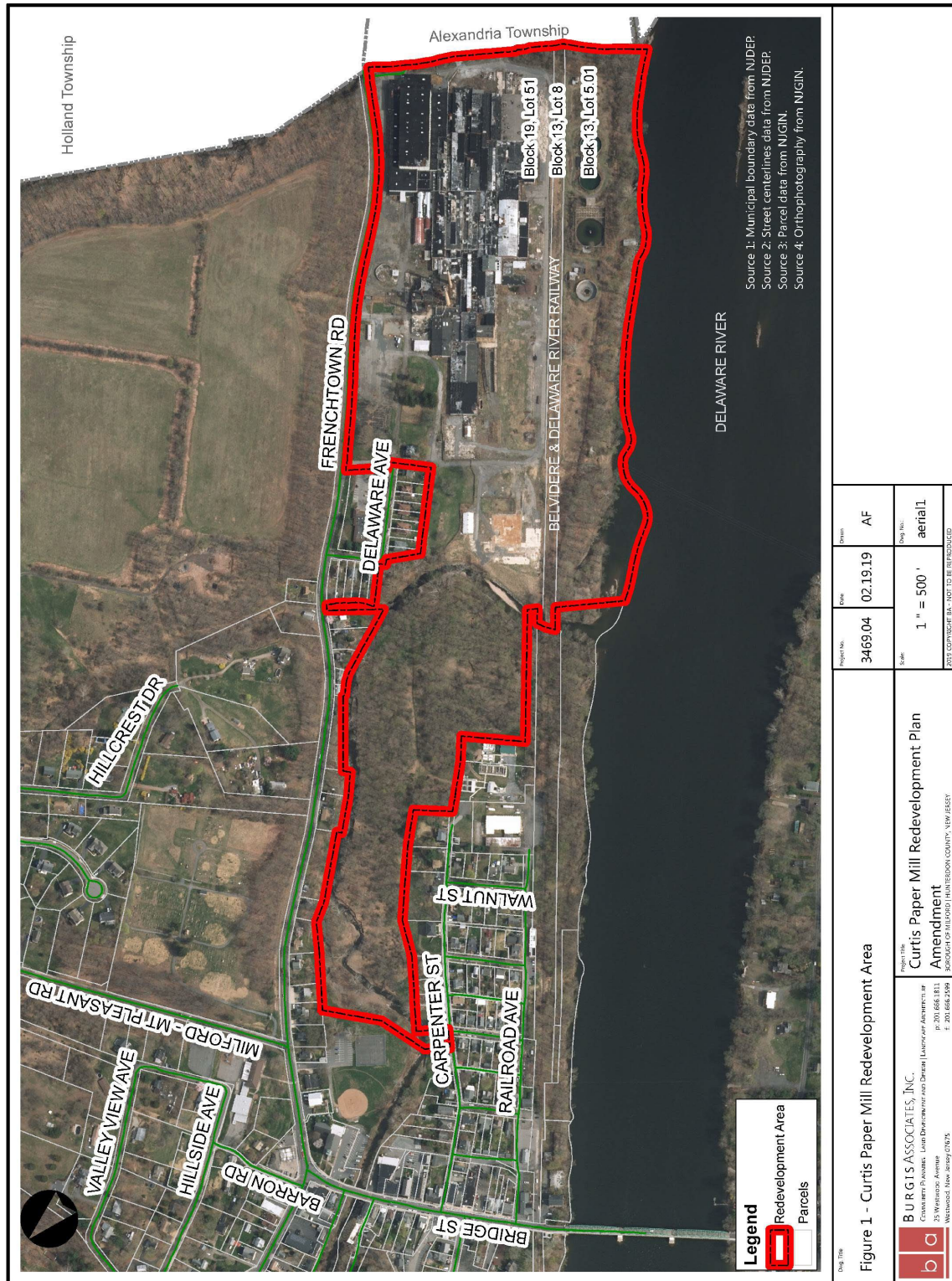
Section 6. This ordinance shall take effect upon its passage, publication, filing with the County of Hunterdon, and entry of final judgement of compliance and repose.

Leigh Gronau, RMC, Clerk

Hon. Henri Schepens, Mayor

Introduced: _____

Adopted: _____



A-5 Affordable-Housing-Ordinance

ARTICLE I
Affordable Housing Regulations
[Amended 2-18-2020 by Ord. No. 910-2020]

§ 48-1. Purpose and applicability.

- A. This chapter is intended to assure compliance with COAH Second Round Substantive Rules at N.J.A.C. 5:93 and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., except where modified, and that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Borough of Milford Joint Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. (hereinafter "Fair Share Plan"). The Fair Share Plan was subsequently endorsed by the governing body. The Fair Share Plan describes how the Borough of Milford shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the settlement agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on August 6, 2018 (hereinafter "FSHC settlement agreement"), and the court order approving same, which was entered by the Court on January 15, 2019, after a properly noticed fairness hearing.
- C. The Borough of Milford shall track the status of the implementation of the Fair Share Plan.

§ 48-2. Monitoring and reporting requirements.

The Borough of Milford shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- A. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to the Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to the Fair Share Housing Center, using forms previously developed for this purpose by COAH, or any

other forms endorsed by the Court-appointed Special Master and FSHC.

C. The Fair Housing Act¹ includes two provisions regarding action to be taken by the Borough during its ten-year repose period. The Borough will comply with those provisions as follows:

- (1) For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to the Fair Share Housing Center, a status report as to its implementation of its plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with a copy to the Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- (2) For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgement of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to the Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very-low-income housing obligation under the terms of this settlement.
- (3) In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the state level.

§ 48-3. Definitions.

The following terms when used in this chapter shall have the meanings given in this section:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this chapter, applicable COAH regulations and the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.).

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income

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

households.

AFFORDABLE — A sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; 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 N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT — A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Borough's Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any mechanism in the Borough's Fair Share Plan prepared or implemented to address the Borough's fair share obligation.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC settlement agreement, or an order of the Court.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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.).

ALTERNATIVE LIVING ARRANGEMENT — A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to, transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

COAH — The New Jersey Council on Affordable Housing.

DCA — The State of New Jersey Department of Community Affairs.

DEFICIENT 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 weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

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

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

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. Inclusionary developments must have a minimum 20% set-aside of affordable units if the development has five or more units and is a for-sale project, or a minimum 15% set-aside if the development is a rental project. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

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

MARKET-RATE UNITS — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by the Department.

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

MODERATE-INCOME UNIT — A restricted unit that is affordable to a moderate-income household.

MUNICIPAL HOUSING LIAISON — The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Milford.

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

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

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by the Department's adopted Regional Income Limits published annually by the Department.

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

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

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

THE DEPARTMENT — 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.).

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

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

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

§ 48-4. Applicability.

- A. The provisions of this chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Milford pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this chapter shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 48-5. Alternative living arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

- (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or

bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

- B. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 48-6. Phasing schedule for inclusionary zoning.

In inclusionary developments, the following schedule shall be followed:

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

§ 48-7. New construction.

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

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- (2) At least 13% of all restricted rental units within each bedroom distribution shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.
- (3) At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
- (4) A maximum of 25% of the Borough's obligation may be met with age-restricted units. At least half of all affordable units in the Borough's plan shall be available to families.
- (5) In each affordable development, at least 50% of the restricted units within each bedroom

distribution shall be low-income units including that 13% shall be very-low-income.

- (6) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (7) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (e) If not all of the foregoing requirements in Subsection B(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the

request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- [2] To this end, the builder of restricted units shall deposit funds within the Borough Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [4] The developer of the restricted units shall submit a design plan and cost estimate to the Borough Construction Official for the conversion of adaptable to accessible entrances.
 - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Design:

- (1) In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum rents and sales prices:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and calculation procedures as approved by the Court as detailed herein.
- (a) "Regional income units shall be established for the region that the Township is located within (i.e., Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the

HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year."

- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households, earning 30% or less of the regional median household income, with such very-low-income units counted toward the low-income housing requirement.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.

- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to Subsection D(1). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rents of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§ 48-8. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

§ 48-9. Occupancy standards.

In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 48-10. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least 30 years and thereafter until the Borough takes action by ordinance to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Uniform Construction Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 48-11. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as

may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 48-12. Buyer income eligibility.

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

§ 48-13. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination, in writing, that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 48-14. Capital improvements to ownership units.

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum

sales price of an improved housing unit exceed the limits of affordability for the larger household.

- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 48-15. Control periods for restricted rental units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a period of at least 30 years and thereafter until the Borough takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this chapter despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 48-16. Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without

the express written approval of the administrative agent.

- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this chapter.

§ 48-17. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall

counsel the household on budgeting.

§ 48-18. Municipal housing liaison.

- A. The position of Municipal Housing Liaison (MHL) for the Borough of Milford is established by this chapter. The Borough shall make the actual appointment of the MHL by means of a resolution.
- (1) The MHL must be either a full-time or part-time employee of Milford.
 - (2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
 - (3) The MHL must meet all the requirements for qualifications, including initial and periodic training if such training is made available by COAH or the DCA.
 - (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Milford, including the following responsibilities which may not be contracted out to the administrative agent or the administrative agent appointed by a specific developer:
 - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (b) The implementation of the Affirmative Marketing Plan and affordability controls;
 - (c) When applicable, supervising any contracting administrative agent;
 - (d) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required;
 - (f) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- B. Subject to the approval of the Court, the Borough of Milford shall designate one or more administrative agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this chapter. An operating manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court-appointed Special Master or the Court. The operating manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the work of the administrative agent(s).

§ 48-19. Administrative agent.

The administrative agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Borough of Milford: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

E. Processing requests from unit owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this chapter;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
- (3) Notifying the Borough of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

Borough of Milford, NJ

§ 48-19

§ 48-20

- (3) Posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Borough Mayor and Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

- (1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- (3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 48-20. Affirmative marketing requirements.

- A. The Borough shall adopt by resolution an affirmative marketing plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.
- D. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough

shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.

- E. 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.
- F. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the county administration building and/or the county library for each county within the housing region; the municipal administration building and the municipal library in the Borough in which the units are located; and the developer's rental office. Preapplications shall be emailed or mailed to prospective applicants upon request.
 - (1) In addition to other affirmative marketing strategies, the administrative agent shall provide specific notice of the availability of affordable housing units in Milford, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 48-21. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be

subject to one or more of the following penalties, at the discretion of the Court:

- (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
- (a) The judgment shall be enforceable, at the option of the Borough, 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 Borough, 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.
 - (b) 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 Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough 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 Borough 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 Borough 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 Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.
 - (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations

governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (d) 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 Borough may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 48-22. Appeals.

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

A-6 Draft Amended Spending Plan

Note: At the time writing Draft 2025 HEFSP, The Borough Planner has yet to receive all requested information concerning the Borough's Affordable Housing Trust Fund from the Borough CFO.

May 14, 2025
Borough of Milford
Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Borough of Milford (hereinafter the "Borough"), Hunterdon County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amdended Fair Housing Act (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99). The Borough began collecting development fees in 2005 to be put towards their affordable housing trust fund.

As of **December 31, 2024**, the Borough has a balance of **\$42,724.80** in its 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 the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of January 1, 2025 through June 30, 2035, which encompasses the period that the Borough will have a Fourth Round Judgment of Compliance and Repose (hereinafter "Fourth Round JOR"), the Borough will add an additional **\$xxx** to its Affordable Housing Trust Fund. This is detailed below.

- (a) Development fees: The Borough does not anticipate any non-residential development fees to be generated between January 1, 2025 and June 30, 2035. The Borough does anticipate collection of residential development fees. This figure assumes that, on average, the Borough will collect approximately **\$XXX** in development fees per year during the remainder of the Third Round and throughout the Fourth Round.
- (b) Payment in lieu (PIL): The Borough does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the period of its Fourth Round JOR.

Note: At the time writing Draft 2025 HEFSP, The Borough Planner has yet to receive all requested information concerning the Borough's Affordable Housing Trust Fund from the Borough CFO.

- (c) Other Funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the period of its Fourth Round JOR.
- (d) Projected interest: It is estimated that the Borough will collect approximately \$xxx in total interest between January 1, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$XXX in interest per year throughout the Fourth Round.

DRAFT

Note: At the time writing Draft 2025 HEFSP, The Borough Planner has yet to receive all requested information concerning the Borough's Affordable Housing Trust Fund from the Borough CFO.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND JANUARY 1, 2025 THROUGH JUNE 30, 2035										
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/2035- 6/30/2035
(a) Development fees:											
Residential Development											
Non-Residential Development	\$0	\$0	\$0	\$0	\$0	\$0					\$0
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0					\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0					\$0
(d) Interest											
Total											

In sum, the Borough projects a total of \$xxx in revenue to be collected between January 1, 2025 and June 30, 2035. This projected amount, when added to current trust fund balance of \$xxx, results in a total anticipated trust fund balance of \$xxx available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

Note: At the time writing Draft 2025 HEFSP, The Borough Planner has yet to receive all requested information concerning the Borough's Affordable Housing Trust Fund from the Borough CFO.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).
- (b) Distribution of development fee revenues: The Joint Land Use Board adopts and forwards a resolution to the Common Council recommending the expenditure of development fee revenues as set forth in this spending plan. The Common Council reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of 3 units. The funding requirement pertaining to rehabilitation is such that municipalities shall set aside sufficient funds to address one-third of their rehabilitation obligation within one year of approval of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. In order to address the rehabilitation obligation, the Borough set aside funding for rehabilitation as required for this portion of the obligation.
- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:93-8.16(c), the Borough will set aside a portion of all revenues collected from development fees for the purpose of affordability assistance to low- and moderate-income households. "Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to

Note: At the time writing Draft 2025 HEFSP, The Borough Planner has yet to receive all requested information concerning the Borough's Affordable Housing Trust Fund from the Borough CFO.

bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5. The Borough will set aside \$xxx from the affordable housing trust fund for this purpose through June 30, 2035.

- (c) Administrative Expenses. Per N.J.A.C. 5:99-2.4(a), no more than 20% of all affordable housing trust funds shall be expended on administration. The Borough projects that a maximum of \$xxx will be available from the affordable housing trust fund to be used for administrative purposes through June 30, 2035. Projected administrative expenditures, subject to the 20% cap, include the payment for the salaries and benefits for municipal employees and consultant fees related to costs as set forth at N.J.A.C. 5:99-2.4(b), (c) and (d).

Actual development fees + interest through 12/31/24		\$14,803.66
Projected Development fees + interest 1/1/25 through 6/30/35	+	\$xxx
Total	=	\$xxx
20 percent requirement	x 0.20 =	\$xxx
Less administrative expenditures through 12/31/24	-	\$0
PROJECTED MAXIMUM Available for Administrative Expenses 1/1/25 through 6/30/35	=	\$xxx

- (d) Other Emergent Housing Opportunities. The Borough will reserve the remaining trust fund balance, projected at \$xxx, for other emergent opportunities to create affordable housing that may arise during the Fourth Round. The Borough shall seek approval for any emergent affordable housing opportunities not included in the Borough's fair share plan in accordance with N.J.A.C. 5:99-4.1.

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall of funds necessary to implement the Fair Share Plan, the Borough will handle the shortfall of funds through an alternative funding source to be identified by the Borough and/or by adopting a resolution with an intent to bond. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward the Borough's additional affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

6. SUMMARY

The Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough had a balance of **\$42,724.80** as of December 31, 2024 and anticipates an additional **\$xx** in revenues through June 30, 2035 for a total of **\$xxx**. During the period of the Borough's Fourth Round JOR through June 30, 2035, the Borough agrees to set aside **\$xxx** towards affordability assistance, **\$xxx** towards administrative costs, and **\$xxx** towards other emergent affordable housing opportunities that may arise during the Fourth Round, totaling **\$xxxx** in anticipated expenditures.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough. In the unlikely event that no alternative funding is available, the Borough will bond to provide the necessary funding. The Borough will dedicate any excess funds or remaining balance toward its affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2024		\$xx
PROJECTED REVENUE THROUGH 6/30/35		
Development fees	+	\$XX
Payments in lieu of construction	+	\$0.00
Other funds	+	\$0.00
Interest	+	\$XX
SUBTOTAL REVENUE	=	\$XX
TOTAL REVENUE	=	\$XXX
EXPENDITURES		
Rehabilitation Program	-	\$0.00
Affordability Assistance	-	\$XX
Administration	-	\$XX
Other Emergent Opportunities		
TOTAL PROJECTED EXPENDITURES	=	\$XX
REMAINING BALANCE	=	\$0.00
Excess Funds or Remaining Balance Reserved for Affordability Assistance and/or Additional Affordable Housing Activity Necessary to Address Third Round obligation	=	\$0.00

A-7 Draft Affirmative Marketing Plan

**BOROUGH OF MILFORD
HUNTERDON COUNTY, NEW JERSEY**

AFFIRMATIVE MARKETING PLAN

- A. All affordable housing units in the Borough of Milford shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Borough of Milford has a Present and Prospective Need (2025-2035) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain very low, low and moderate income units, including those that are part of the Borough's 2025 Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Milford. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
 - 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region by any of the following:
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 3 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.

- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for application for very low, low and moderate income units shall appear in the following newspapers/publications/newsletters:
 - i. The Hunterdon County Democrat
 - ii. The Star Ledger
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. 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 publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough’s Administrative Agent.
 3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees.
 4. Advertisements will be broadcast on Spectrum Cable.
 5. 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:
 - i. Milford Borough Municipal Building
 - ii. Milford Borough Municipal Library

- iii. HUNTERDON County Library (all branches)
- iv. Developer's sales office(s)
- v. Hunterdon County Administration Building

Applications shall also be mailed by the Administrative Agent to prospective applicants upon request.

6. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Hunterdon, Middlesex and Somerset Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

- i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Hunterdon/Somerset Association of Realtors (3461 U.S. Highway 22 East, Building B, Branchburg, NJ 08876

Middlesex County Association of Realtors (14 Old Bridge Turnpike, South River, NJ 08882)

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Hunterdon, Somerset and Middlesex:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed in the attached Appendix.
- iv. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Borough in addition to the organizations listed in the attached Appendix:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

NORWESCAP (350 Marshall Street Phillipsburg, NJ 08865)

Supportive Housing Association (185 Valley Street, South Orange, NJ 07079); and

Central Jersey Housing Resource Center (600 First Avenue, Suite 3, Raritan, NJ 08869)

- 7. 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(l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3 comprised of Hunterdon, Somerset and Middlesex Counties.
- 8. 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.
- 9. Whenever appropriate, 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.

10. 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.
11. 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 for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Milford Borough that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 3, which is included in the attached Appendix.
12. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

A-8 Draft Resolution Adopting Affirmative Marketing Plan

**BOROUGH OF MILFORD
COUNTY OF HUNTERDON
RESOLUTION _____
ADOPTION OF AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF
MILFORD**

WHEREAS, the Borough of Milford’s Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.), the New Jersey Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et. seq.).

WHEREAS, in accordance with the Fair Housing Act and the provisions of UHAC, the Borough of Milford is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created or re-rented through rehabilitation, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Borough of Milford;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Milford, County of Hunterdon, State of New Jersey, do hereby adopt the Affirmative Marketing Plan set forth as attached hereto.

CERTIFICATION

I, Leigh Gronau, RMC, Borough Clerk of the Borough of Milford, County of Hunterdon, State of New Jersey do hereby certify the foregoing resolution was duly adopted by the Borough of Milford Mayor and Council at a regular meeting held on _____, 2025.

Leigh Gronau, RMC
Municipal Clerk

Date of Certification

ROLL CALL VOTE

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
James Gallos						
Noralie LaFevre						
Helen Livingston						
Alex Peredjogin						
Douglas Sloyer						
Elisa Yager						
Henri Schepens, Mayor *						