



2025 Fourth Round Housing Element & Fair Share Plan

West Amwell Township, Hunterdon County

West Amwell Township Fourth Round Housing Element & Fair Share Plan

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Township of West Amwell

Hunterdon County, New Jersey

Adopted by the Planning Board: **June 17, 2025**

Endorsed by the Township Committee: _____

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1 Affordable Housing Element

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.

This is the Township of West Amwell’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035 (known as the Fourth Round). West Amwell Township seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Third Round Obligation (1999–2025)
4. Fourth Round Prospective Need Obligation (2025-2035)

1.1 Affordable Housing History

1.1.1 Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in *Southern Burlington County NAACP v. the Township of Mount Laurel*, 67 N.J. 151 (1975), 336 (Mount Laurel I), that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. *Mount Laurel I* is the landmark decision that created what is commonly referred to as the “Mount Laurel Doctrine”. The Supreme Court found that Mount Laurel Township’s zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued *Southern Burlington County NAACP v. Township of Mount Laurel*, 92 N.J. 158 (1983), another monumental decision which became known as the “*Mount Laurel II*” decision. In this case, the Supreme Court upheld and expanded upon the *Mount Laurel I* decision. *Mount Laurel II* clarified that the constitutional obligation applies to all municipalities, not just the “developing” municipalities as referenced in *Mount Laurel I*. Each

¹ N.J.A.C. 5:91 (Procedural) and N.J.A.C. 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](https://www.nj.gov/dca/dcps/hss/thirdroundregs.shtml)

² N.J.A.C. 5:96 (Procedural) and N.J.A.C. 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dcps/hss/thirdroundregs.shtml>

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municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality's fair share obligation. Mount Laurel II established the "Builder's Remedy" as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

In 1985, the Fair Housing Act ("FHA") was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing ("COAH"), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

1.1.2 Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

1.1.2.1 West Amwell's Prior Round Compliance

West Amwell was granted a Judgement of Repose ("JOR") for its Second Round Housing Plan on April 8, 2004. West Amwell Township's Second Round certified plan was subsequently extended by COAH to December 31, 2008 for all municipalities. West Amwell's Second Round Plan addressed a 1987-1999 pre-credited need of 124 units, which was adjusted downward to a realistic development potential ("RDP") of 4 units via a vacant land adjustment.

As the result of a Builder's Remedy lawsuit filed by Calton Homes, Inc. in 1994, the Township of West Amwell received a Judgement of Repose on April 21, 1999. In the Judgment of Repose, the Court transferred all future compliance with the Mt. Laurel constitutional obligation and the Fair Housing Act to the Council on Affordable Housing (COAH). On March 16, 2005, West Amwell petitioned the Superior Court, Hunterdon County to extend West Amwell's substantive certification to December 20, 2005. By order, dated April 19, 2005, the Court extended West Amwell's substantive certification until December 20, 2005 and transferred jurisdiction to COAH for the third round certification. COAH subsequently extended Second Round Substantive Certification to December 31, 2008 for all municipalities.

1.1.3 Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

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The first version of COAH's Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

In 2009, appeals were filed regarding the new Third Round Rules' growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015 entitled In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provided a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The transitional process created by the Supreme Court tracked the FHA procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

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On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant to The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), 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).

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Third Round Housing Element and Fair Share Plans, and most municipalities concluded the process with a Third Round Judgment of Compliance and Repose ("Third Round JOR") from the courts. As a result of COAH's inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

1.1.3.1 West Amwell's Third Round Compliance

On December 30, 2008, West Amwell petitioned COAH for third round substantive certification pursuant to N.J.A.C. 5:96 and 5:97. COAH deemed the petition complete on February 18, 2009 and granted substantive certification on May 14, 2009.

Pursuant to the Mount Laurel IV Supreme Court decision, the Township of West Amwell filed for declaratory judgement on July 21, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfied the Township's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing.

A Settlement Agreement was reached between the Township and the Fair Share Housing Center ("FSHC") on December 5, 2018, setting forth the extent of West Amwell's Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which West Amwell proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring. The Settlement Agreement outlined West Amwell Township's affordable housing obligations as follows:

- Present Need (Rehabilitation Obligation): 0 units
- Prior Round Obligation: 16 units
- Third Round Prospective Need: 117 units

At a Fairness Hearing on January 31, 2019, the Superior Court found the Settlement Agreement to be fair and deemed it to be preliminarily in compliance with the Township's affordable

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housing fair share obligation. On July 16, 2019, the Court issued a Case Management Order identifying a list of actions that the Township must undertake prior to the Court approving a Final Judgement of Compliance and Repose (“JOR”).

The West Amwell Planning Board adopted a Housing Element & Fair Share Plan on August 20, 2019 to address the affordable housing obligations as set forth in the Settlement Agreement.

The Superior Court held a Final Compliance Hearing on June 29, 2020 (Docket No. L-307-15). A Conditional Order of Judgment of Compliance and Repose (“JOR”) was issued by Judge Miller on July 8, 2020, which found that the Township to be in compliance with its constitutional obligation to create a realistic opportunity for affordable housing. The Conditional JOR requires that the Township meet the conditions set forth in the Special Master’s June 24, 2020 Compliance Report within 90 days (by October 6, 2020). Upon demonstration that the Township has met the conditions, the Township is granted repose and immunity from exclusionary zoning litigation through July 1, 2025.

Condition A of the Special Master’s June 24, 2020 Compliance Report requires the adoption of an amended Housing Element & Fair Share Plan to address a shortfall in the Prior Round and Third Round credits due to the two group homes containing one less bedroom each than was previously certified by COAH in the prior round plan. This Housing Element & Fair Share Plan was amended on August 18, 2020 to address the shortfall by allocating additional density to the ESC/Fulper Site. The Village Market Redevelopment Plan was to be revised to provide additional affordable units to make up the shortfall.

1.1.4 Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State’s affordable housing regulations. The 75-page bill, known as the A4/S50 Bill, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 amended the FHA (hereinafter the “Amended FHA”) and charged the Department of Community Affairs (“DCA”) with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance. In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled “Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background”.

The DCA calculated West Amwell Township’s Present Need (Rehabilitation) Obligation as **0 units** and its Fourth Round Prospective Need Obligation as **39 units**.

Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 22, 2025, the Township Committee adopted Resolution 35-2025 accepting the DCA’s calculations of the Township’s Present Need Obligation of **0 units** and Fourth Round Prospective Need Obligation of **39 units**.

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The Township also filed a “Complaint for a Declaratory of Compliance with the Fair Housing Act” on January 30, 2025. as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, West Amwell Township did not receive any challenges to the calculated obligations. The Honorable William G. Mennen, J.S.C. issued an order on March 27, 2025, ordering that West Amwell Township’s Present Need shall be 0 units and the prospective need for the Fourth Round housing cycle shall be 39 units (Docket No. HNT-L-79-25).

1.2 Municipal Summary

The Township of West Amwell contains approximately 22 square miles and is the southernmost municipality in Hunterdon County. West Amwell is bordered by East Amwell Township to the northeast, Hopewell Township in Mercer County to the south, Lambertville City to the west and Delaware Township to the northwest. US Route 202 traverses the northern part of the Township from east to west. New Jersey Route 31 travels in a north-south direction along the eastern border with East Amwell Township, while New Jersey Route 179 runs east to west just south of US Route 202.

West Amwell is a rural municipality with development limited to single-family detached dwellings, farmsteads, and commercial businesses, primarily along NJ Routes 31 and 179. The Township had an estimated population of 2,781 residents and an estimated 119 jobs.

According to online tax records, over 57 percent of the Township’s land area is classified as farm (regular) or farm (qualified). Residential properties, including multi-family housing developments, comprise 21.6 percent of West Amwell’s land. Other uses include commercial, industrial, religious uses, municipal land, schools, and railroad right-of-way. It should be noted that 162 parcels, comprising of 383.4 acres (2.8 percent), are classified as vacant. The Township is located within four Planning Areas of the 2001 State Development and Redevelopment Plan (“SDRP”), the PA4 Rural Planning Area (13 percent), the PA4B Rural/Environmentally Sensitive Planning Area (57%), the PA5 Environmentally Sensitive Planning Area (30 percent), and a State Park less than 25 acres. Additionally, the Township contains two Critical Environmental Sites, one along the northern border shared with Delaware Township and a second between Mt Airy – Harbourton Road and Rocktown – Lambertville Road. The Critical Environmental Sites comprise approximately 7.5 percent of the Township.

Environmental constraints are scattered throughout the Township. Approximately 1,384 acres of the Township have slopes greater than 15 percent, 1,145 acres of wetlands stretch through the middle of the Township, and 362 acres are within the 100-year special flood hazard area. The Township also has areas of species with habitat specific requirements, species of special concern, and state threatened and endangered species. Additionally, a habitat area of a

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federally-listed species is located along the Delaware River in the southwestern portion of the Township.

1.3 Affordable Housing Goals

The overriding policy of the HEFSP is to ensure the provision of a variety of housing opportunities sufficient to address the needs of the community and the region, including the need for affordable housing, while at the same time respecting the rural character of the Township and the policies, goals, and objectives set forth by the Township's Master Plan. The Housing Plan furthers the Municipal Land Use Law purposes of zoning and fulfills the New Jersey Fair Housing Act, which in keeping with New Jersey Supreme Court doctrine, as expressed in the "Mount Laurel" decisions, recognizes that every municipality in a growth area has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of affordable housing.

In furtherance of West Amwell's efforts to ensure sound planning, this HEFSP incorporates the following goals and objectives with respect to future housing:

- To the extent feasible, the Township's zoning will guide anticipated new residential development into compact, center-based projects.
- To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families, as determined by the Court.
- To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within West Amwell, including any mixed-use, redevelopment, and/or adaptive reuse projects.
- To preserve and monitor the existing stock of affordable housing.
- To reduce long term housing costs through:
 - The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common-sense practices, such as recycling and re-use.
 - The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.

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- Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill, and adaptive reuse.

1.4 Affordable Housing Obligation

West Amwell Township's four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 0 units
2. Prior Round Obligation: 16 units
3. Third Round Obligation: 117 units
4. Fourth Round Prospective Need Obligation: 279 units

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2 Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the Municipal Land Use Law (“MLUL”), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property record cards;
- 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;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality’s present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20); and

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- 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.

2.1 Population Demographics

West Amwell is a single-family rural community with an estimated population of 3,231 according to the 2023 American Community Survey (“ACS”). The growth of the community has generally seen a steady rise. Between 1940 and 1980, the Township grew by over 235%, from 975 residents to 2,299 residents. During the 1960s alone, West Amwell increased by 470 people. A small decline of fewer than 50 people during the 1980s was followed by an increase of 591 residents between 1990 and 2010. See the table below for additional details.

Population Growth			
Year	Population	Change	Percent
1940	1,218	--	--
1950	1,525	307	25.2%
1960	1,981	456	29.9%
1970	2,568	587	29.6%
1980	3,468	900	35.0%
1990	4,332	864	24.9%
2000	4,455	123	2.8%
2010	3,840	-615	-13.8%
2020	3,005	-835	-21.7%
Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000, https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf			

The NJTPA projects that the Township’s population will grow to 3,231 residents by 2050 from their baseline 2015 population of 3,005. This represents an increase of 308 residents, or an average increase of approximately 9 residents annually over 35 years. However, the Township’s estimated population according to the 2023 ACS is 3,010, which is only 221 less than projected by the NJTPA. This translates to an average annual increase of approximately 8 residents over the next 27 years.

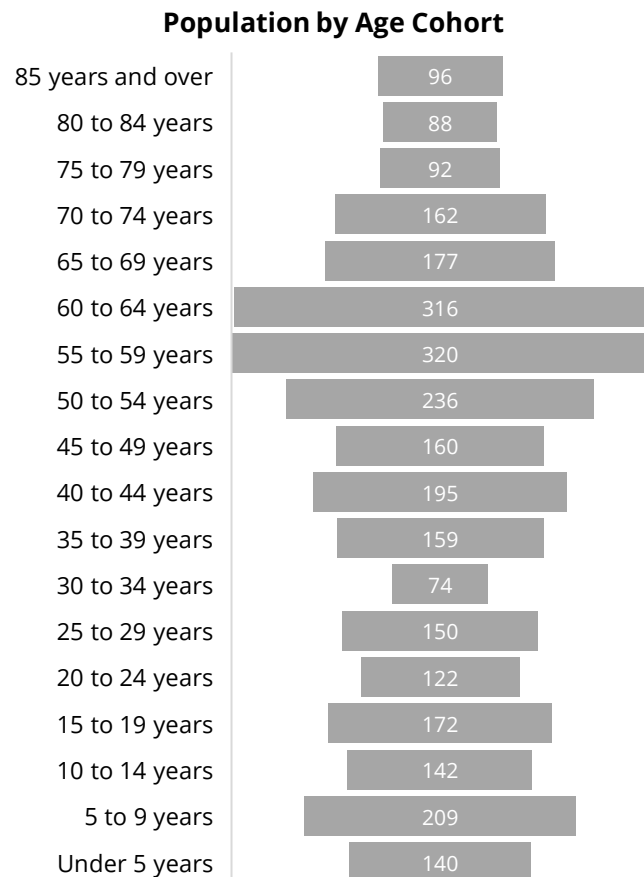
Permanent Population Projection			
Year	Population	Change	Percent
2015	2,923	---	---
2020	3,005	82	2.8%
2050	3,231	226	7.5%
Source: NJTPA Population Forecast by County and Municipality 2015-2045; 2000 and 2010 Census Tables DP-1; 2015 ACS Table DP05			

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2.1.1 Age Distribution of Population

The 2023 ACS estimates just 20.4% of West Amwell's population was 65 years or older, while 22% of the population was 19 years or younger. The largest age cohort was estimated to be those aged 55 to 59 years, which comprised 10.6% (320) of the Township's population. Residents aged 60 to 64 years comprised the second-largest age cohort at 10.5% (316) of the population, followed by those aged 5 to 9 years at 6.9% (209) of the population. The median age was estimated at 48.6 years in the 2023 ACS. See the table and chart on the following page for further details.

Population by Age Cohort		
Age	Total	Percent
85 years and over	96	3.2%
80 to 84 years	88	2.9%
75 to 79 years	92	3.1%
70 to 74 years	162	5.4%
65 to 69 years	177	5.9%
60 to 64 years	316	10.5%
55 to 59 years	320	10.6%
50 to 54 years	236	7.8%
45 to 49 years	160	5.3%
40 to 44 years	195	6.5%
35 to 39 years	159	5.3%
30 to 34 years	74	2.5%
25 to 29 years	150	5.0%
20 to 24 years	122	4.1%
15 to 19 years	172	5.7%
10 to 14 years	142	4.7%
5 to 9 years	209	6.9%
Under 5 years	140	4.7%
Total	3,010	100%
<i>Source: 2023 ACS Table S0101</i>		



2.1.2 Household Size & Type

According to the 2023 ACS, West Amwell had 1,145 households. A majority were married-couple households, which comprised just over 73.4% of all households. Of those, 221 had children under 18 years old. Male householders with no spouse present comprised only 14.8% of all households, while female householders with no spouse present comprised 16.5%. Of all

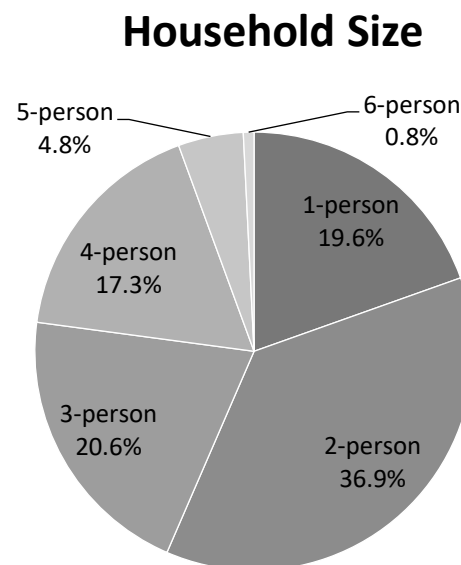
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households with no spouse present, 63 had children under the age of 18 (5.5%), while 224 were living alone (19.6%). See the table below for complete details.

Household Type		
Type	Number	Percent
Married-couple	745	65.1%
with children under 18	221	19.3%
Cohabiting couple	42	3.7%
with children under 18	6	0.5%
Male householder, no spouse	169	14.8%
with children under 18	20	1.7%
living alone	97	8.5%
Female householder, no spouse	189	16.5%
with children under 18	43	3.8%
living alone	127	11.1%
Total	1,145	100%
<i>Source: 2023 ACS Table DP02</i>		

The ACS also provides data on household size. The most common household size in West Amwell was estimated to be two-person households, which comprised 36.9% of households in 2023. Three-person households comprised the second-largest number of households at just under 20.6%. Finally, one-person households comprised 19.6% of the 1,145 households in West Amwell. It should be noted that nine households contained six or more people. The table and pie chart below graphically illustrate the household size composition in West Amwell. Additionally, the 2023 ACS estimated the average household size at 2.63 persons.

Household Size		
Type	Number	Percent
1-person	224	19.6%
2-person	423	36.9%
3-person	236	20.6%
4-person	198	17.3%
5-person	55	4.8%
6-person	9	0.8%
7+ person	0	0.0%
Total	1,145	100.0%
<i>Source: 2023 ACS Table B11016</i>		



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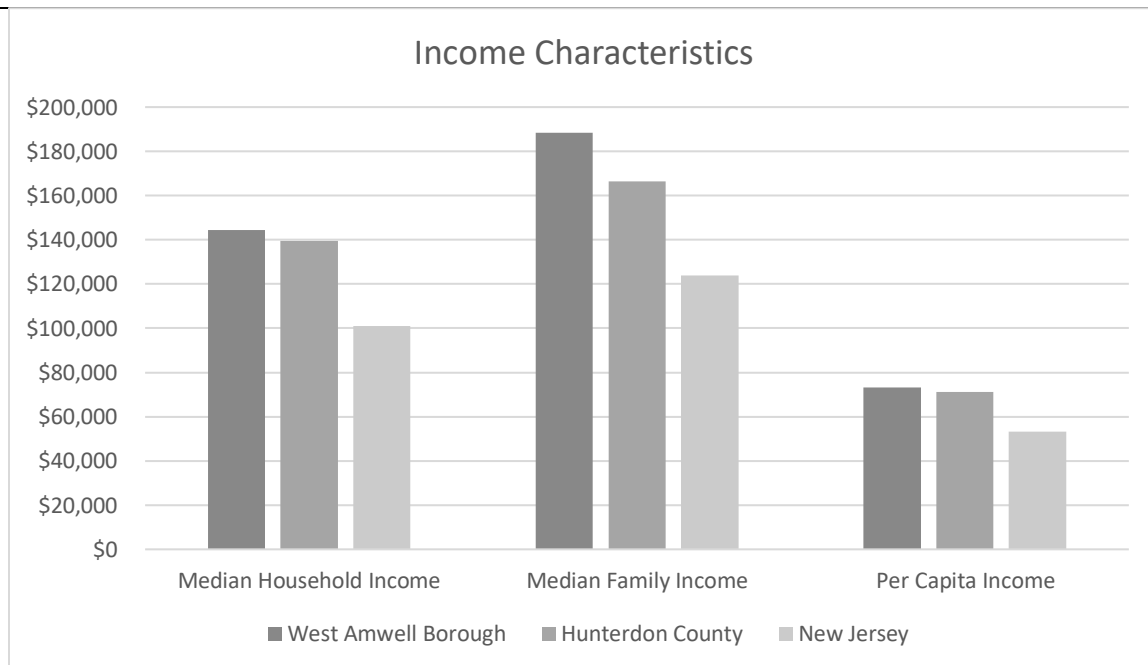
2.1.3 Income & Poverty Status

The 2023 ACS estimated the median household income for the Township of West Amwell to be \$144,293, which is more than both Hunterdon County's and the State's. Similarly, the median family income for West Amwell was estimated at \$188,523, which is \$22,000+ greater the County's and \$64,000+ greater than the State's. Finally, the Township's per capita income was estimated at \$73,225, which is greater than the County's and the State's.

The ACS also provides data on poverty rates of individuals and families. West Amwell's poverty rate for individuals was estimated at 2.6%, which is less State's and the County's. The Township's poverty rate for families was estimated at 1.6%, which is less than the County's by 0.7% and less than the State's by 5.4%. The table and bar chart below provide a comparison of income and poverty characteristics.

Income Characteristics			
Income Type	West Amwell Township	Hunterdon County	New Jersey
Median Household Income	\$144,293	\$139,453	\$101,050
Median Family Income	\$188,523	\$166,462	\$123,892
Per Capita Income	\$73,225	\$71,070	\$53,118
Poverty Status (Percent of People)	2.6%	3.8%	9.8%
Poverty Status (Percent of Families)	1.6%	2.3%	7.0%

Source: 2023 ACS Table DP03



West Amwell Township Fourth Round Housing Element & Fair Share Plan

According to the 2023 ACS, nearly 38% of households in West Amwell (440) earn over \$200,000 annually. Households earning \$100,000 or more annually were estimated to include 738 households or 64.5% of all households in West Amwell. Over 65% of household in Hunterdon County earned at least \$100,000 annually, including 31.4% earning more than \$200,000. Households in New Jersey earning \$100,000 or more according to the 2023 ACS included 50.5% of households. It should be noted that only 13% of households in West Amwell earned less than \$50,000. See the table below for additional details.

Household Income						
	West Amwell Township		Hunterdon County		New Jersey	
	<i>Total</i>	<i>Percent</i>	<i>Total</i>	<i>Percent</i>	<i>Total</i>	<i>Percent</i>
Less than \$10,000	10	0.9%	1,136	2.3%	140,262	4.0%
\$10,000 to \$14,999	0	0.0%	477	0.9%	99,362	2.9%
\$15,000 to \$24,999	44	3.8%	1,571	3.1%	175,402	5.0%
\$25,000 to \$34,999	43	3.8%	1,443	2.9%	184,753	5.3%
\$35,000 to \$49,999	53	4.6%	2,852	5.7%	276,601	8.0%
\$50,000 to \$74,999	114	10.0%	5,355	10.6%	448,192	12.9%
\$75,000 to \$99,999	143	12.5%	4,639	9.2%	397,939	11.4%
\$100,000 to \$149,999	182	15.9%	9,473	18.8%	627,526	18.0%
\$150,000 to \$199,999	116	10.1%	7,553	15.0%	407,723	11.7%
\$200,000 or more	440	38.4%	15,823	31.4%	720,595	20.7%
Total	1,145	100%	50,322	100%	3,478,355	100%
Source: 2023 ACS Table DP03						

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.2 Housing Demographics

2.3 Housing Type

The 2023 ACS estimated the Township's housing stock at 1,234 units. Single-family detached dwellings comprised most of the housing stock with 1,183 units or 95.9% of all dwellings. One-unit attached dwellings (e.g. townhomes) comprised only 7 units (0.6%), while two-family dwellings comprised 32 units (2.6%) of the housing stock. The Township contains only 6 multi-family units (0.5%) in buildings containing five or more dwelling units. See the table below for details.

Housing Units in Structure		
Structure	Number of Units	Percent
1-unit, detached	1,183	95.9%
1-unit, attached	7	0.6%
2 units	32	2.6%
3 or 4 units	6	0.5%
5 to 9 units	6	0.5%
10 to 19 units	0	0.0%
20 or more units	0	0.0%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	1,234	100%
<i>Source: 2023 ACS Table DP04</i>		

2.3.1 Occupancy Status

Of the 1,234 residential units, 1,145 units, or 92.8% of the housing stock, was occupied. This includes 973 owner-occupied units and 172 rental units. A total of 54 units were identified as "other" vacant units. See the table on the following page for details.

The 2023 ACS estimated the average household size in West Amwell was 2.63 persons, while the average family size was 3.04 persons. Comparing tenure, the average owner-occupied household was 2.69 persons, while the average renter-occupied household was 2.27 persons.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

Occupancy Status		
	Households	Percent
Occupied Total	1,145	92.8%
Owner Occupied	973	85.0%
Renter Occupied	172	15.0%
Vacant Total	89	7.2%
For rent	25	28.1%
Rented, not occupied	0	0.0%
For Sale	0	0.0%
Sold, not occupied	0	0.0%
Seasonal	10	11.2%
For migrant workers	0	0.0%
Other	54	60.7%
Total	1,234	100%
<i>Source: 2023 ACS Tables DP04 & B25004</i>		

2.3.2 Value & Rent of Housing Stock

The 2023 ACS provided estimates for owner-occupied housing units in West Amwell. According to the data, a majority of homes in the Township were worth between \$500,000 and \$999,999 (50.5%). Homes worth between \$300,000 and \$499,999 comprised 32.3% of the owner-occupied housing units, while 10% of homes were estimated to be worth between \$200,000 and \$299,999. Only 6.9% (67) homes were estimated to be worth more than \$1 million. The median home value estimated in the 2023 ACS was \$565,000.

Value of Owner Occupied Units		
Home Value	Number of Units	Percent
Less than \$99,999	4	0.4%
\$100,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	97	10.0%
\$300,000 to \$499,999	314	32.3%
\$500,000 to \$999,999	491	50.5%
\$1,000,000 or more	67	6.9%
Total	973	100%
Median (in dollars)	\$565,000	
Source: 2023 ACS Table DP04		

West Amwell Township Fourth Round Housing Element & Fair Share Plan

The median rent in the Township was estimated at \$2,021 per the 2023 ACS. Units that cost between \$1,000 and \$1,499 comprised 25.6% of rentals (44 units), while 27.3% (47 units) cost between \$2,000 and \$2,499 per month.

Cost of Rentals		
Monthly Rent	Number of Units	Percent
Less than \$1,000	12	7.0%
\$1,000 to \$1,499	44	25.6%
\$1,500 to \$1,999	11	6.4%
\$2,000 to \$2,499	47	27.3%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	24	14.0%
No rent paid	34	19.8%
Total	172	100%
Median (in dollars)	\$2,021	
Source: 2023 ACS Table DP04		

2.3.3 Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. However, most of the Census indicators available at the municipal level indicate a sound housing stock. All homes within West Amwell contain complete kitchen and plumbing facilities. See the table below for additional details.

Condition of Housing Stock		
Condition	Number of Units	Percent
Lack of complete plumbing	0	0.00%
Lack of complete kitchen	0	0.00%
Lack of adequate heat	0	0.0%
Total Occupied Housing Units	1,145	0.0%
<i>Source: 2023 ACS Table DP04</i>		

West Amwell Township Fourth Round Housing Element & Fair Share Plan

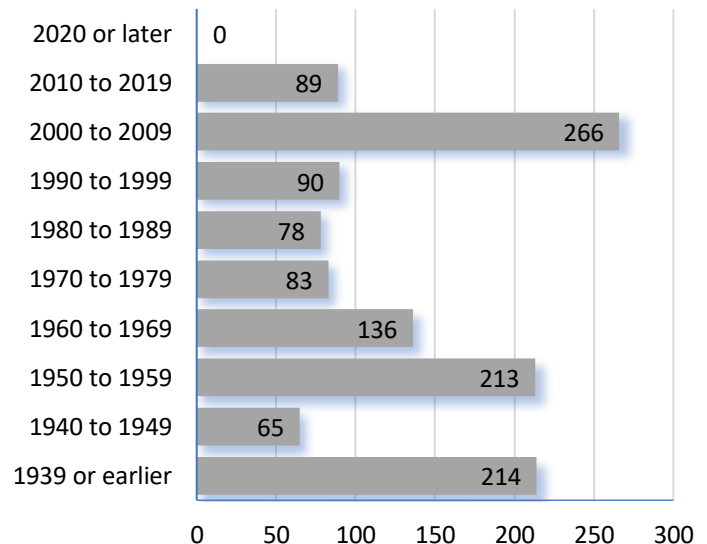
Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.³ According to the 2023 ACS, all but 6 of the Township's 1,145 occupied housing units contained 1.00 or less persons per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	1,139	99.5%
1.01 to 1.50	0	0.0%
1.51 or more	6	0.5%
Total	1,145	100%
<i>Source: 2023 ACS Table DP04</i>		

The table below provide the 2023 ACS estimates for the age of housing units in West Amwell. An estimated 628 units, or 50.9%, of the Township's housing stock were constructed prior to 1970 with over 17% being constructed prior to 1940. Residential development in West Amwell boomed during the 2000s as an estimated 21.6% of the Township's housing stock was constructed during this era. Since 2010, only 89 homes have been constructed. Despite the age of the housing stock, the Township's Rehabilitation Obligation is 0 units, reflecting the relatively good condition of these older homes.⁴

Age of Housing Stock		
Year Built	Number of Units	Percent
2020 or later	0	0.0%
2010 to 2019	89	7.2%
2000 to 2009	266	21.6%
1990 to 1999	90	7.3%
1980 to 1989	78	6.3%
1970 to 1979	83	6.7%
1960 to 1969	136	11.0%
1950 to 1959	213	17.3%
1940 to 1949	65	5.3%
1939 or earlier	214	17.3%
Total	1,234	100.0%
<i>Source: 2023 ACS Table DP04</i>		

Age of Housing Stock



³ <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding#:~:text=The%20U.S.%20Census%20defines%20an,room%20are%20considered%20severely%20overcrowded>. Accessed April 3, 2025.

⁴ It should be noted that the "2020 or later" line should be called "2020 through 2023". Otherwise, the category name is misleading to those reviewing the data.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.4 Employment Demographics

2.4.1 Working Population

The 2023 ACS estimated that West Amwell had 1,747 residents over the age of 16 in the workforce. Of those, 1,717 (98.3%) were employed, which translates to a 1.7% unemployment rate. A majority of workers were private wage and salary worker (77.3%). However, 14.4% were workers employed by the government and 6.6% were self-employed. See the table below for details.

Class of Workers		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	1,350	77.3%
Government workers	251	14.4%
Self-employed workers	116	6.6%
Unpaid family workers	0	0.0%
Total employed residents	1,717	98.3%
Total unemployed residents	30	1.7%
Total residents in workforce	1,747	100%
<i>Source: 2023 ACS Table DP03</i>		

2.4.2 Occupational Characteristics

The 2023 ACS estimated 853 workers were employed in management, business, science, and arts fields, which represents 49.7% of the Township's employed residents. Sales and office workers totaled 24.1% of employed residents, while 11.5% were employed in natural resources, construction, and maintenance jobs. See the table below for details.

Employed Civilian Population by Occupation (Age 16 Years of Older)		
Occupation	Total	Percent
Management, business, science, & arts	853	49.7%
Service	188	10.9%
Sales & office	413	24.1%
Natural resources, construction, & maintenance	198	11.5%
Production, transportation, & material moving	65	3.8%
Total	1,717	100%
<i>Source: 2023 ACS Table DP03</i>		

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.4.3 In-Place Employment by Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were no private sector jobs within the Township. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (construction, manufacturing, retail trade, etc.) The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW document reported that West Amwell had an average of 107 private-sector jobs provided by 11 employers, including the redacted data. It should be noted that the QCEW data reflects employment within West Amwell, regardless of where the employee lives.

Based on the 2023 QCEW data provided, in the public sector, the 2023 QCEW Municipal Report indicated that there was one local government employer, which had an average of 30 employees. See the table below for data on each industry sector.

Employment By Industry Sector and Number of Employees (2023)					
Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Manufacturing	Unreported				
Wholesale Trade	Unreported				
Retail Trade	Unreported				
Admin/Waste Remediation	Unreported				
Arts/Entertainment	Unreported				
Private Sector Total	11	100%	107	100%	\$63,641
State Govt Totals	1	50.0%	1	2.9%	\$71,049
Local Govt Totals	1	50.0%	33	97.1%	\$42,975
Public Sector Total	2	50.0%	34	2.9%	\$42,975
Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2023 Annual Report					

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.4.4 Employment Projections

The North Jersey Transportation Planning Authority (“NJTPA”) Plan 2050 estimates that the number of available jobs in West Amwell will increase from 919 reported in 2015 to 1,051 in 2050. This represents an increase of 132 jobs, or an average annual increase of 3.7 jobs annually. However, the New Jersey Department of Labor and Workforce Development estimated a total of 107 jobs in West Amwell in 2023, which is 944 less than projected by NJTPA.

Employment Projection			
Year	Jobs	Change	Percent
2015	919	---	---
2050	1,051	132	14.4%
Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, https://www.njtpa.org/plan2050			

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.5 Projection of Housing Stock

As per the MLUL, specifically NJSA 52:27D-310, a housing element must contain 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.

The DCA Division of Codes and Standards' website provides data on building permits, certificates of occupancy ("CO"), and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and CO information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the issuance of residential certificates of varies from year to year in the Township of West Amwell. From 2020 to 2023, zero COs were issued, while 17 were issued between 2013 and 2019. It should be noted that the Construction Reporter indicates no reports ("NR") were received from West Amwell during 2024. Since 2013, a total of 11 demolition permits were issued, which equates to a net development of 11 residential units. Aside from any inclusionary sites identified by this HEFSP, the Township does not foresee any significant residential growth during the Fourth Round period. The Township estimates approximately 10 new housing units might be developed as infill or minor subdivisions of oversized lots.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)													
	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	4	3	4	2	1	3	4	0	0	0	0	1	22
Demolitions	0	4	1	1	2	3	0	0	0	0	0	0	11
Net Development	4	-1	3	1	-1	0	4	0	0	0	0	NR	11
Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data													

West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.6 Capacity For Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- West Amwell’s capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

2.6.1 Land Capacity

The ability to accommodate West Amwell’s present and prospective affordable housing needs is determined by three components: available land, water capacity, and wastewater capacity. Land development is limited by environmental constraints, such as wetlands, flood plains, easements (conservation, wastewater, water, power utility, etc.), parcel size, and municipal regulations.

DCA published their report “Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background” in October 2024. The report was accompanied by a detailed spreadsheet illustrating the various calculations used in determining the Fourth Round affordable housing obligations. The spreadsheet includes a tab for each of the three allocation factors (land capacity, equalized non-residential valuation, and income).

According to the DCA, the Land Capacity Factor is computed pursuant to statutory edict by determining, for each municipality, the total acreage that is developable utilizing the most recent land use / land cover (LULC) data from the NJDEP, the most recently available (2024) MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the DCA. DCA excluded lands subject to development limitations and applied weighting factors as specified in the Affordable Housing Law. Weights were applied to developable lands based on the planning area type in which such land was located, as required by the Law. The weights were as follows:

West Amwell Township Fourth Round Housing Element & Fair Share Plan

Planning Area Weights	
Planning Area	Weight
Planning Area 1 (Metropolitan)	1
Planning Area 2 (Suburban)	1
Planning Area 3 (Fringe)	0.5
Planning Area 4 (Rural)	0
Planning Area 5 (Environmentally Sensitive)	0
Centers in Planning Areas 1 and 2	1
Centers in Planning Areas 3, 4, and 5	0.5
Pinelands Regional Growth Area	0.5
Pinelands Town	0.5
All other Pinelands	0
Meadowlands	1
Meadowlands Center	1
Highlands Preservation Area	0
Highlands Planning Area Existing Community Zone	1
Highlands Designated Center in a Highlands-conforming municipality	1
Highlands Planning Area, State-designated sewer service area, Highlands municipality that is not a Highlands-conforming municipality as determined by the Highlands Water Protection and Planning Council	1
All other Highlands Planning Areas	0

According to DCA, West Amwell's Land Capacity Factor is 0.00% based on 0 acres of land within the above weighted planning areas. West Amwell contains no land within Planning Areas 1, 2 or 3, contains no centers, and has no sewer service area.

2.6.2 Wastewater Capacity

There are no public wastewater service areas in West Amwell Township. According to the NJDEP's Wastewater Service Area GIS shapefile, last revised on July 18, 2019, only three sites in the Township are listed as having wastewater service. Each site contains an on-site sanitary subsurface disposal system. These wastewater service areas are onsite septic systems that discharge more than 2,000 gallons per day (GPD), regulated by the NJDEP under the New Jersey Pollution Discharge Elimination System (NJPDES).

The West Amwell Elementary School has a permitted flow of 0.01 million gallons per day ("MGD"), the South Hunterdon Regional High School has a permitted flow of 0.01 MGD, and the Pine Creek Miniature Golf Course, located at 394 NJ Route 31, has a permitted flow of 0.01 MGD.

The vast majority of properties in West Amwell Township are served by on-site septic systems. Pursuant to the NJDEP Wastewater Management Planning Rules (N.J.A.C. 7:15), where

West Amwell Township Fourth Round Housing Element & Fair Share Plan

individual subsurface sewage disposal systems will be utilized, the proposed development must not exceed the 2.0 mg/L nitrate planning standard. NJDEP estimates indicate that the residential density required to comply with the 2.0 mg/L standard in West Amwell Township would be between 6.0 and 6.2 acres per dwelling unit, depending on the watershed area in which the parcel is located. These densities are not suitable to support multi-family housing developments.

2.6.3 Water

There is no public water service in West Amwell Township. Properties are served by individual wells.

2.6.4 Appropriate Locations for Affordable Housing

As part of the Court-Approved Third Round HEFSP, there were three suitable locations identified for affordable housing:

- Wilson Site – Block 8, Lot 51
- ESC School – Block 8, Lots 23.02, 27, & 24
- Fulper Site – Block 8, Lots 33 & 29.02

For the Fourth Round, the Township has identified one additional site suitable for redevelopment with affordable housing:

- Pine Creek Miniature Golf Redevelopment Site– Block 23, Lots 5 & 9

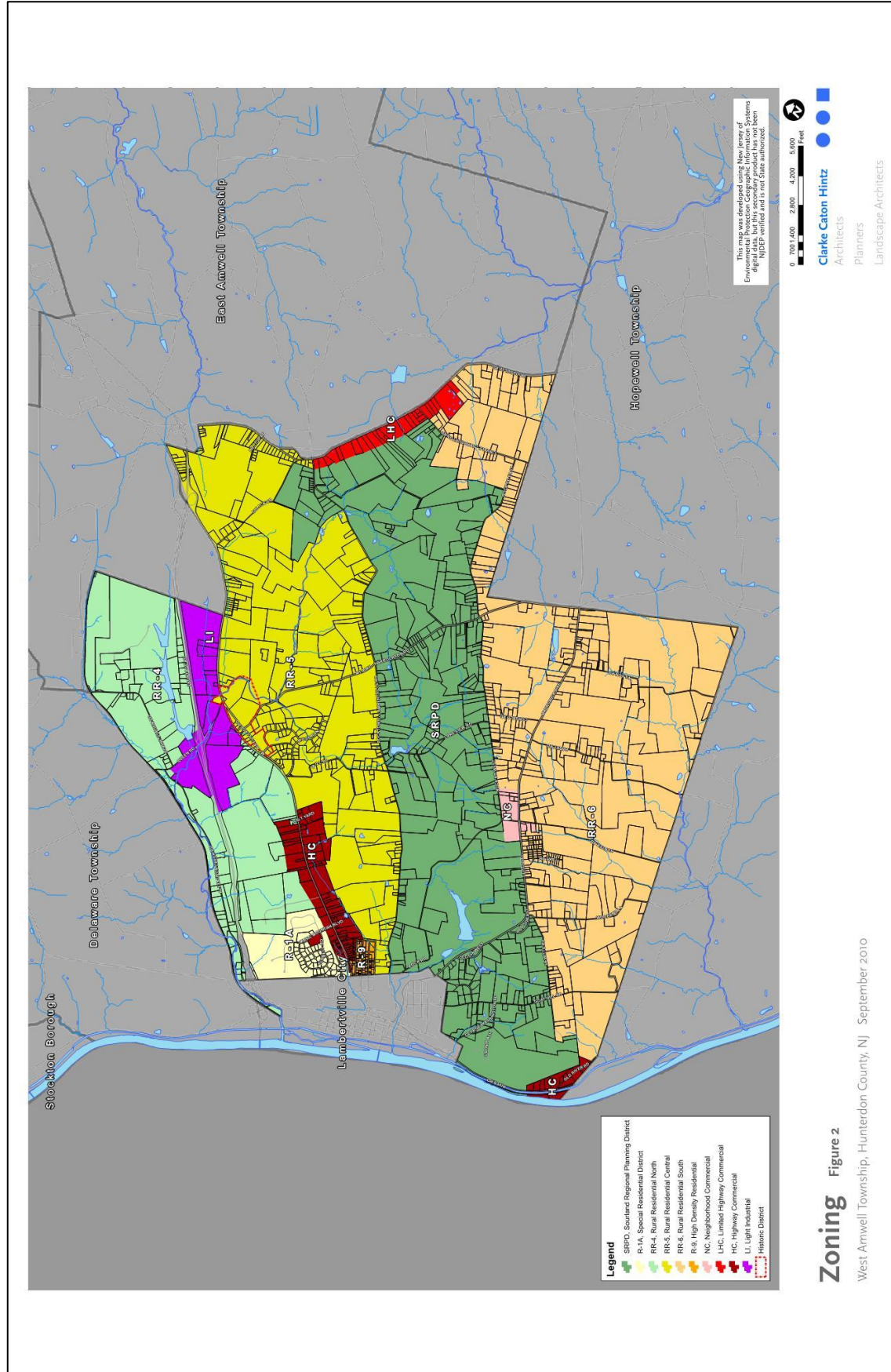
2.6.5 Potential Affordable Housing Developers

Other than the projects cited above, no other developers have expressed an interest to provide affordable housing in West Amwell.

2.6.6 Anticipated Development Patterns

Anticipated development patterns within West Amwell are anticipated to follow the established zoning. West Amwell is zoned for single family residential, commercial, and light industrial development. See the Zoning Map on the next page for details.

West Amwell Township Fourth Round Housing Element & Fair Share Plan



West Amwell Township Fourth Round Housing Element & Fair Share Plan

2.7 Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. N.J.S.A. 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The DCA is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on May 21, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on May 21, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, the Township is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in West Amwell's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

2.8 State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. N.J.S.A. 52:27D-310i. reads, "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."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024, and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties

West Amwell Township Fourth Round Housing Element & Fair Share Plan

between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is a draft, the Township cannot opine on consistency until the final version is adopted. The Township has not received guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

3 Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of proposed mechanism that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored/100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

3.1 Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. West Amwell Township is located in Region 3, which contains Hunterdon, Middlesex, and Somerset Counties.

The 2025 Regional Income Limits Chart were published by New Jersey Housing and Mortgage Finance Agency (NJHMFA), effective May 16, 2025. The regional income limits for Housing Region 3 in 2025 cap a four-person moderate income household at \$122,720. Two-person moderate income households are capped at \$98,240, while two-person households could make up to \$61,400 to be considered a low-income household. The table below provides the median,

West Amwell Township Fourth Round Housing Element & Fair Share Plan

moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 3.

2025 Regional Income Limits for Region 3				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$107,400	\$122,800	\$138,100	\$153,400
Moderate	\$85,920	\$98,240	\$110,480	\$122,720
Low	\$53,700	\$61,400	\$69,050	\$76,700
Very Low	\$32,220	\$36,840	\$41,430	\$46,020
Source: https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.pdf				

3.2 Affordable Housing Obligation

West Amwell's Fair Share Plan describes the projects and mechanisms West Amwell proposes to address its affordable housing obligation. The four components addressed by this plan are as follows:

3.2.1 Present Need (Rehabilitation) ● 0

West Amwell accepted DCA's rehabilitation obligation of 0 for the Fourth Round.

3.2.2 Prior Round Obligation ● 16

The March 10, 2015 Supreme Court Order directed municipalities to use the prior round obligation that COAH established in 1993. West Amwell's unadjusted 1987 to 1999 obligation, published in 1993, was 16 units.

3.2.3 Third Round Obligation ● 117

In accordance with the December 5, 2018 Settlement Agreement with the FSHC, West Amwell has a Third Round obligation of 117 affordable units to be addressed.

3.2.4 Fourth Round Prospective Need (2025-2035) ● 39

As indicated in the April 2025 Decision and Order, the Township's Fourth Round Obligation is 39.

The Amended FHA modified the micro-requirement formulas for the Fourth Round obligation, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families.
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units.
- Half of the above as family rental units.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

- Maximum 30% of the affordable units exclusive of any bonus credits) as age-restricted housing.
- Maximum 25% of the obligation as bonus credits.

4 Mechanisms & Credits

4.1 Rehabilitation Mechanisms & Credits

Pursuant to the Settlement Agreement, the Township does not have a present need obligation. Therefore, the Township does not require any rehabilitation credits.

4.2 Prior Round Credits

4.2.1 Lambertville Regional Contribution Agreement

On March 3, 1999, COAH approved a 15-unit Regional Contribution Agreement (“RCA”) between West Amwell and the City of Lambertville. All funds have been transferred according to the COAH monitoring report. Based on this information, this RCA is eligible to receive 15 credits. Pursuant to the Settlement Agreement, 4 credits will be applied to the prior round obligation, while 11 credits will be applied to the third round. The RCA was deemed credit worthy in the Township’s Third Round Judgment of Compliance and Repose.

4.2.2 Eden Acres

Eden Acres, Inc. operated a group home at 367 Rock Road East. The group home was purchased by Eden Acres, Inc. in 1982 and received a 20-year operating commitment from the Division of Developmental Disabilities that was automatically renewable for ten years. All units are very-low-income rental units. The group home was previously certified by COAH as a four-bedroom group home. However, crediting documentation from the Third Round showed that there were only three bedrooms. The group home was deemed eligible for 3 credits pursuant to N.J.A.C. 5:93-5.8 (alternative living arrangement) in the Third Round Judgment of Compliance and Repose.

4.2.3 Community Options

Community Options, Inc. operates a group home group home in West Amwell. The group home was previously certified by COAH as a five-bedroom group home. However, crediting documentation recently showed that there were only four bedrooms. The home was deemed eligible for credit pursuant to N.J.A.C. 5:93-5.8 (alternative living arrangement) and for rental bonus credits pursuant to N.J.A.C. 5:935.15(d). This home was deemed eligible for 4 credits and 4 bonus credits in the Third Round Judgment of Compliance and Repose.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

4.2.4 Habitat for Humanity

Habitat for Humanity constructed a three-bedroom single-family dwelling. The dwelling has been sold to a family who qualifies for low or moderate-income housing pursuant to the UHAC rules (N.J.A.C. 5:80-26.1). This single-family dwelling was deemed eligible for 1 credit in the Third Round Judgment of Compliance and Repose.

4.2.5 Prior Round Existing Credit Summary

The three existing mechanisms discussed above provide 12 credits and 4 bonuses are summarized in the table below. Therefore, the 16-unit prior round obligation has been satisfied.

Prior Round Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Lambertville RCA	RCA	-	No	4	0	4
Eden Acres	Alternative Living Arrangement	Rental	No	3	0	3
Community Options	Alternative Living Arrangement	Rental	No	4	4	8
Habitat for Humanity	100% Affordable	For-sale	No	1	0	1
Total				12	4	16

4.3 Third Round Mechanisms & Credits

4.3.1 Lambertville RCA

As discussed in the section above, 11 credits from the RCA between West Amwell and Lambertville are being applied to the Township's Third Round obligation.

4.3.2 Accessory Apartments

West Amwell has an accessory apartment ordinance, which permits accessory apartments on properties located on a lot containing a single-family dwelling. Accessory apartments must contain at least one bedroom and can be located within the principal dwelling, attached to the principal dwelling, or detached from the principal dwelling. This Ordinance has produced 10 accessory apartments, all of which have been deed restricted for 30-years. Based on this information, the existing accessory apartments are eligible to receive 10 credits and 7 bonuses.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

Pursuant to the Settlement Agreement, West Amwell updated its affordable housing ordinance and spending plan to provide additional incentives for larger accessory apartment units and, if needed, funding through Affordable Housing Trust Fund. The Township anticipates 11 accessory apartment units to be constructed once the ordinance has been updated. Additionally, the Township anticipates 2 bonus credits for the future accessory apartments. The updated accessory apartment ordinance was deemed eligible for 11 credits and 2 bonus credits in the Third Round Judgment of Compliance and Repose.

4.3.3 Wilson Site

As per the Township's Third Round JOR, the Township had proposed to obtain Lot 51 in Block 8 located at 2 Rocktown Lambertville Road, also known as the Wilson Site. The Township intended to subdivide the 5.25-acre parcels into two parcels and donate the parcels to Habitat for Humanity. Habitat for Humanity intends to construct 2 three-bedroom duplexes, a total of 4 units, on the properties. If the construction of the units had not commenced within two years of the Township donating the parcels to Habitat for Humanity, the Township was to provide alternate means to construct 4 affordable housing units. However, Habitat for Humanity's time period to begin construction maybe extended if approved by FSHC and the Court. The Wilson Site was deemed eligible for 4 credits in the Third Round Judgment of Compliance and Repose, pending settlement of the Township's negotiations to obtain title to the property. The Township has filed a condemnation action for the property, which is still pending at this time. The condemnation is scheduled for a settlement conference in August 2025, but no trial date has been set.

4.3.4 Village Marketplace Redevelopment Area (ESC School & Fulper)

Lot 23.02 in Block 8, located at 1422 Route 179, is a 15-acre parcel currently developed with a vacant school building, previously occupied by the Hunterdon County Educational Services Commission ("ESC"), and associated site improvements.

The Fulper site, known as Lots 33 and 29.02 in Block 8, is located at 86 Rocktown Lambertville Road and encompasses 88.21 acres.

The Township's Third Round JOR identified this site the ESC School site, Fulper site, and three landlocked parcels, collectively, as a potential area in need of redevelopment which could create an inclusionary residential development.

Pursuant to Resolution No. 2019-45 adopted on February 20, 2019 (as amended by Resolution No. 86-2019 adopted on August 13, 2019), the West Amwell Township Committee authorized and directed the West Amwell Township Planning Board to conduct an investigation to determine whether the properties meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area. The Board conducted a public hearing on October 15, 2019, and adopted a Resolution recommending to the Township

West Amwell Township Fourth Round Housing Element & Fair Share Plan

Committee that the properties designated as Block 8, Lots 23.02, 23.05, 24, 27, 29.02, and 33 be designated as an Area in Need of Redevelopment.

Pursuant to Resolution #105-2019 adopted on October 16, 2019, the Township Committee directed the Planning Board to draft a redevelopment plan. On October 7, 2020, the Township Committee adopted the Village Marketplace Redevelopment Area via Ordinance # 09-2020, which was later amended on August 18, 2021 via Ordinance # 06-2021, and again on July 19, 2023 via Ordinance # 05-2023.

The Redevelopment Plan permits a total of 175 units to be constructed on the Fulper property and 100 units on the ESC property, with a mandatory 20% affordable housing set-aside. The 175-unit development on the Fulper site will yield 35 credits with option to provide age-restricted or non-age-restricted units for sale or for rent.

The Settlement Agreement permits the Township to provide additional units on the ESC School site, while maintaining a 20% affordable housing set-aside, to alleviate the cost of municipally sponsored programs within the Agreement, including the accessory apartment program. The Redevelopment Plan requires that no fewer than 25 affordable family rental units shall be built and no more than 29 units dedicated to age-restricted affordable units, for a total of at least 54 affordable units. The Redevelopment Plan provides that if one property develops before another, the Township shall take whatever steps necessary to ensure that the total number of affordable units built results in at least 25 affordable family rental units.

The ESC School Site was deemed eligible for 20 credits and 20 rental bonus credits in the Third Round JOR, while the Fulper Site was deemed eligible for 35 credits.

4.3.5 Third Round Mechanisms Summary

The proposed mechanisms would provide a total of 86 credits to apply to the Township's 117-unit third round obligation. See the table below for a summary of the proposed mechanisms.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

Third Round Mechanisms						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Lambertville RCA	RCA	-	No	11	0	11
Accessory Apartments	100% Affordable	Rental	No	21	10	31
Wilson Site	Inclusionary	Rental	No	0-4	0	0-4
ESC School	Inclusionary	Rental	No	20	20	40
Fulper Site	Inclusionary	Rental	No	35	0	35
Total				87-91	30	117-121

4.4 Fourth Round Mechanisms & Credits

4.4.1 Route 31 Redevelopment (Pine Creek Miniature Golf Site) (Block 23, Lots 5 & 9)

The Township Committee adopted Resolution No. 97- 2020 on December 2, 2020 (as amended by Resolution No. 39-2021, adopted on April 7, 2021), authorizing and directing the Planning Board to conduct an investigation to determine whether Block 21, Lots 12, 12.02, 13, 14, 14.01, 15, 16, 17, 18 and 19 and Block 23, Lots 1, 3, 4, 4.01, 5, 6, 9, 10, 10.01, 10.02, 11, 12, 13, 28 and 32, or any portions thereof qualify for designation as a Non-Condemnation Redevelopment Area. The Planning Board conducted a public hearing on May 11, 2021 and recommended to the Township Committee that the entire study area be designated as an Area in Need of Redevelopment. On May 19, 2021, The Township Committee adopted Resolution 56-2021, designating the study area as a Non-Condemnation Redevelopment Area. On July 21, 2021, the Township Committee adopted Ordinance 07-2021 approving and adopting the Redevelopment Plan for the Route 31 Redevelopment Area.

To address the Fourth Round prospective need obligation of 39 units, this HEFSP recommends that the Township amend the Redevelopment Plan to permit a mixed use commercial and multi-family inclusionary housing development on Lots 5 and 9 in Block 23. Lot 5 is 28.33 acres and Lot 9 is 7 acres, for a combined total of 35.33 acres making up the Pine Creek Mini Golf Site.

Assuming a presumptive minimum density of 6 du/acre, the site should be able to accommodate up to 212 units. With a 20 percent set-aside, the site could yield 42 affordable

West Amwell Township Fourth Round Housing Element & Fair Share Plan

units, which would exceed the 39 unit obligation for the Fourth Round. This HEFSP recommends that the Township Committee amend the Redevelopment Plan to permit up to 195 total housing units with a mandatory 20 percent set-aside for low- and moderate-income households resulting in 39 affordable housing units.



4.4.1.1 Site Suitability

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. These terms are defined below:

- Approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.
- Available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- Developable site means a site that has access to appropriate water and wastewater infrastructure and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by NJDEP.
- Suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

West Amwell Township Fourth Round Housing Element & Fair Share Plan

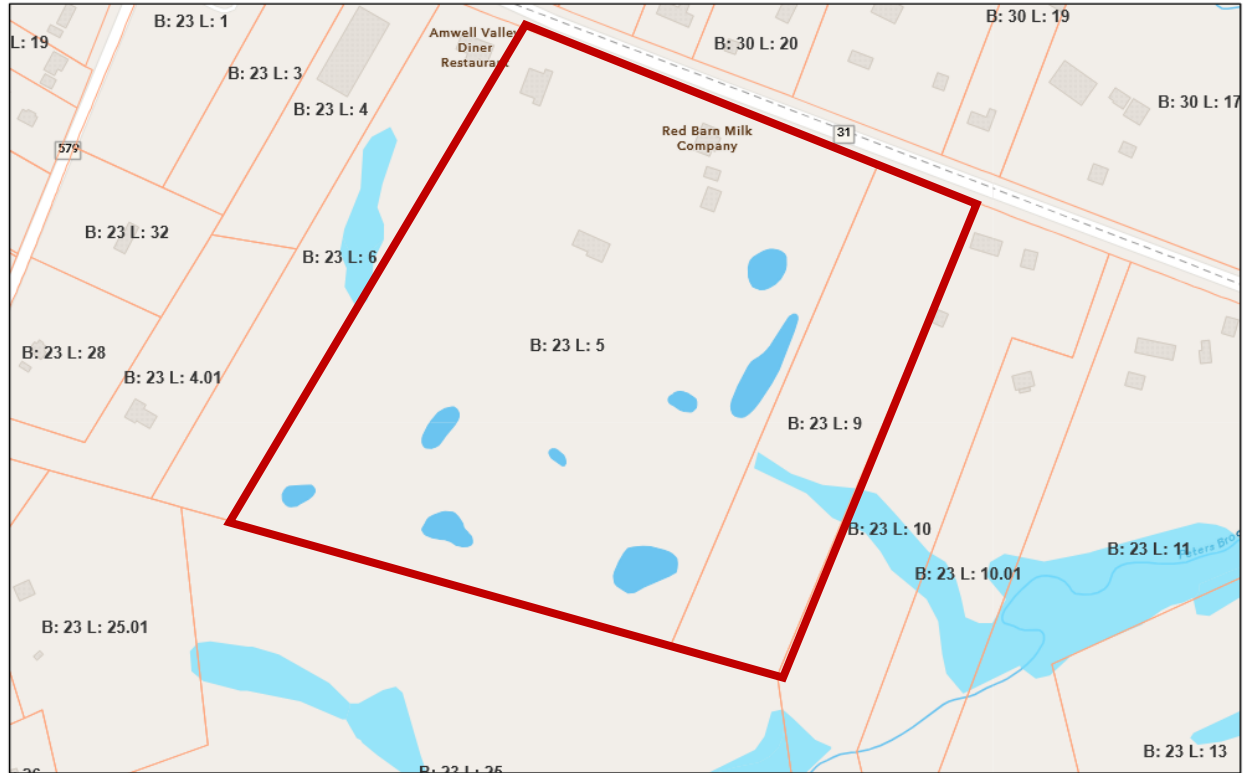
The property meets the four prongs of the rules as follows:

- Approvable site – The property has already been declared an Area in Need of Redevelopment and a Redevelopment Plan has been adopted. The Township will amend the Redevelopment Plan to permit multi-family inclusionary housing for Lots 5 and 9 to create a realistic opportunity for affordable housing.
- Available site – The site is under private ownership and has clear title.
- Developable site – Since there are no public water or wastewater utilities in West Amwell, the redeveloper would be required to secure private on-site water and wastewater treatment, or otherwise find a connection to a public utility in an adjacent community. The Pine Creek Miniature Golf facility is currently served by an on-site wastewater treatment facility that discharges to groundwater via an New Jersey Pollutant Discharge Elimination System (NJPDES) permit (#NJG0161136). The redeveloper would be responsible for applying for and obtaining a Treatment Works Approval (TWA) or NJPDES permit from the New Jersey Department of Environmental Protection (“NJDEP”).

According to NJDEP mapping, there is a small area of freshwater wetlands associated with Peters Brook to the south that extends onto Lot 9. Any development plans will need to obtain a Wetlands Letter of Interpretation (“LOI”) from NJDEP verifying the extent of the wetlands any the associated transition area.

- Suitable site – The property is located with frontage along Route 31, which provides access to appropriate streets and the regional roadway network. The property is buffered from single-family neighborhoods, making it an ideal location for higher density multi-family housing.

West Amwell Township Fourth Round Housing Element & Fair Share Plan



6/18/2025, 3:07:46 PM

County Boundaries
Wetlands (2020)
Parcels Data (Block and Lot)

1:4,514
0 0.03 0.06 0.11 mi
0 0.04 0.09 0.18 km
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community

New Jersey Department of Environmental Protection
Esri Community Maps Contributors, Bucks County, PA, data.pa.gov, New Jersey Office of GIS, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | NJDEP |

4.5 Summary of Mechanisms & Credits

The various existing and proposed mechanisms addressing the Township's four-part obligation are summarized in the table below.

Affordable Housing Credits													
Project	Credit Type	Status	Total Units	Credits Available	Prior Round			Third Round			Fourth Round		
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total
Lambertville RCA	RCA	-	15	15	4		4	11		11		0	
Eden Acres	Group Home	Rental	3	3	3		3			0		0	
Community Options	Group Home	Rental	4	4	4	4	8			0		0	
Habitat for Humanity	100% Affordable	For-sale	1	1	1		1			0		0	
Accessory Apartments	100% Affordable	Rental	21	21			0	21	10	31		0	
Wilson Site	Inclusionary	Rental	4	4			0	4		4		0	
ESC School	Inclusionary	Rental	100	20			0	20		20		0	
Fulper Site	Inclusionary	Rental	175	35			0	35		35		0	
Pine Creek Redevelopment	Inclusionary	Rental	195	39			0			0	39	39	
Total					12	4	16	91	10	101	39	0	39
Obligation					16			117			39		
Max Bonus					4			30			10		

West Amwell Township Fourth Round Housing Element & Fair Share Plan

5 **Appendix**

FILED

March 27, 2025

HUNTERDON COUNTY SUPERIOR COURT

WILLIAM G. MENNEN, J.S.C.

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF WEST AMWELL,
HUNTERDON COUNTY
PURSUANT TO P.L. 2024,
CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
HUNTERDON COUNTY
DOCKET NO. HNT-L-79-25

Civil Action

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 30, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF WEST AMWELL** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the present need obligation of the Petitioner has been calculated and reported as 0 affordable units, and its prospective need obligation of the Petitioner has been calculated and reported as 39 affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 27th day of MARCH 2025 ORDERED AND ADJUDGED as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as zero (0) affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as thirty-nine (39) affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025,

as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



HON. WILLIAM G. MENNEN, J.S.C.
Designated Mt. Laurel Judge – V13

(X) Uncontested.

TARA ANN ST. ANGELO, Esq.
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1318 Route 31 ~ P.O. Box 4001
Clinton, New Jersey 08809-4001
Tel. (908) 735-5161
Attorneys for Petitioner, Township of West Amwell

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
WEST AMWELL, A Municipal
Corporation of the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
HUNTERDON COUNTY
DOCKET NO.

CIVIL ACTION
(Mount Laurel)

**COMPLAINT FOR DECLARATORY
JUDGMENT PURSUANT TO
N.J.S.A. 52:27D-313**

The Township of West Amwell, a Municipal Corporation of the State of New Jersey, having its principal place of business at 150 Rocktown Lambertville Road, Lambertville, NJ 08530, by way of Complaint for Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 and N.J.S.A. 2A:16-50 *et seq.* says:

BACKGROUND

1. Petitioner Township of West Amwell (hereinafter “Petitioner” and/or “West Amwell” and/or “Township”) is a body politic and corporate organized under the laws of the State of New Jersey.

2. On March 20, 2024, the New Jersey Legislature adopted P.L. 2024, c. 2, which amended the Fair Housing Act (FHA) (N.J.S.A. 52:27D-302 *et seq.*), abolished the Council of Affordable Housing (“COAH”), promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the “Program”), and created a new

process for municipalities to come into constitutional compliance with their affordable housing obligations.

3. West Amwell is located in Hunterdon County in Region 3 pursuant to the N.J.S.A. 52:27D-304.2.

4. Pursuant to first, second, and third round obligations, West Amwell has completed an RCA with Lambertville, provided for affordable housing through alternative living arrangements, an accessory apartment program, completed accessory apartments, a home constructed by habitat for humanity, and adopted redevelopment plans that include inclusionary zoning. West Amwell has made a good faith effort to meet its first, second, and third round affordable housing obligations.

5. Pursuant to N.J.S.A. 52:27D-304.1(d), the Department of Community Affairs (the “DCA”) is responsible for providing a report setting forth non-binding calculations of regional and municipal affordable housing need for the Fourth Round based on the provisions of N.J.S.A. 52:27D-304.2 and -304.3.

6. Pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), participating municipalities must adopt and file resolutions calculating their housing obligations for the Fourth Round by January 31, 2025.

7. P.L. 2024, c. 2 established the Program within the New Jersey Judiciary for the purpose of resolving disputes associated with municipal affordable housing obligations and compliance. In furtherance of that end, the Administrative Director of the Courts issued Directive #14-24 on December 13, 2024 directing municipalities to file declaratory judgment actions seeking certification of municipal compliance with the FHA within 48 hours of adoption of a resolution establishing the municipality’s fair share obligation.

8. On or about October 18, 2024, DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background.” (the “DCA Report”).

9. Pursuant to the DCA Report, the Fourth Round affordable housing obligations calculated for West Amwell are as follows:

Present Need: 0

Prospective Need: 39

10. On January 22, 2025, West Amwell adopted a Resolution accepting the calculations in the DCA Report. A copy such resolution is attached hereto as Exhibit A.

11. West Amwell desires that the Court review and accept the municipal fair share obligation of West Amwell Township as set forth in the Resolution attached hereto as Exhibit A, subject to West Amwell’s right to adjust its fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment, and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;

12. In compliance with P.L. 2024, c. 2, West Amwell shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations and applying any adjustments to its fair share obligation consistent with applicable law and regulations.

13. After such filing, West Amwell desires that the Court review and accept its Housing Element and Fair Share Plan and adjustments to its fair share obligation and approve the Program’s issuance of a Certificate of Compliance.

COUNT ONE

(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

14. West Amwell repeats and realleges each and every allegation set forth in Paragraphs 1-13 of this Complaint as if set forth herein at length.

15. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., N.J.S.A. 52:27D-313, and P.L. 2024, c. 2, West Amwell has a right to a declaratory judgment verifying and confirming West Amwell's full compliance with its constitutional affordable housing obligations

WHEREFORE, Petitioner, the Township of West Amwell, respectfully seeks that the Court grant the following relief:

a. An Order exercising jurisdiction over the compliance by the Township of West Amwell with its constitutional affordable housing obligations; and

b. An Order declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by West Amwell Township in the Resolution dated January 29, 2025 are established; and

c. An Order declaring that the Township of West Amwell is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Township is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and

d. An Order declaring that the Township of West Amwell's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Township with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment.

- e. A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.
- f. An Order granting such additional relief as the Court deems equitable and just.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Township of West Amwell

By /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 30, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Tara Ann St. Angelo, Esq. is hereby designated as Trial Counsel for Petitioner Township of West Amwell.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Township of West Amwell

By: /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 30, 2025