

**TOWNSHIP OF HOPEWELL
COUNTY OF MERCER, STATE OF NEW JERSEY**

ORDINANCE NO. 26-1869

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY OF MERCER,
STATE OF NEW JERSEY, REPEALING AND REPLACING ARTICLE XIII,
CHAPTER 17-217 THROUGH 17-221.2, TITLED “AFFORDABLE HOUSING” AND
ARTICLE XVI TITLED “GROWTH SHARE AND AFFORDABLE HOUSING
PROVISIONS” IN THE CODE OF THE TOWNSHIP OF HOPEWELL**

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the New Jersey Fair Housing Act, i.e. N.J.S.A. 52:27D-301, et seq. that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, the filing of the DJ Action gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, on March 31, 2025, after a settlement conference and a session had been held before the Hon. Mary C. Jacobson, J.S.C. (Ret.), the Program Member assigned to the Township’s matter, Judge Jacobson recommended that the Township’s present need be fixed at eight (8) units and its prospective need be fixed at three-hundred and ninety-nine (399) units, pursuant to a settlement agreement between Fair Share Housing Center (“FSHC”) and the Township, and

WHEREAS, on April 8, 2025, the Court prepared an order fixing the Township’s obligation and authorizing the Township to proceed with preparing and adopting its Housing Element and Fair Share Plan (“HEFSP”) for the Fourth Round; and

WHEREAS, on June 27, 2025, the Township filed its HEFSP; and

WHEREAS, on August 31, 2025, FSHC filed a request for documentation to support the sites in its HEFSP and various other elements of its HEFSP; and

WHEREAS, on November 20, 2025, the Department of Community Affairs, Division of Local Planning Services, adopted revisions to N.J.A.C. 5:99-1.1, et seq., which provided revised rules for the implementation of the Amended FHA; and

WHEREAS, on December 15, 2025, the Department of Community Affairs, New Jersey Housing and Mortgage Finance Agency, adopted revisions to N.J.A.C. 5:80-26.1, et seq., also known as the Uniform Housing Affordability Controls (“UHAC”), which are also designed to implement the Amended FHA; and

WHEREAS, the Township entered into a Consent Order for Conditional Compliance Certification (“Consent Order”) with FSHC, authorized by the Township Committee by way of Resolution No. 2025-133; and

WHEREAS, the adoption of the HEFSP and Consent Order, as well as the Department of Community Affairs and New Jersey Housing and Mortgage Finance Agency’ adoption of the new administrative rules, requires the Township to repeal and replace its existing affordable housing ordinance to effectuate the HEFSP.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, Mercer County, New Jersey, that Article XIII titled “Affordable Housing” and Article XVI Titled “Growth Share And Affordable Housing Provisions” of the code of the Township of Hopewell is hereby repealed and replaced with the following:

ARTICLE I Affordable Housing

§ 17-217.1 Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low and moderate income units, referred to as affordable units, are created with controls on affordability over time and that low and moderate income households shall occupy these units in accordance with applicable laws and regulations. The provisions of this Ordinance shall apply to all affordable housing development and procedures in the Township of Hopewell. Where any provision of this Ordinance may be inconsistent or conflict with the provisions of the New Jersey Fair Housing Act (C.52:27D-301 et al.), as amended, Chapter 99 Fair Housing Act Regulations (N.J.A.C. 5:99-1 et seq.), as amended, and/or the New Jersey Uniform Housing and Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as amended, the provisions of the amended statute and/or regulation shall control.
- (b) The Township of Hopewell 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. The Housing Element and Fair Share Plan have been endorsed by the governing body. The Housing Element and Fair Share Plan describe the ways Township of Hopewell shall address its fair share of low and moderate income housing as determined by the Fair Housing Act, any applicable settlement agreements, judgments or orders of the Superior Court, the Affordable Housing Dispute Resolution Program, and other applicable State law and are documented in the Housing Element and Fair Share Plan.
- (c) This Ordinance implements and incorporates the Housing Element and Fair Share Plan and addresses the applicable statutory, regulatory, and court ordered requirements, as may be amended and supplemented.

(d) The Township of Hopewell shall file such monitoring and evaluation reports as may be required by the Fair Housing Act, the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., any applicable settlement agreements, and any orders of the Superior Court or the Affordable Housing Dispute Resolution Program. Any such plan evaluation reports shall be available to the public at the Township of Hopewell's Municipal Building, Municipal Clerk's Office, 201 Washington Crossing - Pennington Road, Upper Level, Titusville, NJ 08560 and on the municipality's website, if available.

§ 17-217.2 Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the New Jersey Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended.

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

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

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

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

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability average” means the average percentage of regional median income at which restricted units in an affordable housing development are affordable to low and moderate income households.

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

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable housing program(s)” means any mechanism in the Housing Element and Fair Share Plan prepared or implemented to address the municipality’s fair share obligation.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

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

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and intended exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

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

“Assisted living residence” means a facility licensed by the New Jersey Department of Health 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. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

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

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

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

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

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

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

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

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

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

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

“Department” means the New Jersey Department of Community Affairs.

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

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

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

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

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

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

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

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

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

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element,

including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

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

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

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

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to, new construction, the conversion of a non-residential structure to residential use, and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low income household” means a household with a total gross annual household income equal to 50 percent or less of regional median income.

“Low income unit” means a restricted unit that is affordable to a low income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, including weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market rate units” means housing not restricted to low and moderate income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region or county, as adopted annually by the New Jersey Housing and Mortgage Finance Agency or the New Jersey Department of Community Affairs, as applicable.

“Moderate income household” means a household with a total gross annual household income in excess of 50 percent but less than or equal to 80 percent of regional median income.

“Moderate income unit” means a restricted unit that is affordable to a moderate income household.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.17(k)3.

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

“Very low income household” means a household with a total gross annual household income equal to 30 percent or less of regional median income.

“Very low income unit” means a restricted unit that is affordable to a very low income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

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

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

§ 17-217.3 Monitoring and Reporting Requirements

1. The Township of Hopewell 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. The Township of Hopewell shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
- b. On or before February 15 of each year, the Township of Hopewell shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
- c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§ 17-217.4 New Construction

The following general guidelines apply to all newly constructed developments that contain low and moderate income housing units, including any currently unanticipated future developments that will provide low and moderate income housing units.

- (a) For the purposes of determining affordability averages and bedroom distributions, all restricted units within any single-family development in a municipality are treated as one scattered-site affordable development. This treatment affects only the calculations of affordability and bedroom counts for single-family developments, is not to be construed to require that the restricted units be developed or administered as one scattered-site affordable development, and does not affect multifamily developments.
- (b) For the purposes of determining affordability averages and bedroom distributions, unless stated otherwise, non-integer values calculated pursuant to this subsection are to be rounded up to the nearest whole number. However, non-integer values calculated pursuant to (d)3, (d)4, (d)5, (f)2, (f)3, or (f)5 below may be rounded down or up to the nearest whole number in either direction. For example, 33.1901 will typically be rounded up to 34, but may be rounded down to 33 or up to 34 if calculated pursuant to (d)3, (d)4, (d)5, (f)2, (f)3, or (f)5 below.
- (c) The average rent for all restricted units within each affordable development is affordable to households earning no more than 52 percent of median income;
- (d) Unless otherwise approved pursuant to (k) below, in each affordable development, restricted units that are not age-restricted or supportive housing must be structured in conjunction with realistic market demands such that:
 - (1) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

- (2) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (3) No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are efficiency or one-bedroom units;
 - (4) At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are two-bedroom units;
 - (5) At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are three-bedroom units; and
 - (6) The remainder of the restricted units, if any, are allocated at the discretion of the developer in accordance with the municipality's housing element and fair share plan.
- (e) Unless otherwise approved pursuant to (k) below, in each affordable development, restricted units that are age-restricted or supportive housing must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. For example, the standard may be met by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom and three-bedroom units must compose at least five percent of those restricted units.
- (f) Unless otherwise approved pursuant to (k) below, in each affordable development, the following income distribution requirements must be satisfied by all of the restricted units in the development as well as by, considered in isolation, the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing:
- (1) At least 50 percent of all restricted units are low-income or very-low-income units;
 - (2) At least 50 percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
 - (3) At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
 - (4) At least 50 percent of all restricted three-bedroom units are low-income units or very-low-income units;
 - (5) At least 50 percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
 - (6) Any very-low-income units are distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted

- (7) units within each bedroom count. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.
- (g) For the purposes of determining bonus credits pursuant to N.J.S.A. 52:27D-311k(5), the minimum number of three-bedroom units required pursuant to this subchapter is determined by taking 20 percent of the total number of family housing units in the municipal fair share plan and housing element, not by summing up the three-bedroom-unit requirements calculated for each affordable development.
- (h) In determining the initial rents and initial sale prices for compliance with the affordability average requirements for restricted units other than age-restricted units and assisted living facilities, the following standards apply:
- (1) An efficiency unit is affordable to a one-person household;
 - (2) A one-bedroom unit is affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit is affordable to a three-person household;
 - (4) A three-bedroom unit is affordable to a four-and-one-half-person household; and
 - (5) A four-bedroom unit is affordable to a [six person] six-person household.
- (i) For age-restricted units and assisted living facilities, the following standards apply:
- (1) An efficiency unit is affordable to a one-person household;
 - (2) A one-bedroom unit is affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit is affordable to a two-person household or to two one-person households; and
 - (4) A three-bedroom unit is affordable to a two-and-one-half-person household.
- (j) The provisions of this section do not apply to affordable developments financed pursuant to UHORP, MONI, or CHOICE or to assisted living residences, each of which must comply with applicable Agency regulations.
- (k) The requirements of (d), (f), and (h) above must be satisfied by all restricted units in the municipality, considered in the aggregate. The individual requirements of (d), (f), and (h) above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from the Dispute Resolution Program or, if the municipality does not participate in the Dispute Resolution Program, from a county-level housing judge.
- (l) 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, and all applicable accessibility requirements.

- (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:
 - (i) An adaptable toilet and bathing facility on the first floor.
 - (ii) An adaptable kitchen on the first floor.
 - (iii) An interior accessible route of travel on the first floor.
 - (iv) 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.
 - (v) 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.
 - (3) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed, using funds deposited by the developer in the municipal affordable housing trust fund for this purpose, consistent with applicable law.
 - (4) Full compliance with these provisions shall not be required where an entity demonstrates that it is site impracticable to meet the requirements, as determined in accordance with the Barrier Free Subcode.
- (m) 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, N.J.A.C. 5:80-26.4, 26.6, 26.7, and 26.13, as may be amended and supplemented, utilizing the regional income limits established by the New Jersey Housing and Mortgage Finance Agency or applicable State agency.
 - (2) The average rent for all restricted rental units within each affordable development shall be affordable to households earning no more than 52 percent of regional median income. The maximum rent for all restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of regional median income, except as permitted where an enhanced very low income set aside is provided in accordance with N.J.A.C. 5:80-26.4.
 - (3) The developers and municipal sponsors of restricted rental units shall establish at least one rent for each bedroom count for very low income, low income, and moderate income units, provided that at least 13 percent of all restricted units within the municipality are affordable to very low income households.

- (4) At least 50 percent of the restricted rental units in each affordable development shall be affordable to low income households, and at least 13 percent of all restricted rental units shall be affordable to very low income households, consistent with N.J.S.A. 52:27D-329.1 and N.J.A.C. 5:80-26.4.
- (5) The maximum sale price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of regional median income, and each affordable development must achieve an affordability average of no more than 55 percent of regional median income for restricted ownership units.
- (6) At least 50 percent of the restricted ownership units in each affordable development shall be affordable to low income households, and at least 13 percent of all restricted ownership units shall be affordable to very low income households.
- (8) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest based on a mortgage loan equal to 95 percent of the purchase price and an interest rate consistent with the Federal Reserve H.15 rate, together with taxes, homeowner and private mortgage insurance, and condominium or homeowner association fees, does not exceed 28 percent of the eligible monthly income of the appropriate size household, subject to the affordability average requirements of UHAC.
- (9) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, subject to the affordability average requirements of UHAC.
- (10) The resale price of restricted ownership units and increases in rents of restricted rental units shall be determined in accordance with UHAC.
- (11) Tenant paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the New Jersey Department of Community Affairs for its Section 8 program or other applicable guidance.

§ 17-217.5 Affirmative Marketing Requirements

- (a) The Township of Hopewell shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Division of Housing and Community Resources or its successor, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- (b) The affirmative marketing plan shall be a regional marketing strategy designed to attract buyers and renters of affordable units in the housing region in which the municipality is located. The plan shall attract persons of all majority and minority groups, regardless of race, color, national origin, religion, sex, familial status, gender identity or expression, affectional or sexual orientation, disability, age (except for housing for older persons as

permitted by law), number of children, source of lawful income, or any other characteristic protected by the New Jersey Law Against Discrimination, and shall be intended to reach potentially eligible households that are least likely to apply for the units.

- (c) The administrative agent shall ensure the affirmative marketing of affordable units. The municipality may designate a qualified municipal staff person approved by the State to serve as administrative agent for this purpose, or it may contract with one or more experienced administrative agents approved by the State.
- (d) The affirmative marketing plan shall, at a minimum:
 - (1) Describe the random selection method that will be used to select occupants of affordable housing units and identify any occupancy preferences permitted by N.J.A.C. 5:80-26.17(k).
 - (2) Identify the media to be used in advertising and publicizing the availability of affordable units, including newspapers and other publications, online housing search websites, municipal and county websites, social media platforms, and non-digital means such as flyers or postings at public buildings and transportation locations.
 - (3) Identify specific community and regional organizations that will assist in the outreach to low and moderate income households, including but not limited to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, local branches of the NAACP serving the housing region, senior citizen advocacy organizations, and supportive housing advocacy organizations.
 - (4) Describe how the plan will provide language access, including outreach and materials in languages commonly spoken in the municipality and region.
 - (5) Set forth application procedures and requirements, including any application fees, consistent with UHAC.
- (e) In implementing the affirmative marketing program, the administrative agent shall:
 - (1) Post a listing of available affordable housing units on the New Jersey Housing Resource Center at least sixty days before the random selection process or lottery for such units, in accordance with applicable statutes and UHAC.
 - (2) Within one business day of listing rental units that are reserved for individuals with special needs who are homeless, or that constitute permanent supportive housing, notify the local Continuum of Care of the availability of such units.
 - (3) Publish at least one advertisement in a regional newspaper serving the housing region.
 - (4) Advertise the units on at least one widely used housing search website.

- (5) Undertake at least two additional regional marketing strategies, one digital and one non-digital, using the sources identified in the affirmative marketing plan, and continue advertising and outreach until all units being brought to market at that time have been sold or rented or until sufficient applications have been received to fill the units plus anticipated turnover.
- (f) In carrying out the affirmative marketing process, the administrative agent shall comply with the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64, and all applicable provisions of Federal and State fair housing law.
- (g) The Municipal Housing Liaison shall monitor the implementation of the affirmative marketing plan by each administrative agent and developer and shall report on affirmative marketing activities in any required municipal monitoring reports.

§ 17-217.6 Random Selection and Occupancy Preferences

- (a) The administrative agent shall use a random selection process to select income eligible households for referral to restricted units, consistent with N.J.A.C. 5:80-26.17(k), as may be amended and supplemented. The random selection process may occur before or after household income certification and may divide the applicant pool into groups based on bedroom count, income category, or other factors expressly permitted by UHAC.
- (b) Occupancy preferences shall be limited to those expressly permitted by N.J.A.C. 5:80-26.17(k), which may include:
 - (1) A preference for very low, low, and moderate income households who live or work within the housing region.
 - (2) A subordinate preference, subject to the regional preference, for very low, low, and moderate income households who live or work in New Jersey.
 - (3) For preservation or replacement projects, a preference for income eligible households displaced by rehabilitation or demolition of restricted units.
 - (4) A veterans' preference for up to fifty percent of the restricted units in a particular project, if permitted by State law and UHAC.
- (c) No residency preference limited solely to the municipality shall be used unless expressly permitted by statute, UHAC, and any applicable court order or mediation agreement.
- (d) Any occupancy preferences shall be described in the affirmative marketing plan and in the administrative agent's operating manual.

§ 17-217.7 Occupancy Standards

- (a) Any unit that, prior to the effective date of the amendments to this subchapter as promulgated pursuant to P.L. 2024, c.2 (N.J.S.A. 52:27D-304.1), received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall be subject to the regulations at this subchapter (“UHAC regulations”) that were in effect prior to the effective date of the amendments promulgated pursuant to P.L. 2024, c.2.
- (b) Developments approved as part of a compliance certification or that otherwise contain restricted units subject to the UHAC regulations shall satisfy the following occupancy standards:
 - (1) For any 100-percent affordable development comprising one or more restricted units:
 - (i) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever is greater;
 - (ii) Each bedroom in each restricted unit must have at least one window; and
 - (iii) Restricted units must include adequate air conditioning and heating;
 - (2) For developments comprising market-rate rental units and restricted rental units:
 - (i) Restricted units must use the same building standards (for example, plumbing, insulation, siding) as market-rate units of the same unit type (for example, flat, townhome) within the same development, except that restricted units and market-rate units may use different interior finishes;
 - (ii) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations;
 - (iii) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services;
 - (iv) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits;
 - (v) Restricted units must include adequate air conditioning and heating and, if market-rate units provide cooling and heating, restricted units must use the same type of cooling and heating sources as market-rate units of the same unit type;
 - (vi) Each bedroom in each restricted unit must have at least one window;
 - (vii) Restricted units must be of the same unit type (for example, flat, townhome) as market-rate units within the same building; and
 - (viii) Restricted units must be of at least the same size as the most common market-rate unit(s) of the same type and bedroom count within the same development, but

under no circumstances shall any restricted unit or bedroom be less than 90 percent of the minimum size prescribed by the applicable municipal code or Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever prescribes the greater minimum size;

- (3) For developments containing for-sale units, including those with a mix of rental and for-sale units, subsection (b)2 above shall govern the rental units, while for-sale units shall adhere to the following:
- (i) Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, single-family home), except that restricted units and market-rate units may use different interior finishes;
 - (ii) Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations;
 - (iii) Restricted units may be of different housing product types than market-rate units, provided that developments containing market-rate townhomes or single-family homes offer restricted housing options that also include townhomes or single-family homes;
 - (iv) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever provides the greater minimum square footages;
 - (v) Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s);
 - (vi) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits;
 - (vii) Each bedroom in each restricted unit must have at least one window; and
 - (viii) Restricted units must include adequate air conditioning and heating;

§ 17-217.8 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 and 26.6, as may be amended and supplemented. Each restricted ownership unit shall remain subject to the requirements of this Ordinance until the municipal obligation to maintain controls under UHAC has expired.
- (b) The deed restriction and mortgage lien securing the affordability controls for restricted ownership units shall be in the form required by UHAC and shall be recorded as a first or second lien on the property, as required by UHAC.

- (c) The administrative agent shall have the responsibility to ensure that deed restrictions, mortgage liens, and all other affordability controls required by UHAC and this Ordinance are properly executed and recorded and shall monitor compliance.
- (d) Enforcement mechanisms, including but not limited to restrictions on refinancing, capital improvements, resale, and transfer, shall be in accordance with UHAC.

§ 17-217.9 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

- (a) Price restrictions and resale prices for restricted ownership units shall be governed by N.J.A.C. 5:80-26.6 and 26.7, as may be amended and supplemented.
- (b) Homeowner association fees for restricted ownership units shall be treated in accordance with UHAC, and the administrative agent shall approve homeowner association fee schedules to ensure that affordability is maintained.
- (c) The administrative agent shall establish resale prices for restricted ownership units based upon the formula required by UHAC and this Ordinance.

§ 17-217.10 Capital Improvements to Restricted Ownership Units

- (a) The administrative agent shall review and approve requests for capital improvements by owners of restricted ownership units prior to the commencement of the improvements, consistent with N.J.A.C. 5:80-26.9.
- (b) Eligible capital improvements and treatment of capital improvement costs in calculating resale prices shall be as set forth in UHAC and this Ordinance.

§ 17-217.11 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 and 26.12, as may be amended and supplemented.
- (b) Each restricted rental unit shall remain subject to the requirements of this Ordinance until the municipal obligation to maintain controls under UHAC has expired.

§ 17-217.12 Rent Restrictions for Rental Units

- (a) Rent restrictions for restricted rental units shall be governed by N.J.A.C. 5:80-26.13, as may be amended and supplemented.
- (b) Annual increases in rents shall be consistent with UHAC and any applicable settlement agreements or court orders.

- (c) The administrative agent shall annually review and approve proposed rent increases for restricted rental units.

§ 17-217.13 Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14 and 26.16, 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 percent of regional median income.
 - (2) Low income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of regional median income.
 - (3) Moderate income rental units shall be reserved for households with a gross household income less than or equal to 80 percent of regional median income.
- (b) The administrative agent shall certify a household as eligible for a restricted rental unit when the household satisfies UHAC income eligibility requirements and the proposed rent does not exceed applicable affordability standards.

§ 17-217.14 Municipal Housing Liaison

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.

- g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
- h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

§ 17-217.15 Administrative Agent

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. 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.

- c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. 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;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. 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.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.

- ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. 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.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§ 17-217.16 Responsibilities of the Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

- a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
- a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
 - a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Realistic condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.
 - e. Flood insurance requirement, if applicable.
 - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§ 17-217.17 Enforcement of Affordable Housing Regulations

1. The provisions of this chapter shall be enforceable by Hopewell, the State, or any other party entitled by law to enforce affordable housing controls, in accordance with UHAC, the Fair Housing Act, and applicable case law.
2. A violation of the requirements of this chapter, including but not limited to failure to file required reports, failure to comply with affirmative marketing requirements, or unauthorized transfer or rental of a restricted unit, shall be subject to enforcement action, which may include legal or equitable relief, fines, or other remedies as authorized by law.
3. Hopewell may, to the extent permitted by law, pursue any remedies available at law or in equity to enforce the provisions of this chapter, UHAC regulations, and any deed restriction or mortgage instrument used to secure affordability controls.

§ 17-217.18 Appeals

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

ARTICLE II Growth Share And Affordable Housing Provisions to be Repealed in its entirety.

ARTICLE III. Repealer, Severability, and Effective Date

- (a) All ordinances or parts of ordinances inconsistent with this Ordinance are repealed as to such inconsistencies.
- (b) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.
- (c) This Ordinance shall take effect upon passage and publication as provided by law.

Date Introduced: March 2, 2026
Date Advertised: March 3, 2026
Date Adopted: April 13, 2026



David Chait
Mayor

Attest:



Katherine Fenton-Newman
Municipal Clerk