



February 18, 2026

Amended Fourth Round Housing Element & Fair Share Plan (“HEFSP”)

The Township of Piscataway filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”), entitled “In the Matter of the Application of the Township of Piscataway,” Docket No. MID-L-502-25, on January 24, 2025. The Court entered an Order on April 24, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 150 units and a Prospective Need of 539 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025. The Township’s Fourth Round HEFSP was adopted by the Planning Board on June 11, 2025 and was endorsed by the Township Council on June 17, 2025 by Resolution No. 25-224. The Township filed its Fourth Round HEFSP with the Program and the Court on June 13, 2025.

On August 22, 2025, M&M at Hoes Lane, LLC (“M&M”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP. On September 2, 2025, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP and seeking additional compliance information and documentation before the HEFSP is approved by the Program and/or the Court. In efforts to resolve the issues set forth in the filed challenges from M&M and FSHC, the Township and the challenging parties participated in settlement conferences conducted by the Program on September 26, 2025, November 13, 2025, December 4, 2025, and December 17, 2025, at which time no settlement was achieved. On December 17, 2025, the Program conducted a session during which the parties were directed to meet with the Special Adjudicator and if no settlement was reached, file final written submissions in support of their respective positions by December 31, 2025. On December 31, 2025, the Township filed a supplemental letter brief and accompanying documents representing its intention to satisfy its Fourth Round affordable housing obligations with adjusted compliance mechanisms through a proposed amended HEFSP in response to the challenges filed by M&M and FSHC. On February 17, 2026, the Program filed a Decision Recommendation recommending a Court Order directing that “the proposed amended HEFSP of the Municipality facially complies with the FHA and Mt. Laurel doctrine but can be approved only subject to conditions to ensure actual compliance to ensure the creditworthiness of all mechanisms in the revised Plan for the Fourth Round,” and “Notwithstanding any remaining dispute with any interested party, in accordance with N.J.S.A. §52:27D-304.1(f)(2)(c) and (d), on or before March 15, 2026, the Municipality adopt and file its proposed amended HEFSP...”

In accordance with the proposed amended HEFSP compliance mechanisms set forth in the Township’s December 31, 2025 filing, and as further supported by the Program and Special Adjudicator in the Decision Recommendation filed on February 17, 2026, the Township has amended its Fourth Round HEFSP to establish the compliance mechanisms satisfying its Fourth Round Prospective Need Obligation. This amendment to the Fourth Round HEFSP, consisting of the Fourth Round Prospective Need Obligation crediting chart and supporting language below, shall amend and supplement the Fourth Round HEFSP for the Township of Piscataway adopted by the Planning Board on June 11, 2025 and endorsed by the Township Council on June 17, 2025 by Resolution No. 25-224. The statutory requirements for a Housing

Element and Fair Share Plan have been satisfied within the Fourth Round HEFSP adopted by the Planning Board on June 11, 2025. This document is to serve as an amendment to the Fourth Round HEFSP.

Bonus Crediting

Per N.J.S.A. 52:27D-311(k), "As a part of a fair share plan and housing element adopted pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), a municipality shall:

(1) receive one unit of credit and one bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24);

(2) receive one unit of credit and one-half bonus credit for each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer;

(3) receive one unit of credit and one-half bonus credit for each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. For the purpose of this subparagraph, the distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property;

(4) receive one unit of credit and one-half bonus credit for a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations;

(5) receive one unit of credit and one-half bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution. This bonus credit shall be calculated by taking into account the full municipal fair share plan and housing element, and the number of units with at least three bedrooms required for projects satisfying the minimum 50 percent family housing requirements. A municipality shall receive the bonus credit pursuant to this paragraph for each unit with at least three bedrooms that are above the minimum number required for the bedroom distribution determined pursuant to the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency;

(6) receive one unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space;

(7) receive one unit of credit and one-half bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation;

(8) receive one unit of credit and one bonus credit for each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost;

(9) receive one unit of credit and one-half bonus credit for each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1). In accordance with section 7 of P.L.2008, c.46 (C.52:27D-329.1), a municipality shall not be required to provide that a specific percentage of the units in any specific project be reserved as very low-income housing in order to obtain this bonus credit, and the 13 percent level, for the purpose of bonus credits, shall be calculated against the full prospective need obligation provided pursuant to the fair share plan; and

(10) receive one unit of credit and one bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.”

The updated crediting chart below specifies eligible bonus credits the Township may use up to the 25% cap of its 539-unit Fourth Round Prospective Need Obligation (max 134 bonus credits). The number in red text and in parentheses next to each bonus credit in the chart below represents the type of bonus credit per items (1) – (10) listed in N.J.S.A. 52:27D-311(k) above.

Amended Fourth Round Housing Element & Fair Share Plan (“HEFSP”) dated February 18, 2026 Existing and Proposed Projects and Bonus Credits Addressing the Fourth Round Prospective Need Obligation Township of Piscataway, Middlesex County, NJ					
Fourth Round Obligation	539				
Mechanism	Completed Affordable Units	Proposed Affordable Units	Bonus Credits	TOTAL AFFORDABLE UNITS AND BONUS CREDITS	TOTAL UNITS (MARKET + AFFORDABLE)
<i>Inclusionary (Family)</i>	5	269	25.5	299.5	1,526
Michael Murray Project (“William Street Townhomes”) <i>616 William Street Block 3101, Lot 26.02</i>	2 (F)(R)	-	-	2	12 (2 affordable; 10 market)
Fox & Foxx I (“Fox & Foxx Crossings”) <i>19 Stelton Road Block 1401, Lot 5</i>	3 (F)(R)	-	1.5 (BC) (6)	4.5	20 (3 affordable; 17 market)
Fox & Foxx II <i>9 Stelton Road</i>	-	2 (F)(S)	-	2	12

Block 1401, Lot 2					(2 affordable; 10 market)
Stelton Apartments 320-328 Stelton Road Block 2101, Lots 8, 9, 9.01 and 9.02	-	43 (F)		43	215 (43 affordable; 172 market)
Brudner Property 1791 South Second Street and 1776 South Second Street Block 201, Lot 1.01 and Block 202 Lot 42.02	-	36 (F)	18 (BC) (6)	54	176 (36 affordable; 140 market)
60 Lakeview Avenue Block 1301, Lot 1.03	-	84 (F)(R)	-	84	420 (84 affordable; 336 market)
LaPorta Builders Project 15-17 Stelton Rd Block 1401, Lot 15.11	-	2 (F)(R)	1 (BC) (6)	3	24 (2 affordable; 22 market)
Turner Place and S Washington Avenue Project 14 Turner Pl, 12 Turner Pl, 4 Rothe Pl, 8 Turner Pl, 6 Turner Pl, 3 Rother Pl, 4 Turner Pl, 1514 S Washington Ave Block 5201, Lots 9, 10, 11, 15, 16, 17, 18.01 & 19.01	-	7 (F)	-	7	34 (7 affordable; 27 market)
M&M Property 444 Hoes Ln Block 7401, Lot 2.03	-	95 (F)(R)	5 (BC) (6)	100	613 475 family rental units (95 affordable; 380 market) + 138 age-restricted market rate units + existing non-residential space to remain
Inclusionary (Age-Restricted)¹	-	92	25.5	117.5	492
Rivercrest Cabana Club 450 Rivercrest Drive, 5160 Orchard Street, and 5170 Orchard Street Block 7305, Lots 19.01, 20 and 21	-	3 (AR)(S)	1.5 (BC) (6)	4.5	16 (3 affordable; 13 market)
Riya 1700 South Washington Avenue Block 5701, Lot 11		17 (AR)(S) 22 (AR)(R)	8 (BC) (4)	47	229 (39 affordable; 190 market)

¹ The Township of Piscataway's Fourth Round Prospective Need Obligation shall not exceed the 30% age-restricted cap. The Township reserves the right to change projects currently planned as age-restricted to family in order to comply with the 30% age-restricted cap.

		<u>39 TOTAL</u> (AR)			
44 Stelton Rd <i>Block 1901, Lot 64.01</i>	-	32 (AR)	16 (BC) (6)	48	157 (32 affordable; 125 market)
DiLeo Project at Sylvan Avenue/South Washington Avenue <i>120 Sylvan Avenue Block 5701, Lot 12</i>	-	18 (AR)	-	18	90 (18 affordable; 72 market)
Other Mechanisms	-	83	83	166	83
Extension of Controls²	-	TBD	TBD ³	TBD	TBD
100% Affordable Housing Development (Macedonia Freewill Baptist Church Properties) <i>315 Roosevelt Avenue, 321 Roosevelt Avenue, 325 Roosevelt Avenue, 318 Highland Avenue, and 322 Highland Avenue Block 10514, Lots 15.09, 15.10, 15.11, 15.12 and 15.13</i>	-	83	Up to 83 (BC) (8)	Up to 166	Up to 83 (up to 83 affordable)
TOTAL AFFORDABLE UNITS		449	-	-	
TOTAL BONUS CREDITS (max 25% of 539-unit Fourth Round Prospective Need = 134)		-	134 (BC)	-	-
TOTAL CREDITS AND UNITS			583		2,101
<p>(F) = Family (AR) = Age-Restricted</p> <p>(R) = Rental (BC) = Bonus Credit</p> <p>(S) = For-Sale</p>					

² The number of eligible extension of controls credits to be confirmed by the Township's Administrative Agent. The Township shall be permitted to credit any eligible extension of controls credits towards its Fourth Round obligation which are extended in compliance with UHAC regulations.

³ The Township may elect to credit bonus credits from any units for which controls are extended during the Fourth Round up to the 25% bonus credit cap.