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# **Town of Boonton**

## **Round Four: Housing Element and Fair Share Plan**

Prepared For:



100 Washington Street  
Boonton, NJ 07005

Adoption Date: May 14, 2025

## Acknowledgements


|  |  |
|--|--|
| Mayor<br>James Lynch   | Town Administrator<br>Neil Henry   |
| Town Council<br>John Meehan<br>Cy Wekilsky<br>Jacob Hettrich<br>Marie Devenezia<br>Daniel Balan<br>Robert Murray<br>Alexis Minson<br>Ben Weisman | Planning Board<br>Douglas Phelps<br>Adam Brewer<br>Richard Orlusky<br>Waqar Khokhar<br>Mark Wrobel<br>James Lynch<br>Anthony Suppa<br>Douglas Phelps<br>Robert Murray<br>Jack Venturini<br>Adam Schnitzler<br>Alan Zambarano |
| Town Attorney<br>Fred Semrau, Esq.; Edward R. Pasternak, Esq;<br>Jonathan Testa, Esq.<br>Dorsey & Semrau   | Planning Board Attorney<br>Michael Mullen, Esq.<br>Schenck Price Smith & King, LLP, Esq.   |
| Town Clerk<br>Elizabeth Bonsiewich, RMC  | Planning Board Secretary<br>Briana Clemmons  |

Prepared by:



Graham Petto, AICP/PP

Planner License No. 33LI00633500



Chris Colley, AICP/PP

Planner License No. 33LI00647100

Supporting Staff: Sahana Kumar, Planner I; Nicole Goldstein, Planner II

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## I. Introduction

This Housing Element and Fair Share Plan will exhibit the Town of Boonton's (herein the "Town" or "Boonton") commitment to providing affordable housing within the municipality. This document seeks to frame Boonton's efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c. 2 ("A4/S50",<sup>1</sup> the "Law" or "Amended Law") which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section ("Introduction") includes a brief history of New Jersey Housing Policy. The second section ("Housing Element") includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Town's affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

### A. History of New Jersey Affordable Housing Policy

#### 1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as "Mount Laurel I," wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a "realistic opportunity for the construction of low- and moderate-income housing in their communities." In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as "Mount Laurel II". In addition, the Supreme Court required the establishment of each municipality's fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the "builder's remedy" as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality's zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project, and all other requirements for a successful builder's remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act ("FHA") to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the

<sup>1</sup> <https://www.njleg.state.nj.us/bill-search/2024/A4> and <https://www.njleg.state.nj.us/bill-search/2024/S50>

Council on Affordable Housing (“COAH”) as an administrative alternative to litigation and judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

#### 1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA’s legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH’s regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

#### 2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round “Growth Share” methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

#### 2010 – 2023 | COAH’s Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH’s regulatory structure. Ultimately, the task force recommended a model



which included adjusted definitions of present and prospective need, a benchmark of 10 percent growth predicted by the State Planning Commission to guide obligations, and transference of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015), more commonly referred to as "Mount Laurel IV" the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

#### 2024 – Present | Adoption of A4 / S-50 and Fourth Round Methodology Changes

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Masters to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

## **B. Housing Element and Fair Share Plan Requirements**

### *Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")*

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per Bill A4<sup>2</sup>, as amended, the required contents of the housing element shall contain at least:

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

<sup>2</sup> <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310/> and [https://www.njleg.state.nj.us/bill-search/2024/A4/bill-text?f=A0500&n=4\\_R1](https://www.njleg.state.nj.us/bill-search/2024/A4/bill-text?f=A0500&n=4_R1)



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

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#)<sup>3</sup>; which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a

<sup>3</sup> [https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir\\_14\\_24.pdf](https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf)

section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for each of the un-built inclusionary and/or 100% affordable sites in the plan and identification of each of the sites considered for development and rejected, along with the reasons for such rejection.
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing affordable units in the municipality.
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy with dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments, if required, will be prepared following adoption of this plan element.

## II. Housing Element: Municipal Summary

The Town of Boonton occupies roughly 2.49 square miles of Morris County. For regional and planning purposes, Boonton is located in Housing Region 2, a region that consists of Essex, Morris, Union and Warren counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey ("ACS"): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. See URL link<sup>4</sup> utilized in this HEFSP.
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. See URL link<sup>5</sup> utilized in this HEFSP.
3. Comprehensive Housing Affordability Strategy ("CHAS"): The U.S. Department of Housing and Urban Development (HUD) utilizes both the ACS and Census to create the "CHAS" data, which demonstrates the extent of housing problems and housing needs, particularly for low income households. See URL link<sup>6</sup> utilized in this HEFSP.
4. North Jersey Transportation Planning Authority ("NJTPA"): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long range transportation plan (LRTP), the region's blueprint for transportation investment. See URL link<sup>7</sup> utilized in this HEFSP.
5. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

### A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *"Inventory of housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income*

<sup>4</sup><https://data.census.gov/table>

<sup>5</sup><https://data.census.gov/table?d=DEC%20Demographic%20Profile>

<sup>6</sup><https://www.huduser.gov/portal/datasets/cp.html>

<sup>7</sup><https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

*households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards"*

### Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 3,757 housing units in the Town of Boonton which represented no change from 2020.

59.2% of Boonton's housing structures were built prior to 1960.

**Table 1: Year Structure Built**

|  | UNITS | PERCENT |
|--|-------|---------|
| Total housing units                                    | 3,757 |         |
| Built 2020 or later                                    | 0     | 0.0     |
| Built 2010 to 2019                                     | 65    | 1.7     |
| Built 2000 to 2009                                     | 80    | 2.1     |
| Built 1990 to 1999                                     | 101   | 2.7     |
| Built 1980 to 1989                                     | 391   | 10.4    |
| Built 1970 to 1979                                     | 255   | 6.8     |
| Built 1960 to 1969                                     | 642   | 17.1    |
| Built 1950 to 1959                                     | 661   | 17.6    |
| Built 1940 to 1949                                     | 275   | 7.3     |
| Built 1939 or earlier                                  | 1,287 | 34.3    |
| Source: American Community Survey <a href="#">2023</a> |       |         |

The table below details the condition of housing within the Town of Boonton based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Town.

**Table 2: Housing Condition**

|                                      | 2023 | PERCENT | 2018 | PERCENT | PERCENT CHANGE |
|--------------------------------------|------|---------|------|---------|----------------|
| Total                                | 10   | 0.3     | 49   | 1.6     | -1.3           |
| Lacking heating fuel                 | 10   | 0.3     | 0    | 0.0     | 0.3            |
| Lacking complete plumbing facilities | 0    | 0.0     | 21   | 0.7     | -0.7           |
| Lacking complete kitchen facilities  | 0    | 0.0     | 28   | 0.9     | -0.9           |

Source: American Community Survey [2023](#) and [2018](#)

### Housing Values and Costs

Since 2018, median home values in the Town have increased by \$97,400 (25.77%). This change is largely due to an increase in homes values between \$500,000 and \$999,999, and a decrease in homes worth between \$300,000 and \$499,999.

**Table 3: Value for Owner-Occupied Housing Units**

|                            | 2023      | PERCENT | 2018      | PERCENT | PERCENT CHANGE |
|----------------------------|-----------|---------|-----------|---------|----------------|
| Total Owner-occupied units | 1,995     | -       | 1,941     | -       | 2.78           |
| Less than \$50,000         | 0         | 0.0     | 35        | 1.8     | -1.8           |
| \$50,000 to \$99,999       | 8         | 0.4     | 0         | 0.0     | 0.4            |
| \$100,000 to \$149,999     | 25        | 1.3     | 0         | 0.0     | 1.3            |
| \$150,000 to \$199,999     | 10        | 0.5     | 34        | 1.8     | -1.3           |
| \$200,000 to \$299,999     | 61        | 3.1     | 261       | 13.4    | -10.3          |
| \$300,000 to \$499,999     | 1,061     | 53.2    | 1,272     | 65.5    | -12.3          |
| \$500,000 to \$999,999     | 801       | 40.2    | 339       | 17.5    | 22.7           |
| \$1,000,000 or more        | 29        | 1.5     | 0         | 0.0     | 1.5            |
| Median (dollars)           | \$475,300 | (X)     | \$377,900 | (X)     | 25.77          |

Source: American Community Survey [2023](#) and [2018](#)

The table below shows the housing expenditures for those who own and rent in Boonton. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the owner's monthly costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes.

In Boonton, about 38.1% of homeowners and renters spend more than 30% of their household income on housing costs. Renters are more cost burdened than homeowners (renters at 42.7%; owners at 34.3%).

**Table 4: Housing Cost Burden Overview Exceeding 30% Gross Income**

| RANGE                     | OWNER | RENTER | TOTAL | PERCENT |
|---------------------------|-------|--------|-------|---------|
| Cost Burden <=30%         | 1,265 | 860    | 2,125 | 61.8    |
| Cost Burden >30% to <=50% | 225   | 329    | 554   | 16.1    |
| Cost Burden >50%          | 435   | 320    | 755   | 21.9    |
| Cost Burden Not Available | 0     | 10     | 10    | 0.2     |
| Total                     | 1,920 | 1,520  | 3,440 | 100.0   |

Source: [CHAS 2017-2021 ACS](#)

#### Occupancy Characteristics and Type of Housing

As of 2023, the Town is predominately comprised of owner-occupied households, which comprise 56.8% of the Town's households. A total of 43.2% of households are renters, and 6.5% of the Town's housing units are vacant.

**Table 5: Housing Tenure and Occupancy**

|                 | 2023  | PERCENT | 2018  | PERCENT | PERCENT CHANGE |
|-----------------|-------|---------|-------|---------|----------------|
| Total           | 3,757 |         | 3,452 |         |                |
| Owner Occupied  | 1,995 | 56.8    | 1,941 | 62.4    | -5.6           |
| Renter Occupied | 1,519 | 43.2    | 1,170 | 37.6    | 5.6            |
| Vacant Units    | 243   | 6.5     | 341   | 9.9     | -3.4           |

Source: American Community Survey [2023](#) and [2018](#)



Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Town rose 0.5%.

**Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units**

| OCCUPANTS PER ROOM | 2023  | PERCENT | 2018  | PERCENT |
|--------------------|-------|---------|-------|---------|
| Total              | 3,514 |         | 3,111 |         |
| 1.00 or less       | 3,465 | 98.6    | 3,083 | 99.1    |
| 1.01 to 1.50       | 49    | 1.4     | 28    | 0.9     |
| 1.51 or more       | 0     | 0.0     | 0     | 0.0     |

*Source: American Community Survey [2023](#) and [2018](#)*

Since 2018, the Town's total housing stock has increased from 3,452 units to 3,757 units.

**Table 7: Housing Type and Size**

| HOUSING UNITS       | 2023  | PERCENT | 2018  | PERCENT | PERCENT CHANGE |
|---------------------|-------|---------|-------|---------|----------------|
| Total housing units | 3,757 |         | 3,452 |         |                |
| 1-unit, detached    | 2,091 | 55.7    | 2,093 | 60.6    | -4.9           |
| 1-unit, attached    | 422   | 11.2    | 214   | 6.2     | 5              |
| 2 units             | 612   | 16.3    | 642   | 18.6    | -2.3           |
| 3 or 4 units        | 285   | 7.6     | 236   | 6.8     | 0.8            |
| 5 to 9 units        | 148   | 3.9     | 82    | 2.4     | 1.5            |
| 10 to 19 units      | 36    | 1.0     | 107   | 3.1     | -2.1           |
| 20 or more units    | 163   | 4.3     | 78    | 2.3     | 2              |
| Mobile home         | 0     | 0.0     | 0     | 0.0     | 0              |
| Boat, RV, van, etc. | 0     | 0.0     | 0     | 0.0     | 0              |

*Source: American Community Survey [2023](#) and [2018](#)*

Between 2018 and 2023, the percentage of “family” sized 3+ bedroom units increased from 63.9% of all units to 65.1% of all units.

**Table 8: Number of Bedrooms Per Unit**

| ROOMS              | 2023 TOTAL | PERCENT | 2018 TOTAL | PERCENT | PERCENT CHANGE |
|--------------------|------------|---------|------------|---------|----------------|
| Total              | 3,757      |         | 3,452      |         |                |
| No Bedroom         | 45         | 1.2     | 16         | 0.5     | 0.7            |
| 1 Bedroom          | 485        | 12.9    | 343        | 9.9     | 3              |
| 2 Bedrooms         | 784        | 20.9    | 887        | 25.7    | -4.8           |
| 3 Bedrooms         | 1,550      | 41.3    | 1,516      | 43.9    | -2.6           |
| 4 Bedrooms         | 676        | 18.0    | 482        | 14.0    | 4              |
| 5 or more Bedrooms | 217        | 5.8     | 208        | 6.0     | -0.2           |

Source: American Community Survey [2023](#) and [2018](#)

#### Existing Low- and Moderate-Income Housing Units

Based on review of available records and consultation with the Town’s Municipal Housing Liaison, there are 97 low- and moderate-income units in the Town of Boonton. Boonton is following the applicable requirements regarding unit monitoring and reporting. Specifically, the Town completed the statutorily required updates to its housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State’s new Affordable Housing Monitoring System. The information provided in the Affordable Housing Monitoring System is in furtherance of the Town’s obligation to specify the creditworthiness of existing affordable units.

#### Substandard Housing

- Note: See Section III (Fair Share Plan) of this Housing Element regarding “Present Need” rehabilitation obligation requirements of the 2025-2035 Fourth Round.

The table below utilizes data from the ACS and CHAS to analyze the “4 housing problems” in a consolidated format for consideration of overall substandard housing. The four housing problems as defined by HUD are:

1. Incomplete kitchen facilities;
2. Incomplete plumbing facilities;
3. Overcrowding (i.e. 1.01 or more persons per room); and
4. High housing costs (i.e. cost burden).

The following table shows data for indicators of substandard housing for the Town of Boonton.

**Table 9: Substandard Housing Indicators**

|  | OWNER | RENTER |
|--|-------|--------|
| Household has 1 of 4 Housing Problems  | 655   | 665    |
| Household has none of 4 Housing Problems OR cost burden not available, no other problems | 1,260 | 855    |
| Cost Burden not available  | 0     | 10     |
| Source: <a href="#">CHAS 2017-2021 ACS</a>   |       |        |

## B. Housing Projections

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- B) "A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands."

### Projection of Housing Stock

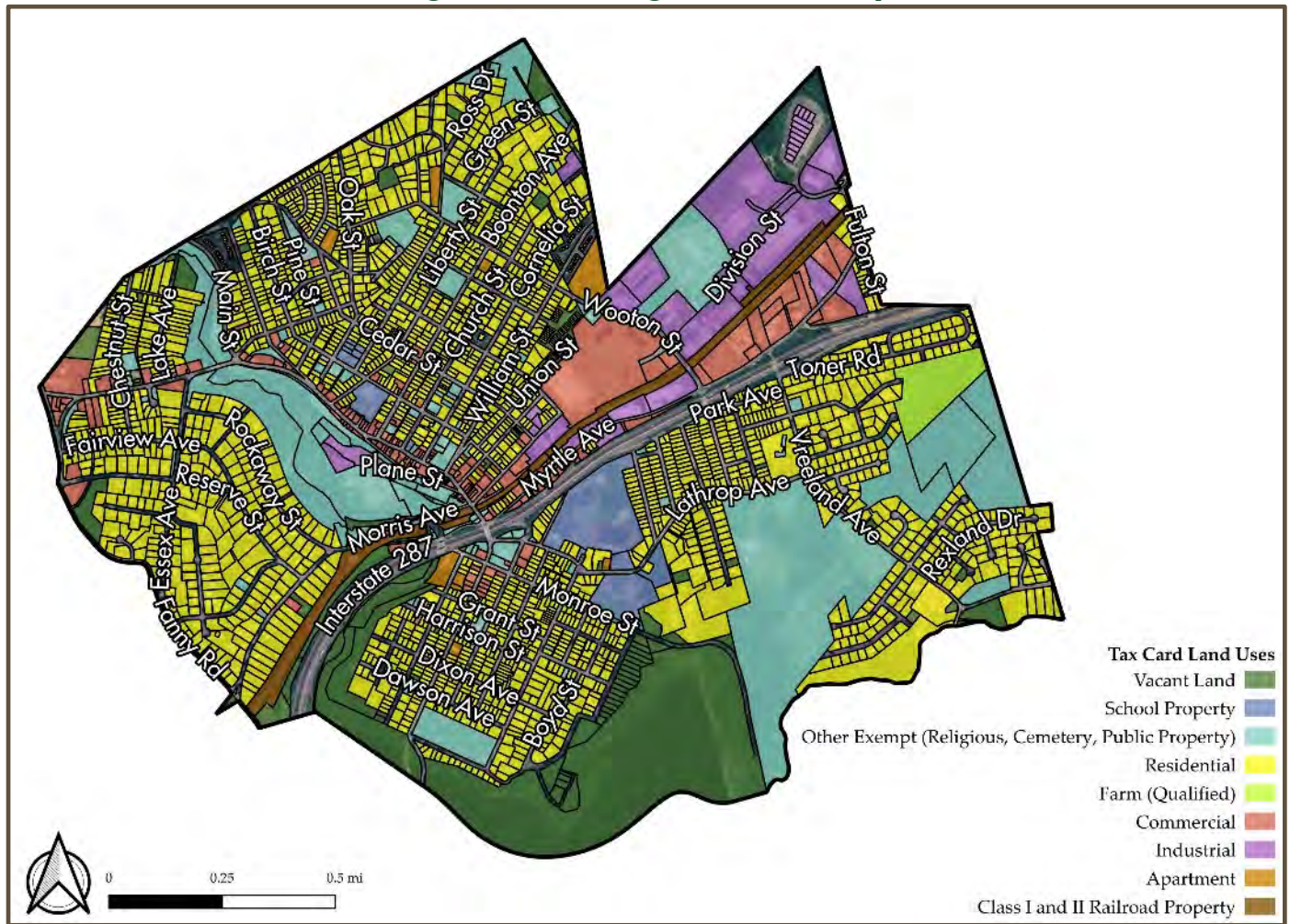
Below is a general prediction by NJTPA of the Town of Boonton's household population growth to 3,486 households in 2050. This 0.2% increase in households would require available units to accommodate and may be a prediction indicator of newly projected housing stock.

**Table 10: Housing Unit Projection**

| YEAR                                       | POPULATION | ANNUALIZED % CHANGE |
|--|------------|---------------------|
| 2015                                       | 3,254      | -                   |
| 2050 (Predicted)                           | 3,486      | 0.2%                |
| Source: <a href="#">U.S. Census, NJTPA</a> |            |                     |

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

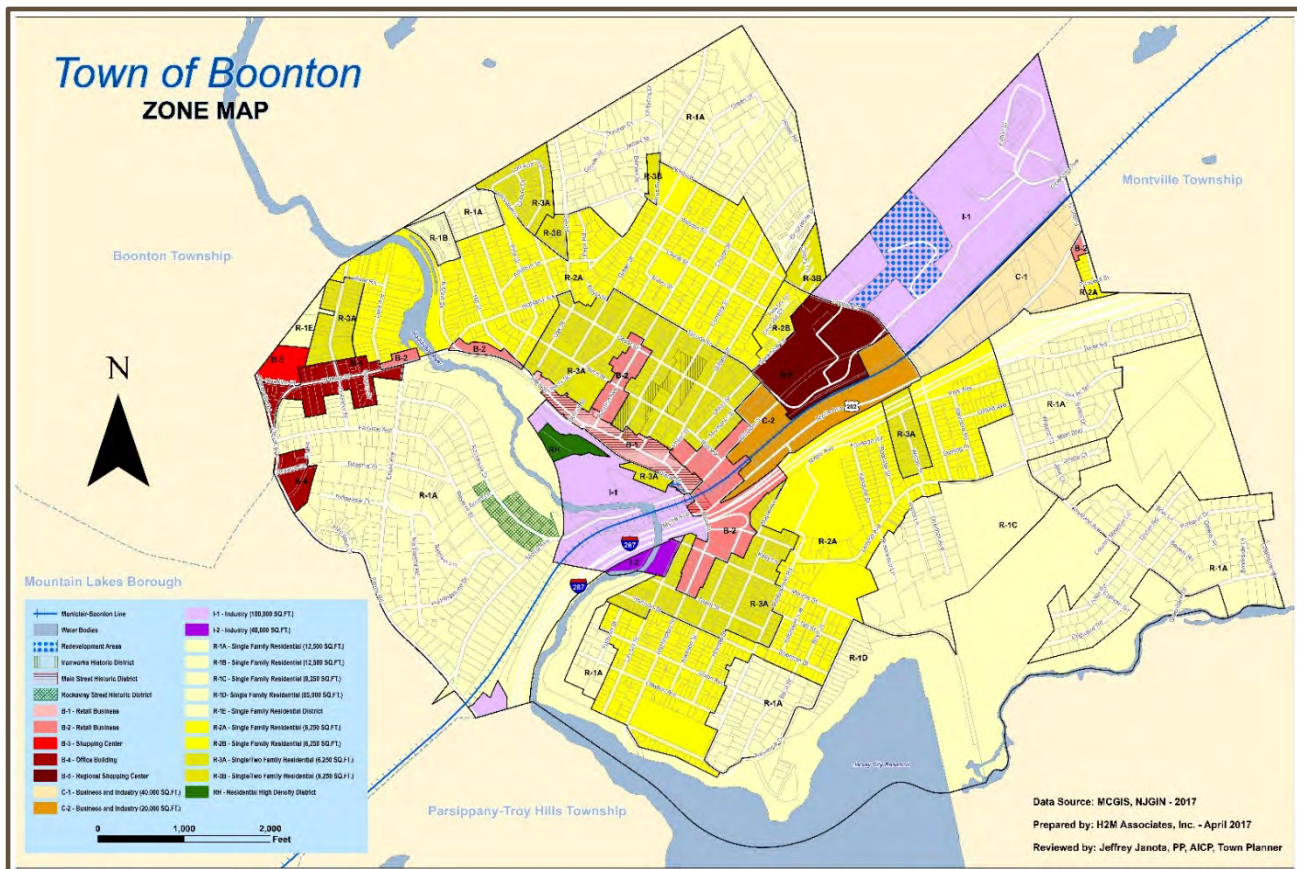
Boonton expects new developments to bear the cost that such development puts upon the existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Town's infrastructure.

**Figure 1: Existing Land Use Map**

<sup>8</sup>Map Note: Classifications are based on assessor records. "Vacant land" as depicted on this map should not be construed to limit or supersede any conclusions made in the Vacant Land Adjustments.



### Figure 2: Existing Zoning Map



## Town of Boonton Zoning Map

### C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.”*

Population General

The estimated population in Boonton in 2023 was 8,821.

**Table 10: Historic Population Growth**

| YEAR             | POPULATION | CHANGE | % CHANGE |
|------------------|------------|--------|----------|
| 1950             | 7,163      | N/A    | N/A      |
| 1960             | 7,981      | 424    | 6.3      |
| 1970             | 9,261      | 818    | 11.4     |
| 1980             | 8,620      | 1,280  | 16.0     |
| 1990             | 8,343      | -641   | -6.9     |
| 2000             | 8,496      | -277   | -3.2     |
| 2010             | 8,347      | 153    | 1.8      |
| 2020             | 8,815      | -149   | -1.8     |
| 2023             | 8,821      | 468    | 5.6      |
| 2050 (Predicted) | 8,924      | -1,652 | -18.7    |

Source: [NJ.gov](https://www.nj.gov) and [NJTPA](https://www.njtpa.com)

Population Composition by Age

The estimated current median age in the Town of Boonton is 40.2, compared to 42.7 for Morris County and 40.1 for New Jersey.

**Table 11: Population by Age**

| AGE RANGE      | TOWN OF BOONTON | PERCENT | MORRIS COUNTY | PERCENT |
|----------------|-----------------|---------|---------------|---------|
| Under 5 years  | 438             | 5.0     | 25,471        | 5.0     |
| 5 to 9 years   | 631             | 7.2     | 28,352        | 5.6     |
| 10 to 14 years | 449             | 5.1     | 31,448        | 6.2     |
| 15 to 19 years | 546             | 6.2     | 33,164        | 6.5     |
| 20 to 24 years | 756             | 8.6     | 29,593        | 5.8     |
| 25 to 34 years | 970             | 11.0    | 57,194        | 11.2    |
| 35 to 44 years | 1,319           | 15.0    | 65,510        | 12.8    |
| 45 to 54 years | 1,138           | 12.9    | 72,196        | 14.1    |
| 55 to 59 years | 496             | 5.6     | 39,717        | 7.8     |
| 60 to 64 years | 703             | 8.0     | 36,971        | 7.2     |



| AGE RANGE  | TOWN OF BOONTON | PERCENT | MORRIS COUNTY | PERCENT |
|--|-----------------|---------|---------------|---------|
| 65 to 74 years   | 965             | 11.0    | 50,990        | 10.0    |
| 75 to 84 years   | 263             | 3.0     | 27,021        | 5.3     |
| 85 years and over                                      | 129             | 1.5     | 12,748        | 2.5     |
| Median Age   | 40.2            | (X)     | 42.7          | (X)     |
| Source: American Community Survey <a href="#">2023</a> |                 |         |               |         |

### Households

According to the US Census Bureau's classification system, people either live in a household, housing unit, or in "group quarters." Two types of "households" exist: family and non-family. A "household" consists of one or more persons living and eating together separately from other persons who may be in the same building. A "family" is a household with two or more related persons living together in the same housing unit.

**Table 12: Population by Housing Type**

|   | TOWN OF BOONTON | MORRIS COUNTY |
|---|-----------------|---------------|
|   | 2019-2023       | 2019-2023     |
| Total Households  | 3,514           | 191,840       |
| Average Household Size                                      | 2.46            | 2.61          |
| Source: American Community Survey <a href="#">2019-2023</a> |                 |               |

### Immigration

Foreign born residents make up 13% percent of Boonton's population, which is a lower than County (19.6%) and State (23.5%) levels. Less than half of Boonton's foreign-born residents are not U.S. citizens, comprising 26.9% of the overall Town foreign-born population, a smaller share than that of Morris County (39.2%) and the State (43.1%).

**Table 13: Residents Place of Birth**

|  | TOWN OF BOONTON |         | MORRIS COUNTY |         | NEW JERSEY |         |
|--|-----------------|---------|---------------|---------|------------|---------|
|  | COUNT           | PERCENT | COUNT         | PERCENT | COUNT      | PERCENT |
| Total  | 8,803           |         | 510,375       |         | 9,267,014  |         |
| Born in United States                                  | 7,388           | 83.9    | 401,982       | 78.8    | 6,849,548  | 73.9    |
| Foreign Born   | 1,147           | 13.0    | 100,222       | 19.6    | 2,181,755  | 23.5    |
| Naturalized Citizen                                    | 838             | 73.1    | 60,952        | 60.8    | 1,241,100  | 56.9    |
| Not a Citizen  | 309             | 26.9    | 39,270        | 39.2    | 940,655    | 43.1    |
| Source: American Community Survey <a href="#">2023</a> |                 |         |               |         |            |         |

### Income and Poverty Status

The median household income for the Town of Boonton grew from 2018 to 2023, growing 13.3% and is lesser than the County (21.2%) and the State (22.1%).

**Table 14: Household Median Income**

|   | 2023    | 2018    | CHANGE | % CHANGE |
|---|---------|---------|--------|----------|
| Boonton Town  | 100,417 | 88,633  | 11,784 | 13.3     |
| Morris County   | 134,929 | 111,316 | 23,613 | 21.2     |
| New Jersey  | 99,781  | 81,740  | 18,041 | 22.1     |
| Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a> |         |         |        |          |

In the Town of Boonton, 654 residents (7.5%) live below the poverty line, an increase from 5.3% in 2018. In this regard, the Town had a similar to Morris County, which experienced an increase from 4.5% to 4.6% over the same period.

**Table 15: Poverty Status**

| BOONTON TOWN        | 2023  | PERCENT | 2018  | PERCENT | CHANGE |
|---------------------|-------|---------|-------|---------|--------|
| Total Persons       | 8,714 |         | 8,212 |         | 502    |
| Total Below Poverty | 654   | 7.5     | 438   | 5.3     | 2.2    |

| MORRIS COUNTY   | 2023    | PERCENT | 2018    | PERCENT | CHANGE |
|---|---------|---------|---------|---------|--------|
| Total Persons   | 507,823 |         | 485,909 |         | 21,914 |
| Total Below Poverty   | 23,392  | 4.6     | 21,856  | 4.5     | 0.1    |
| Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a> |         |         |         |         |        |

## D. Multigenerational Housing Continuity

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- G) “An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).”

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20<sup>9</sup>, which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element to provide 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 commission.

The municipality is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. No municipal ordinances have been identified which detract from the goal of preserving multigenerational family continuity. The Town offers a range of programs and services to support its seniors and make it possible for seniors to continue to thrive in Boonton if they choose to do so. These services include a Senior Transport Program, Senior Housing Program, and Senior Social Events. Providing services for Seniors locally allows them to continue to live in the same community as family members of other generations, even if not under the same roof, and the benefits of such programs in promoting multigenerational continuity is magnified by the dense and walkable nature of the Town. As will be noted subsequently, the municipality, in setting forth its

<sup>9</sup> <https://pub.njleg.gov/Bills/2020/AL21/273 .HTM>

compliance plan, is abiding by the limitations included in the statute as it relates to age-restricted housing.

## E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the existing and probable future employment characteristics of the municipality.”*

Below is a general prediction by NJTPA of the Town of Boonton’s employment forecast, which is a growth to 4,417 in 2050.

**Table 16: Employment Projection**

| YEAR                          | LABOR FORCE | CHANGE | ANNUALIZED<br>% CHANGE |
|-------------------------------|-------------|--------|------------------------|
| 2015                          | 3,851       |        |                        |
| 2050 (Predicted)              | 4,417       | 566    | 0.4                    |
| Source: <a href="#">NJTPA</a> |             |        |                        |

### III. Fair Share Plan: Obligations and Compliance Plan

#### A. Introduction

As previously noted, the methodology of calculating and fulfilling municipal obligations is set forth in the Amended Law, in concert with a wide range of pre-existing rules and regulations.

On October 18, 2024, the DCA released a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round)” which set forth the Town’s non-binding fair share obligations for the Fourth Round include a Present Need of 23 and a Prospective Need of 153. On January 21, 2025, the Town Council of the Town of Boonton adopted Resolution 25-61, determining its Fourth Round Present Need Obligation to be 23 and its Fourth Round Prospective Need Obligation to be 99. On January 23, 2025, the Town filed an action with the Affordable Housing Dispute Resolution Program. On February 27th and 28th, 2025, the New Jersey Builder's Association ("NJBA") and Riverwalk, LLC ("Riverwalk") filed separate respective challenges to the Town's determination of its Fourth Round Prospective Need Obligation of "99".

The Town filed a brief seeking the dismissal of the aforementioned challenges on March 14, 2025. On March 17, 2025, a Session was conducted by Program Member the Honorable Stephan C. Hansbury, J.S.C., Retired t/a on Recall. Following same, Judge Hansbury ultimately rendered a determination/recommendation that the Town's Fourth Round Prospective Need Obligation of "99" was valid and reasonable on the record and dismissed the challenges filed by the NJBA and Riverwalk after the parties argued their respective positions before the Program. The formal written recommendation remains forthcoming at this time. The Program's official audio recording of this decision has been obtained through the Courts and is available upon request.

The housing need obligations discussed herein consist of the following components: Prior Round Compliance; Present Need or “Rehabilitation Obligation;” and the “Prospective Need” Collectively, the Present Need and the Prospective Need are referred to as the Round 4 or Fourth Round obligation.

The figures that are presented in the fair share obligations below have been derived from Town Council Resolution 25-61 (See Appendix A), as affirmed by Judge Hansbury following completion of the above-referenced session on March 17, 2025. Under the Resolution, as approved by the Program, the Present Need or “Rehabilitation Obligation” is 23, and the gross “Prospective Need” is 99.

The purpose of this section of the Plan is to set forth the Town of Boonton’s proposed approach to satisfying its Fourth Round obligation.

#### B. Bonus Credits

Importantly, the Law sets forth opportunities for bonus credits. These potential bonus credits include:

- a. One (1) bonus credit for special needs or permanent supportive housing;

- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;
- c. One (1) bonus credit for market rate units that are converted to affordable units;
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three-bedroom requirements set forth in the Uniform Housing Affordability Controls;
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;

Municipalities are restricted to only claim one type of bonus credit per affordable unit. Such bonus credits may only satisfy 25% of their Fourth Round obligation.

### **C. Prior Round Need Compliance “Look Back” (2015-2025)**

The Town of Boonton has a history of fulfilling its affordable housing obligations. Most recently, on August 14, 2020, the Town received a Final Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation in the matter entitled: In re Application of the Township of Boonton, Docket No. MRS-L-1636-15. This was filed in accordance with the Court’s directive set forth in Mount Laurel IV. The JCR was issued after a period of negotiation and settlement, primarily between the Town and Fair Share Housing Center (“FSHC”) and followed completion of an Amended Preliminary Fairness and Final Compliance hearing. During this period of negotiation, the Town adopted a HEFSP in August 2018 that was later amended in January 2020. Correspondingly, the Town and FSHC entered into a settlement agreement in March of 2018 that was later amended in November 2019. The HEFSP and settlement agreements set forth the Town’s Third Round obligation and identified the actions required by the Town to fulfill these obligations.

In preparing this Fourth Round HEFSP, an analysis was conducted to assess the status of the Town’s compliance with the commitments it made in its Court approved Third Round HEFSP and settlement agreement. The Town’s commitments, and the corresponding status of these commitments is reflected in the tables below.



*Projects cited to satisfy Third Round Realistic Development Potential:*

| <b>PROJECT</b>                             | <b>CREDITS IDENTIFIED<br/>IN HEFSP /<br/>SETTLEMENT<br/>REQUIREMENT</b> | <b>STATUS</b>      |
|--|---|--------------------|
| Kanter/Packard Building (Rental)           | 22 Credits  | Completed          |
| Barrister Court (Age-restricted)           | 6 Credits   | Under Construction |
| Community Hope, Inc.: 14 Lorraine Terrace  | 6 Credits   | Completed          |
| NewBridge Services Inc.: 411 Birch Street  | 3 Credits   | Completed          |
| NewBridge Services Inc.: 110 South Terrace | 2 Credits   | Completed          |

*Zoning actions to satisfy Third Round Unmet Need requirements*

| <b>PROJECT</b>                                | <b>CREDITS IDENTIFIED<br/>IN HEFSP /<br/>SETTLEMENT<br/>AGREEMENT</b> | <b>STATUS</b>  |
|---|---|--|
| NewBridge Services Inc.: 110 South Terrace    | 7 Credits   | Completed  |
| Community Hope, Inc.: 54 Lorraine Terrace     | 6 Credits   | Completed  |
| Community Hope, Inc.: 58 Lorraine Terrace     | 6 Credits   | Completed  |
| Avidd Community Services: 695 Boonton Ave     | 6 Credits   | Completed  |
| Avidd Community Services: 203 Hillside Avenue | 6 Credits   | Completed  |
| Community Hope, Inc.: 115 Roessler Street     | 4 Credits   | Completed  |
| Park Woods at Boulevard (Rental or for-sale)  | 3 to 4 Credits  | Ordinance No. 15-2019 adopted to permit development. <sup>10</sup> |

<sup>10</sup> This application is the subject of pending litigation.

|  |                                   |   |
|--|-----------------------------------|---|
| Elite/Joyce Holding CO.<br>Alternative Zoning      | 16 Credits                        | Ordinance No. 23-2018<br>adopted to permit<br>development.  |
| Myrtle Avenue Overlay Zone<br>(rental or for sale) | 12- 16 Credits                    | Ordinance No. 20-2018<br>adopted to permit<br>development.  |
| Division Street Overlay Zone                       | TBD                               | Redevelopment Plan<br>adopted on December<br>12, 2021. In settlement<br>agreement, Town<br>committed to maximum<br>density of 20 to 25 units<br>per acre. |
| Mandatory Set-Aside Ordinance                      | Adopted, Ordinance<br>No. 17-2018 | Adopted, Ordinance No.<br>17-2018   |

*Actions to satisfy Third Round Rehabilitation Share*

| PROJECT   | CREDITS IDENTIFIED<br>IN HEFSP<br>SETTLEMENT<br>AGREEMENT / | STATUS   |
|---|---|--|
| Contract with a firm to administer<br>the Rehabilitation Program. | 25  | The Town launched a<br>rehabilitation program<br>and contracts with<br>Morris Habitat for<br>Humanity. |

As demonstrated in the tables above and supported by the issuance of the August 2020 JCR, the Town fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no obligation is carried forward to the Fourth Round.

### **D. Present and Prospective Need Obligation (2025-2035)**

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- E) "A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1)"

Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In Boonton, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be 23.

The Town plans to address this obligation by continuing its Housing Rehabilitation Assistance Program. This program provides assistance for the rehabilitation of owner-occupied one family houses and supports the removal of unsafe conditions such as plumbing, heating/energy, electrical, lead-based paint, roof, structural, siding and wall masonry, exterior painting, interior improvements, and premise repairs. Applicants are required to meet federally recognized income guidelines. The Town will continue to work with Morris Habitat for Humanity to administer this program under the oversight of the Town’s in-house Municipal Housing Liaison. The Town currently has two rehabilitation projects underway.

The Town will commit up to \$10,000 per unit to the Housing Rehabilitation Assistance Program, consistent with COAH’s Second Round rules. To fulfill the total 23 unit Present Need Obligation, this would require a total contribution of approximately \$230,000 from the Town’s Affordable Housing Trust Fund. As of December 31, 2024, that account contains \$146,086.45. If, throughout the course of the Fourth Round, the Town receives a complete and eligible application to the Housing Rehabilitation Assistance program and there is not sufficient funding in the Affordable Housing Trust Fund to fund the project, the Town will make up this financial short-fall through other means. The Town’s obligation shall not exceed \$10,000 per unit and shall not continue after the Town has satisfied its 23 unit present need obligation.

The Town will also continue its successful partnership with Morris Habitat for Humanity. Boonton partners with Morris Habitat for Humanity to help market their home repair program, A Brush With Kindness, and their Aging in Place program to support home repair for seniors. Completed projects within Boonton under these programs may also satisfy the Town’s present need obligation.

Finally, the Town will participate in Morris County’s rehabilitation program to the extent that it continues to exist in the Fourth Round. Completed projects within Boonton under this program may also satisfy the Town’s present need obligation.

Prospective Need Obligation

The Town has a Fourth Round gross prospective need of 99.

The Town will satisfy this obligation through the following projects:

| PROJECT  | UNITS     | BONUS CREDITS | TOTAL CREDITS | NOTES  |
|--|-----------|---------------|---------------|--|
| Incremental Division Street Redevelopment Plan Credits | 18        | 9             | 27            | Includes 0.5 TOD bonus credit.                 |
| The Riverview Apartments (Boonton Housing Authority)   | 60        | 15            | 75            | Includes 0.5 TOD bonus credit (up to 25% cap). |
| Chestnut Street Cottages (Boonton Housing Authority)   | 14        |               | 14            |  |
| <b>Total</b>   | <b>92</b> | <b>24</b>     | <b>116</b>    |  |

The sites are shown in the map below.





*Sites Counted Towards Boonton's Prospective Need Obligation*

Additional detail about each project is included below, including an analysis assessing the appropriateness of including each site. Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – 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.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the

wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.

4. “Approvable site” – 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.

### **Incremental Division Street Redevelopment Plan Credits**

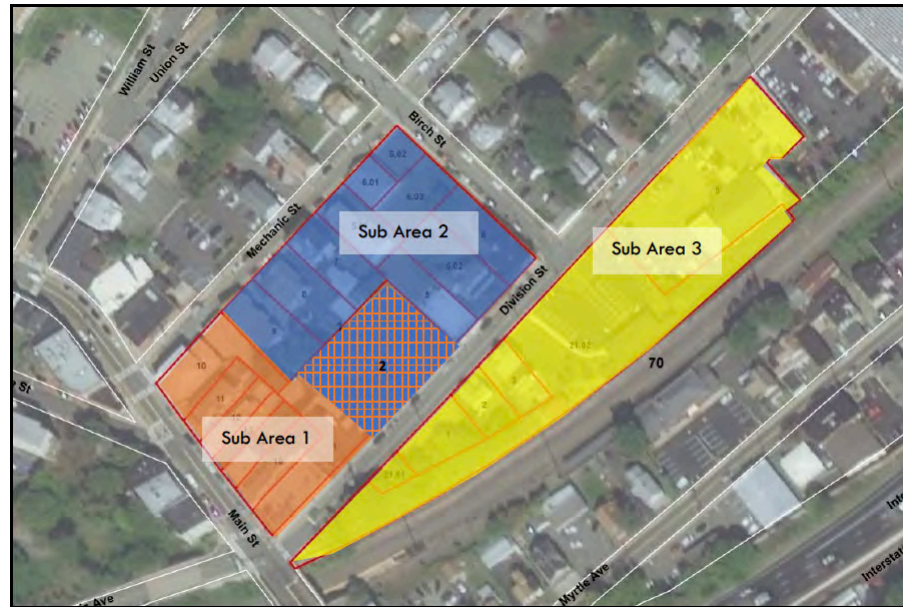
#### *Overview*

As part of the Town’s Third Round HEFSP and corresponding Settlement Agreement, Boonton committed to developing an overlay zone in the Division Street area. As part of this commitment, the Town committed to creating a 4.54 acre zone that would “allow for inclusionary residential development at a maximum density of between 20 to 25 units per acre” and require a minimum affordable set-aside of 15% for rental units and 20% for for-sale units.

In December 2021, the Town adopted the Division Street Redevelopment Plan. This Redevelopment Plan rezoned the area identified in the Third Round compliance plan. Significantly, this Redevelopment Plan permits densities well above the minimum required under the Town’s Third Round plan and Settlement Agreement. The adopted Division Street Redevelopment Plan is included as **Appendix B**.

The Redevelopment Plan creates three sub areas. Two of these sub areas (Sub Area 1 and 2), which comprise roughly 75% of the area governed by the Plan, permit density of up to 45 units per acre.





### *Sub Areas in Adopted Division Street Redevelopment Plan*

The table below summarizes the density required in the Town's Third Round Settlement Agreement relative to the maximum density permitted under the Division Street Redevelopment Plan as adopted.

|                        | Acres       | Units Per Acre | Maximum Units | Affordable Units (at 15%) | Affordable Units (at 20%) |
|------------------------|-------------|----------------|---------------|---------------------------|---------------------------|
| Third Round Obligation | 4.54        | 25             | 114           | 18                        | 23                        |
| Sub Area 1, as adopted | 1.28        | 45             | 57            | 9                         | 12                        |
| Sub Area 2, as adopted | 1.33        | 20             | 27            | 5                         | 6                         |
| Sub Area 3, as adopted | 1.93        | 45             | 87            | 14                        | 18                        |
| <b>Total</b>           | <b>4.54</b> |                | <b>171</b>    | <b>28</b>                 | <b>36</b>                 |

As demonstrated above, under the Town's Third Round Settlement Agreement, the Town was required to create an opportunity for at least 18 affordable units (15% of 114 total units).

Under the adopted Division Street Redevelopment Plan, the Town created an opportunity for 171 total units. Additionally, Section 52:27D-329.9 of the Amended Law requires a minimum residential set-aside of 20%. Applying this minimum set-aside to each Sub Area, generates an opportunity for up to 36 affordable units (out of a total 171 units). This is 18 more units than the Town committed to providing under its Third Round Settlement Agreement. The Town is applying these additional 18 units towards its Fourth Round Prospective Need.

#### *Applicability of Bonus Credits*

As reflected in the map below, the Division Street Redevelopment Plan is within 0.5 miles of the Boonton Train Station. As such, the 18 incremental Division Street Redevelopment Plan units are eligible for 0.5 bonus credits per unit based on their proximity to the Boonton Train Station. This brings the maximum number of potential credits to 27.

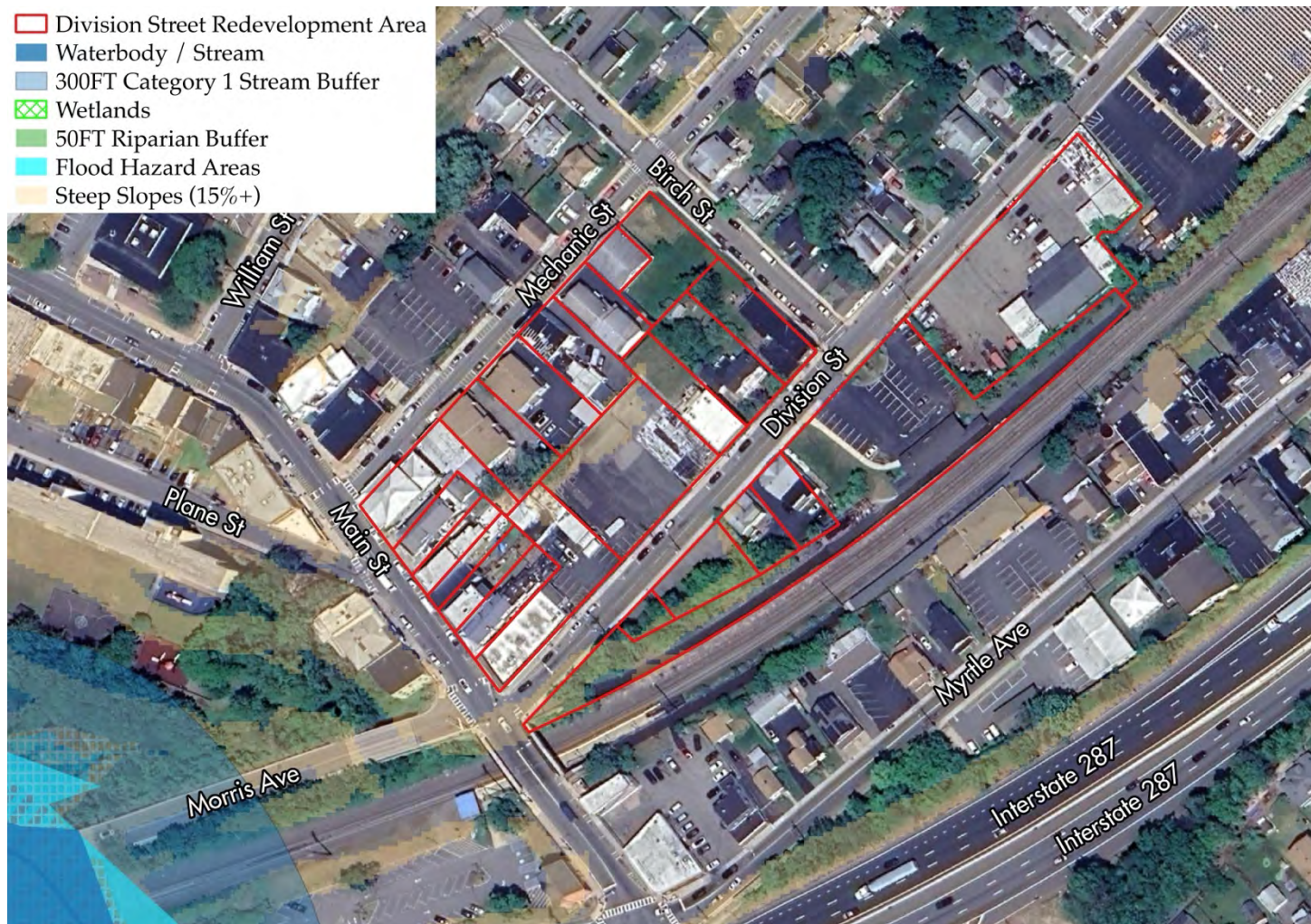


*0.5 Mile Radius Around Boonton Train Station, with Prospective Need Sites Shown in Red*



### Suitability Analysis

The map below shows the detailed analysis of the area relative to the most up to date environmental constraints. As noted, environmental constraints identified on the site are limited to a small area containing steep slopes. These small areas of steep slopes do not preclude the overall development of the Division Street Redevelopment Plan in a manner consistent with the maximum permitted density.



*Division Street Redevelopment Plan with Environmental Constraints*

The Division Street sites can appropriately be considered available, suitable, developable, and approvable. Critical in evaluating these characteristics is the fact that the sites were already included in the Town's Third Round Plan. In including these sites in its Fourth Round HEFSP, the Town is simply claiming credit for incremental density it has permitted at previously approved sites.

Nevertheless, for the sake of completeness, a discussion of each of the criteria is included below.

- The sites are available. There are no known title issues or encumbrances which preclude development. To the contrary, the site is in a non-condemnation area in need of redevelopment, a characteristic which would promote development.
- The site is suitable. It is in the Town's downtown core and near a variety of residential and commercial uses. It has good access to transit and is steps from the Train Station.
- The site is developable. It has access to infrastructure necessary to support development.
- The site is approvable. It has existing zoning in place to support development and is located within a built-out center.

### *Conclusion*

Based on the analysis above, the Town may appropriately claim 27 credits towards its prospective need from the Division Street Redevelopment Plan Apartments, including 9 bonus credits.

### **The Riverview Apartments (Boonton Housing Authority):**

#### *Overview*

The Riverview Apartments ("Riverview") is a 60 unit 100% affordable housing complex owned and operated by the Boonton Housing Authority ("BHA" or "Housing Authority"). Riverview is comprised of 7 studio apartments, 21 one-bedroom apartments, 18 two-bedroom apartments, 12 three-bedroom apartments, and 4 four-bedroom apartments. All apartments are family rental units.

The Town of Boonton has a long history of supporting the creation, administration, and improvements of the Riverview Apartments. This history dates to the earliest days of the BHA, which was established by municipal resolution and ordinance passed by the Mayor and Council of the Town of Boonton in 1961. In 1962, the Mayor and Board of Aldermen of the Town conveyed property along Plane Street to the Housing Authority for the nominal fee of one thousand dollars. This land comprises a portion of the current Riverview Apartments. The municipality's support of the BHA generally, and the Riverview Apartments specifically, has continued to the present day. As recently as March 2025, the Town passed a resolution authorizing \$211,220 for drainage improvements at and around the Riverview Apartments for the purposes of maintaining the continued viability of this project. Documentation demonstrating municipal support for the Riverview Apartments is included as Appendix I.

Since the construction of the Riverview Apartments, BHA's agreements with the Department of Housing and Urban Development ("HUD") have required that the units be occupied by low-income, very low-income or extremely low-income families as those terms are defined under 42 U.S.C. §1437a(b)(2)(A), (B), and (C). In recent years the BHA participated in HUD's Streamlined Voluntary Conversion Process. As part of this process, the apartments within Riverview were converted from public housing units to Section 8 or Housing Choice Voucher ("HCV") units. HCV units are subject to income restrictions that limit tenancy to individuals with incomes at or



below 50% AMI. This income limitation is consistent with the definitions of low income housing as defined under the New Jersey Fair Housing Act.

The units at Riverview also provide opportunities for very low-income families, as defined under the Amended Law. The Amended Law defines very low-income families as those with incomes at or below 30% of the area median income. Under HUD standards, families with incomes at or below 30% of the area median income are classified as extremely low-income families. These standards are substantially the same. In 2022, the BHA compiled a report entitled *FSS Action Plan for the Family Self-Sufficiency Program*. This report included a survey of the families currently residing at the Riverview Apartments. Of the 46 participants in this demographic survey, 32 of the families were identified as extremely low-income. This equates to nearly one-third of Boonton's Fourth Round prospective need and demonstrates that the Riverview Apartments provides housing opportunities for very low-income families as defined by the Amended Law.<sup>11</sup>

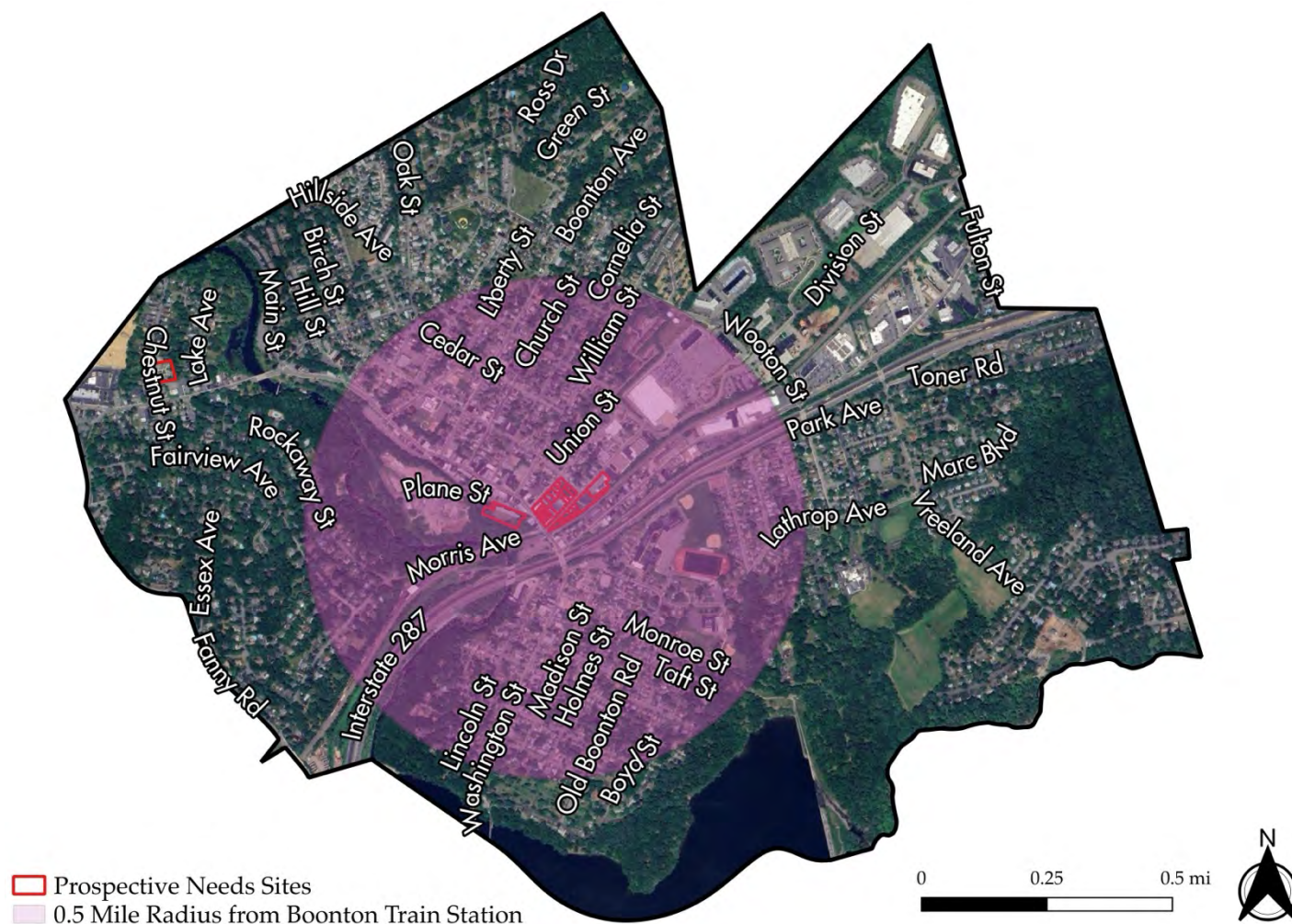
Documentation regarding the affordability of the Riverview Apartments, including the original Declarations of Trust, and current Section 8 Project-Based Voucher Program Housing Assistance Payments Contract and evidence of current income limits are included as **Appendix J**.

Under NJSA 52:27D-311k, "a municipality shall be able to receive one credit against its affordable housing obligation for each unit of low-or moderate income housing." Significantly, the Town of Boonton has never received a credit against its affordable housing obligation for the 60 units within the Riverview Apartments during any prior affordable housing rounds. Consequently, the Town is applying the 60 units in the Riverview Apartments to its Fourth Round Prospective Need.

#### *Applicability of Bonus Credits*

As reflected in the map below, the Riverview Apartments are within 0.5 miles of the Boonton Train Station. As a result, the Riverview Apartments are eligible for 0.5 bonus credits per unit based on their proximity to the Boonton Train Station. This brings the maximum number of potential credits to 90. Because the maximum bonus credits shall not exceed 25% of prospective need and the Town is already claiming bonus credits for the Division Street Redevelopment Plan, only 15 credits are being claimed, bringing the total number of credits claimed for the Riverview to 75.

<sup>11</sup>Boonton Housing Authority. FSS Action Plan for the Family Self-Sufficiency Program. July 1, 2022. Page 1-7. <<https://boontonhousing.org/wp-content/uploads/2022/10/Boonton-Housing-Authority-FSS-ACTION-PLAN-2022.pdf>>

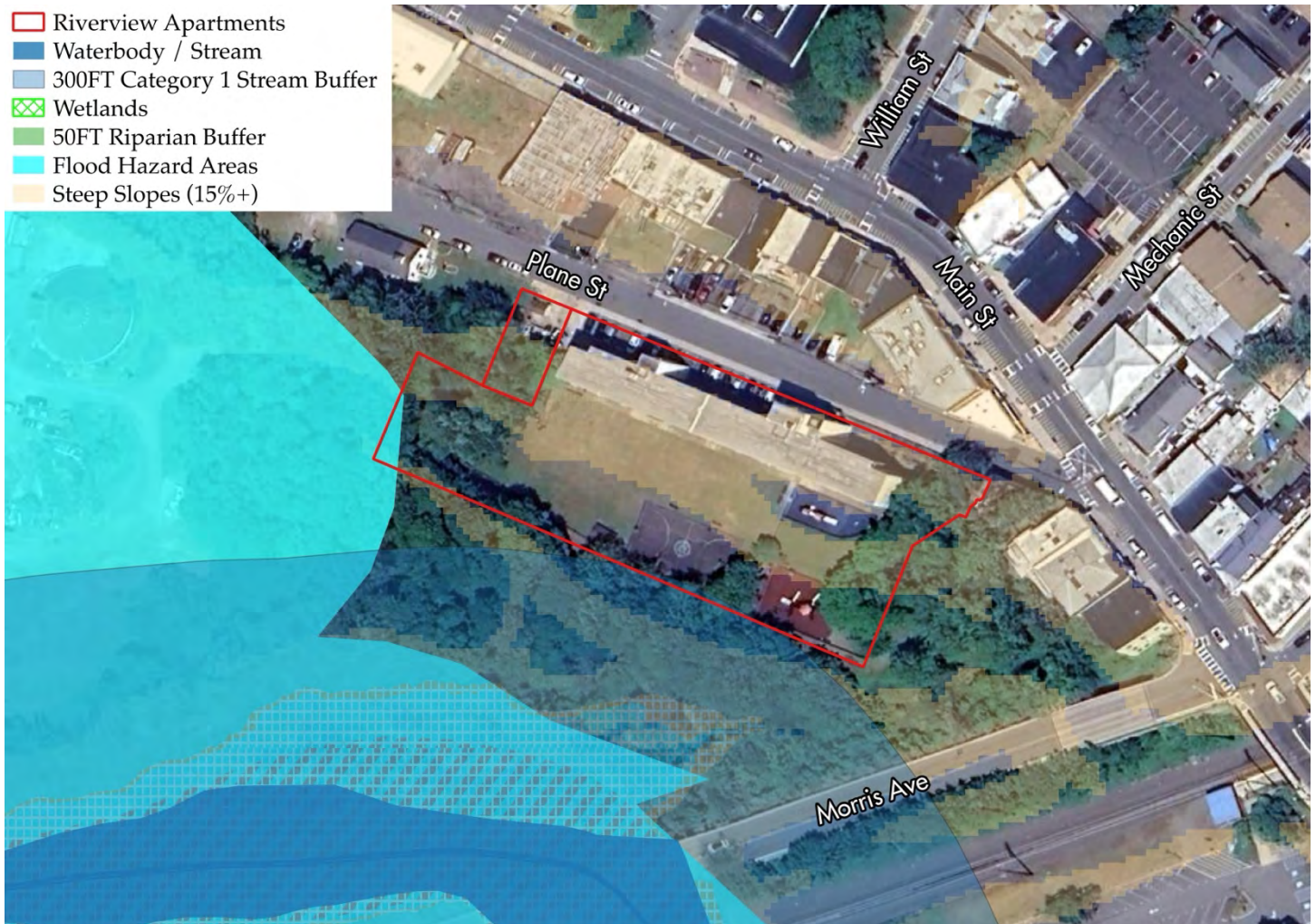


*0.5 Mile Radius Around Boonton Train Station, with Prospective Need Sites Shown in Red*

### *Suitability Analysis*

The map below shows the detailed analysis of the area relative to the most up to date environmental constraints. Environmental constraints identified on the site are limited to a small area containing steep slopes. Significantly, the building has already been constructed on site. Continued operation of the property for affordable housing will not necessitate additional disruption of steep slopes.





*Riverview Apartments with Environmental Constraints*

The Riverview Apartments can appropriately be considered available, suitable, developable, and approvable. As noted, the site already includes housing for low and moderate income families. In including these sites in its Fourth Round HEFSP, the Town is simply claiming credit for units for which it has not previously received credit.

Nevertheless, for the sake of completeness, a discussion of each of the criteria is included below.

- The site is available. There are no known title issues or encumbrances which preclude development. To the contrary, the site is already operated by the BHA for low and moderate income housing.
- The site is suitable. It is located in the Town's downtown core and near a variety of residential and commercial uses. It has good access to transit and is steps from the Train Station.

- The site is developable. It has access to infrastructure necessary to support development.
- The site is approvable. It already includes housing for low and moderate income families and does not require additional approvals.

### *Conclusion*

Based on the analysis above, the Town may appropriately claim 79 credits towards its prospective need from the Riverview Apartments, inclusive of 19 bonus credits.

### **Chestnut Street Cottages (Boonton Housing Authority)**

#### *Overview*

The Chestnut Street Cottages (the “Cottages”) are a 14 unit complex owned and operated by the Boonton Housing Authority. The Cottages are comprised of fourteen one-bedroom rental units.

Since the construction of the Cottages, BHA’s agreements with the Department of Housing and Urban Development (“HUD”) have required that the units be occupied by low-income, very low-income or extremely low-income families as those terms are defined under 42 U.S.C. §1437a(b)(2)(A), (B), and (C). In recent years the BHA participated in HUD’s Streamlined Voluntary Conversion Process. As part of this process, the apartments within the Cottages were converted from public housing units to Section 8 or Housing Choice Voucher (“HCV”) units. HCV units are subject to income restrictions that limit tenancy to individuals with incomes at or below 50% AMI. This income limitation is consistent with the definitions of low income housing as defined under the New Jersey Fair Housing Act.

Documentation regarding the affordability of the Cottages, including the original Declarations of Trust, and current Section 8 Project-Based Voucher Program Housing Assistance Payments Contract and evidence of current income limits are included as **Appendix J**.

Under NJSA 52:27D-311k, “a municipality shall be able to receive one credit against its affordable housing obligation for each unit of low-or moderate income housing.” Significantly, the Town of Boonton has never received a credit against its affordable housing obligation for the 14 units within the Cottages during any prior affordable housing rounds. As such, the Town is applying the 14 units in the Chestnut Street Cottages to its Fourth Round Prospective Need.

### *Applicability of Bonus Credits*

The Town of Boonton has a long history of supporting the creation, administration, and improvements of the Chestnut Street Cottages. This history dates to the earliest days of the BHA, which was established by municipal resolution passed by the Mayor and Council of the Town of Boonton in 1961. In recent years, and of more relevance, the Town has contributed funding from its Affordable Housing Trust Fund to finance improvements to the Cottages. Specifically, in 2011 the Town authorized \$192,000 from its Affordable Housing Trust Fund to repair, renovate, and rehabilitate the Cottages. Subsequently, the Town authorized \$42,900 to fund the replacement of windows and doors. Documentation demonstrating municipal support for the Chestnut Street Cottages is included as **Appendix K**.

The Town's support of the BHA impacts how the project counts towards Boonton's Fourth obligation. As noted, under the Law municipalities "may receive 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 cost 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 contributions is no less than three percent of the project cost." To satisfy the three percent requirement using a \$234,900 contribution, the total project cost would need to be less than \$7,830,000, or roughly \$559,000 per unit. While the total project cost of the Chestnut Street Cottages is not known, it is reasonable to assume that the total project cost is less than \$559,000 per unit. This claim is supported by the current assessed value of the property which is \$1,114,400. Consequently, the Town can appropriately claim this bonus credit.

Despite the eligibility for this credit, however, the bonus is not being claimed in this HEFSP because the Town has already hit the 25% limit for bonus credits because of bonuses claimed for Division Street and the Riverview Apartments. Should this HEFSP be revised, resubmitted, or otherwise modified, the Town may elect to claim these bonus credits at a later date.

### *Suitability Analysis*

The map below shows the detailed analysis of the area relative to the most up to date environmental constraints. The site is not environmentally constrained.





*Chestnut Street Cottages with Environmental Constraints*

The Cottages can appropriately be considered available, suitable, developable, and approvable. As noted, the site already includes housing for low and moderate income individuals. In including these sites in its Fourth Round HEFSP, the Town is simply claiming credit for units for which it has not previously received credit.

Nevertheless, for the sake of completeness, a discussion of each of the criteria is included below.

- The site is available. There are no known title issues or encumbrances which preclude development. To the contrary, the site is already operated by the BHA for low and moderate income housing.
- The site is suitable. It is located near the Town's downtown core and near a variety of residential and commercial uses. It has good access to transit.
- The site is developable. It has access to infrastructure necessary to support development.

- The site is approvable. It already includes housing for low and moderate income individuals and does not require additional approvals.

### *Conclusion*

Based on the analysis above, the Town may appropriately claim 14 credits towards its prospective need from the Chestnut Street Cottages.

## **E. Applicability of Vacant Land Adjustment**

As demonstrated above, the Town does not anticipate needing to rezone any properties to meet its prospective need obligation. This obligation will be met through projects that are already existing or already appropriately zoned.

Notwithstanding this approach, the Town reserves its right to seek a vacant land adjustment ("VLA") and an adjustment of its Fourth Round obligation to reflect the available and developable land area within its municipal boundaries in the event this Housing Element needs to be revised, resubmitted, or otherwise modified. As can be seen in Appendix B, Boonton does not have sufficient vacant land to address its prospective need obligation. It is the conclusion of this analysis that the Realistic Development Potential ("RDP"), given the capacity for inclusionary development in Boonton is 13.

## **F. Land Most Appropriate for Affordable Housing and Sites Considered for Development**

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- *F) "A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing"*

As part of this Fair Share Plan, the Town has considered land that is appropriate for the construction of low- and moderate-income housing. As noted above, the Town can satisfy its prospective need through projects which have already been built and zoning which is already in place. The Town believes that the approach set forth in this document represents the best approach to satisfying the requirements of the Amended Law. While the Town acknowledges that developers may express interest in proposing projects that include low or moderate income housing, the Town's position is that no additional projects are required to satisfy Boonton's prospective or present need.

Notwithstanding this position, the sites discussed in the Town's Fair Share Plan are not the only areas in Town where low and moderate income housing is permitted to be built. Most notably, in August 2024 the Town amended its zoning ordinance to permit residential uses in the B-1 district. This district, which covers roughly 8 acres, encompasses much of downtown Boonton including nearly the entirety of Boonton's Main Street. The Town elected to permit multi-family inclusionary development in this location in accordance both with corresponding



recommendations in its 2018 Master Plan and best practices for smart growth. In conjunction with the Town's mandatory set-aside ordinance, this zoning action created the opportunity for new housing, both affordable and market-rate, beyond what is cited in this HEFSP as being relevant to Boonton's prospective need. This action, while grounded in recommendations and vision set forth by the municipality's Master Plan, is also consistent with the findings set forth in the Law, namely that: "comprehensive planning in alignment with smart growth principles, and the State Development and Redevelopment Plan" is critical to meeting the housing needs of the State.

As this plan was being prepared, the Town received correspondence from the owner of the property located at 920 Main Street, requesting that their property be rezoned to permit a 16-unit mixed-use building. The Town rejected this proposal as it would have required the use of land that is on the Town's Recreation and Open Space Inventory. The site is already located in a district that permits multi-family development.

### G. Mandatory Obligation Subsets

Below is a table outlining additional obligation requirement thresholds. The compliance plan set forth herein is in accordance with these requirements.

| MANDATORY OBLIGATIONS   | CITATION                       | # REQUIRED OF ACTUAL UNITS <sup>12</sup> |
|---|--------------------------------|--|
| Very Low-Income Units (13% Minimum)<br><i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i> | <a href="#">52:27D-329.1</a>   | 10                                       |
| Family VLI Units<br>(50% Minimum of VLI Units)  | <a href="#">52:27D-329.1</a>   | 5  |
| Low-Income Units (50% Minimum)<br><i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>   | <a href="#">52:27D-329.1</a>   | 38                                       |
| Family Units (50% Minimum)  | <a href="#">52:27D-311.1</a>   | 38                                       |
| Rental Units (25% Minimum)  | <a href="#">52:27D-311.1</a>   | 19                                       |
| Family Rental Units (50% Minimum of Rental Units)   | <a href="#">52:27D-311.k.5</a> | 10                                       |

<sup>12</sup> Except where otherwise noted, actual units do not count bonus credits. In other words, actual units are the Prospective Need Credits of 99 minus bonus credits of 24 = 75 units. Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.

|   |                                |    |
|---|--------------------------------|----|
| Age-restricted units (30% Maximum)                  | <a href="#">52:27D-302.q</a>   | 23 |
| Transitional Housing (10% Maximum of Total Credits) | <a href="#">52:27D-311.e</a>   | 10 |
| Age-Restricted Housing Bonus Credit (10% Maximum)   | <a href="#">52:27D-311.k.4</a> | 10 |

## IV. Appendices

A. Town Resolution Recommending Prospective Need and Present Need

B. Vacant Land Adjustment

*Mandatory Requirements:*

C. Division Street Redevelopment Plan (Excerpt)

D. Affordable Housing Ordinance and Development Fee Ordinance

- a. The Town's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Town will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.

E. Affirmative Marketing Plan

- a. The Town's existing Affirmative Marketing Plan is attached and will remain in full force and effect during the Fourth Round. The Town will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.

F. Spending Plan

G. Copies of resolutions appointing Administrative Agent(s) and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison

- a. The resolution appointing the Municipal Affordable Housing Liaison is attached. The Town appointed an Administrative Agent in March 2020. The Town is in the process of appointing a new Administrative Agent.

H. Resolution of intent to fund cost of municipality's rehabilitation program

I. Evidence of Town support for Riverview Apartments

J. Evidence of affordability of Chestnut Street Cottages and Riverview Apartments

K. Evidence of Town support for Chestnut Street Cottages

## **Appendix A – Town Resolution Recommending Prospective Need and Present Need**

## Appendix B – Vacant Land Adjustment



## Appendix C – Division Street Redevelopment Plan (Excerpt)

## **Appendix D – Affordable Housing Ordinance and Development Fee Ordinance**

## Appendix E – Affirmative Marketing Plan

## Appendix F – Spending Plan

### Introduction

Pursuant to N.J.A.C. 5:99, a Spending Plan means “a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.”

All residential and non-residential development fees, payment in lieu of constructing affordable units, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs are deposited into this interest-bearing Affordable Housing Trust Fund (AHTF). These funds shall be spent in accordance with N.J.A.C. 5:99 or applicable regulations.

Article I “Affordable Housing Development Fees” of the Code of the Town of Boonton, New Jersey was established by Ord. No. 30-1994 and amended by Ord. No. 16-2018 (August 20, 2018). The purpose of this Spending Plan is to direct revenue generated from this source in a manner that addresses the Town’s regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the DCA’s draft proposed regulations governing affordable housing trust fund entitled *Proposed New Rules: N.J.A.C. 5:99*, which were available at the time of drafting this report but are currently proceeding through the formal administrative agency rule making process.

### Authorization of Affordable Housing Trust Fund

A municipality shall not spend, or commit to spend, any affordable housing trust funds, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the approval of the expenditure as part of its compliance certification or by the Division pursuant to N.J.S.A. 52:27D-329.2.a(4). A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.

### Account Requirements and Use of Funds (5:99-2.2 to 2.8)

#### Account Requirements

(a) All affordable housing trust funds shall be deposited in a separate, interest-bearing account. In establishing the account, the municipality shall provide written authorization, in the form of a three-party escrow agreement between the municipality, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening

of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited.

(b) With the approval of the Department's Division of Local Government Services, the municipality may invest its affordable housing trust fund in the State of New Jersey cash management fund, provided that the amount of money in the cash management fund that comprises the funds and income attributable to such funds shall at all times be identifiable.

(c) All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.

(d) A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program or a court of competent jurisdiction has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.1.

(e) Any municipality with an affordable housing trust fund account shall be subject to N.J.A.C. 5:99-4.

(f) Municipal affordable housing trust funds shall not be expended:

1. To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
2. On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;
3. On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or
4. On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

(g) In addition to the restrictions at (f) above, no more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4.

(h) A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5.

(i) Compliant municipalities, Qualified Urban Aid Municipalities, or municipalities that have previously collected such funds while under the protection of presumptive validity of their affordable housing plan or immunity from exclusionary zoning litigation and in accordance with an approved spending plan are



authorized to commit or expend affordable housing trust funds in accordance with this chapter, UHAC, and the Act.

(j) A non-compliant Qualified Urban Aid Municipality meeting the criteria set forth in paragraph (1) of subsection c. of section 7 at P.L. 2024, c. 2, which has been authorized to collect residential development fees pursuant to N.J.A.C. 5:99-3.5(b), may not spend, or commit to spend, any affordable housing development fees, without first obtaining the Division's approval of the expenditure by submitting a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round. The Division shall review the spending plan for consistency with N.J.A.C. 5:99-2 and shall notify the municipality upon the approval of the spending plan.

#### Use of Funds for Housing Activity

(a) A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or as approved by the Division as an emergent opportunity to create affordable housing. Such activities include, but are not limited to:

1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund and subject to the provisions thereof;
2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
5. RCAs, approved prior to July 17, 2008;
6. Acquisition and/or improvement of land to be used for affordable housing;
7. Accessory dwelling units;
8. The extension of expiring controls;
9. The construction of group homes and supportive and special needs housing;

10. Maintenance and repair of affordable housing units;
11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
15. Any other activity approved by the Division.

#### Use of Funds for Administrative Expenses

(a) No more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, shall be expended on administration.

(b) Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.

(c) Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.

(d) The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

#### Use of Funds for Affordability Assistance

(a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in the municipality's fair share plan.

1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost

of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

(b) A municipality may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, or any program or activity for which the municipality expends development fee proceeds.

#### Barrier-Free Escrow

An affordable housing trust fund may include fees collected to adapt affordable unit entrances to be accessible in accordance with the Act and the Barrier Free Subcode, N.J.A.C. 5:23-7. The municipality shall set forth the mechanism by which it will collect and distribute funds intended to convert adaptable entrances in compliance with the technical design standards of the Barrier Free Subcode at N.J.A.C. 5:23-7. Funds collected for this purpose shall at all times be identifiable from other funds. A municipality that collects, or anticipates collecting, funds to adapt affordable unit entrances shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.

#### Payments in Lieu of Constructing Affordable Units On-Site

(a) Payments in lieu of constructing affordable units shall not be imposed on any non-residential development.

(b) A municipality that chooses to collect or anticipates collecting payments in lieu of constructing affordable units shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.2 and include a plan for the use of the funds in its spending plan.

(c) Payment-in-lieu fees shall be deposited into the municipality's affordable housing trust fund, but shall be accounted for separately from any other fees collected by a municipality. Whenever a payment-in-lieu fee is assessed by a municipality pursuant to this section, a development fee authorized pursuant to N.J.S.A. 52:27D-329.2 shall not be charged in connection with the same development.

#### Other Funds

(a) An affordable housing trust fund may also contain recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected by the municipality in connection with its affordable housing programs. A municipality that collects, or anticipates collecting, such fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.

(b) An affordable housing trust fund shall also contain any excess RCA funds, where the RCA has been completed in accordance with the RCA project plan.

(c) A municipality that is not a compliant municipality may not retain excess RCA funds and shall transfer any such funds to the New Jersey Affordable Housing Trust fund established pursuant to N.J.S.A. 52:27D-320.

## Boonton Spending Plan

### Revenues + Expenditures for Certification Period

Boonton has considered the following AHTF revenue sources between the period of 2025-2035:

- Development fees: Boonton analyzed recent development activity to calculate projected annual revenue for the Affordable Housing Trust Fund. Based on this, the Town estimates annual revenue of \$7,500 for the years of 2025 to 2035.
- Payment in lieu of constructing affordable units are not anticipated
- Barrier-free escrow funds are not anticipated.
- Funds from other sources such as the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, or proceeds from the sale of affordable units are not anticipated.<sup>13</sup>

Based on existing funds and anticipated revenue as described above, the municipality estimates the AHTF's funds to amount to a revenue of \$75,000. Boonton intends to use affordable housing trust fund revenues in accordance with 5:99-2.2 to 2.8, as follows:

<sup>13</sup> There is pending litigation which may result in payment to the Affordable Housing Trust Fund. As the matter is pending, it is not accounted for in the Spending Plan.

| Revenues  |   |                                 |
|---|---|---------------------------------|
| Current cash on hand as of December 2024  |   | \$146,086.45                    |
| Projected developer fee revenue<br>(Average annual developer fees x 10 years)   | + | \$75,000                        |
| Projected payment in lieu of constructing affordable units  | + | \$0                             |
| Projected barrier-free escrow funds   | + | \$0                             |
| Projected recapture funds, sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, or any other funds collected by the municipality in connection with its affordable housing programs | + | \$0                             |
| Projected Interest<br>(Average annual interest of \$1,000 x 10 years)   | + | \$10,000                        |
| <b>Projected Revenues</b>   | = | <b>\$231,086.45</b>             |
| Expenditures  |   |                                 |
| Rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households  | - | Up to \$230,000                 |
| Total Administration (Max 20%)  | - | Not more than 20% of total fund |
| Affordability Assistance OR new construction of affordable housing units and related development costs  | - | As allowable based on revenue   |

#### Excess or Shortfall of Funds

The governing body reserves the right to revise projections and anticipated funding commitments based upon actual revenues to the Affordable Housing Trust Fund and any revisions to the Housing Element and Fair Share Plan.

In the event that a shortfall of anticipated revenues occurs, the municipality will revise its Spending Plan accordingly.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used toward low- and moderate-income housing in accordance with 5:99-2.2 to 2.8 and the Spending Plan will be revised accordingly.

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## **Appendix G – Copies of resolutions appointing Administrative Agent(s) and resolution appointing the Municipal Affordable Housing Liaison**



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## **Appendix H – Resolution of intent to fund cost of municipality’s municipally sponsored affordable housing development as well as its rehabilitation program**

## Appendix I – Evidence of Town support for Riverview Apartments

## **Appendix J – Evidence of affordability of Chestnut Street Cottages and Riverview Apartments**

## **Appendix K – Evidence of Town support for Chestnut Street Cottages**